



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 10th November, 2021 at 7.00 pm.

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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, Meaden, Mulholland, Ovenden, Shorter and Sparks

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](mailto: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](mailto: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](http://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 item<sup>1</sup>, 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](mailto: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 Council<sup>2</sup> or Community Forum affected by an item for decision.

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<sup>1</sup> 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](mailto: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 13th October 2021:

Link to follow.

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".

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<sup>2</sup> The term "Parish Council" includes Town Councils and Community Councils.

- |     |  |           |
|-----|--|-----------|
| (a) | <b>17/01613/AS - Land at Lenacre Hall Farm, Sandyhurst Lane, Boughton Aluph, Kent</b>  | 5 - 96    |
|     | Hybrid application for up to 79 new residential dwellings consisting of a full planning application for the development of 21 new residential dwellings, access, drainage and landscaping to the south of the site and outline planning application with all matters reserved except for access for the development of up to 58 new dwellings with associated access, landscaping, open space and community orchard. |           |
| (b) | <b>19/00483/AS - Harvest House, Branch Road, Chilham, CT4 8DR</b>  | 97 - 212  |
|     | Full planning application for the erection of 10 2-storey dwellings with associated access, parking, private amenity space and landscaping and provision of 5 no. additional parking bays for use in association with existingsurgery  |           |
| (c) | <b>21/01173/AS - Land north of Stumble Holme, Kingsford Street, Mersham, Kent</b>  | 213 - 230 |
|     | Erection of 5 no residential dwellings with associated access, parking, landscaping and amenity space.   |           |
| (d) | <b>21/01290/AS - 6 Pondmore Way, Ashford, Kent, TN25 4LU</b>   | 231 - 240 |
|     | First floor extension to existing garage.  |           |
| (e) | <b>21/01592/AS - Bennetts, 56 The Street, Appledore, Ashford, Kent, TN26 2AE</b>   | 241 - 248 |
|     | Erection of 2-bay garage with log store; erection of greenhouse; erection of a gazebo.   |           |

**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

1 November 2021

Queries concerning this agenda? Please contact [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

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

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

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a 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](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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<b>Application Number</b>	17/01613/AS		
<b>Location</b>	Land at Lenacre Hall Farm, Sandyhurst Lane, Boughton Aluph, Kent		
<b>Grid Reference</b>	00953/ 45875		
<b>Parish Council</b>	Eastwell, Boughton Aluph		
<b>Ward</b>	Downs West		
<b>Application Description</b>	Hybrid application for up to 79 new residential dwellings consisting of a full planning application for the development of 21 new residential dwellings, access, drainage and landscaping to the south of the site and outline planning application with all matters reserved except for access for the development of up to 58 new dwellings with associated access, landscaping, open space and community orchard.		
<b>Applicant</b>	Millward Designer Homes Limited, c/o Agent		
<b>Agent</b>	ECE Planning Limited, Brooklyn Chambers, 11 Goring Road, Worthing, BN12 4AP		
<b>Site Area</b>	11.25 hectares		
(a) 182/165R 1S	(b) R	(c)	KHS – X, KCC SUDS – X, SW – X, ABC Drainage – X, EHM – X, KP – X, KF&R – X, EA – X, NE – X, KCC Ecology – X, KCC Prow – X, KWT – R, ABC OSSS – X, KCC Heritage – X, RAM – X, AONB Unit – X, KCC Developer contributions – X, SLRA – R

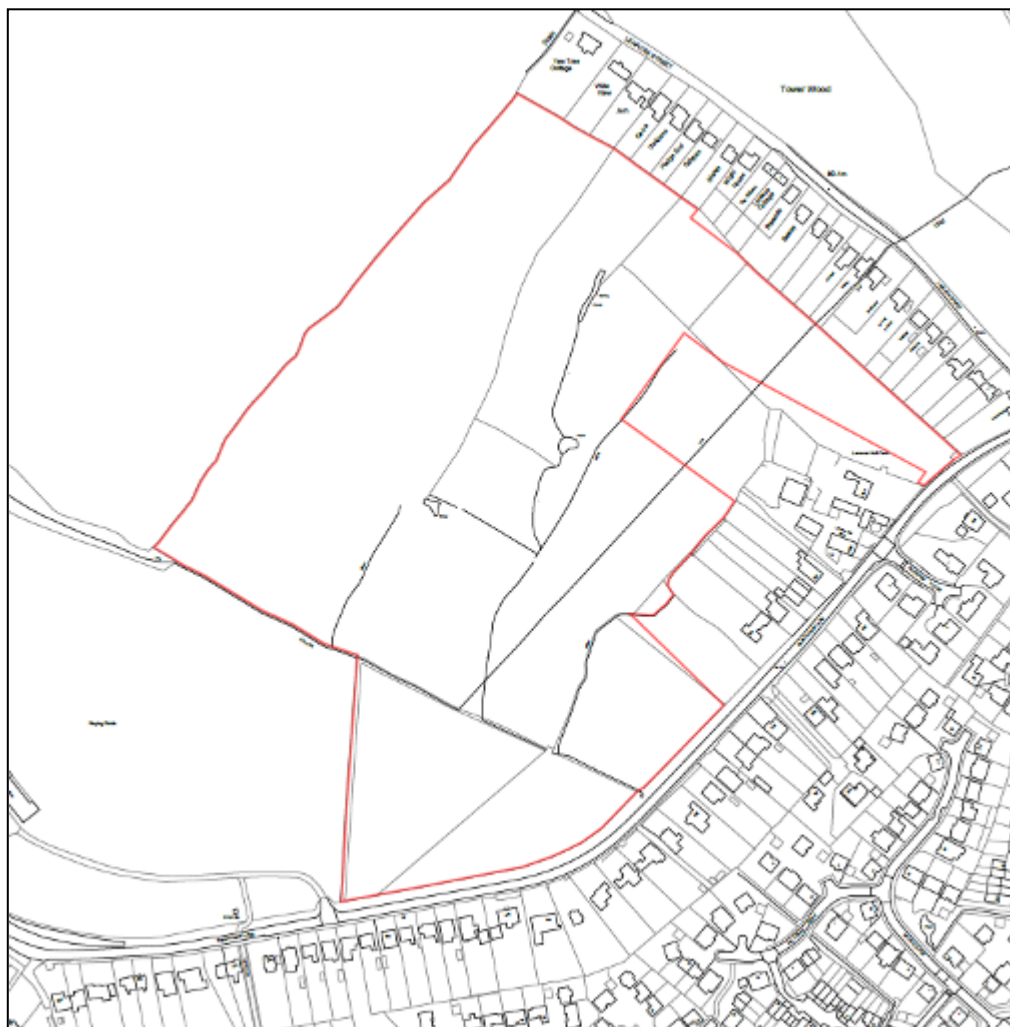
## Introduction

1. This application is reported to the Planning Committee as it is a major application under the Council's scheme of delegation.
2. The application was submitted in October 2017 and has been held in abeyance pending the outcome of a related appeal at the same site in respect of the detailed element of the proposal. The appeal has been determined and the applicant has subsequently confirmed that they wish for the application held in abeyance to now be determined.
3. This is a hybrid planning application i.e. part outline and part full application. It is a related submission in relation to this site alongside the full planning application ref 18/00413/AS which was refused planning permission by the Council on 21 July 2018. This decision was subsequently upheld at appeal with the appeal being dismissed on the 13 December 2019. The previously refused scheme was identical to the full application part of the hybrid application for the development of 21 dwellings at the southern portion of the site.

## Site and Surroundings

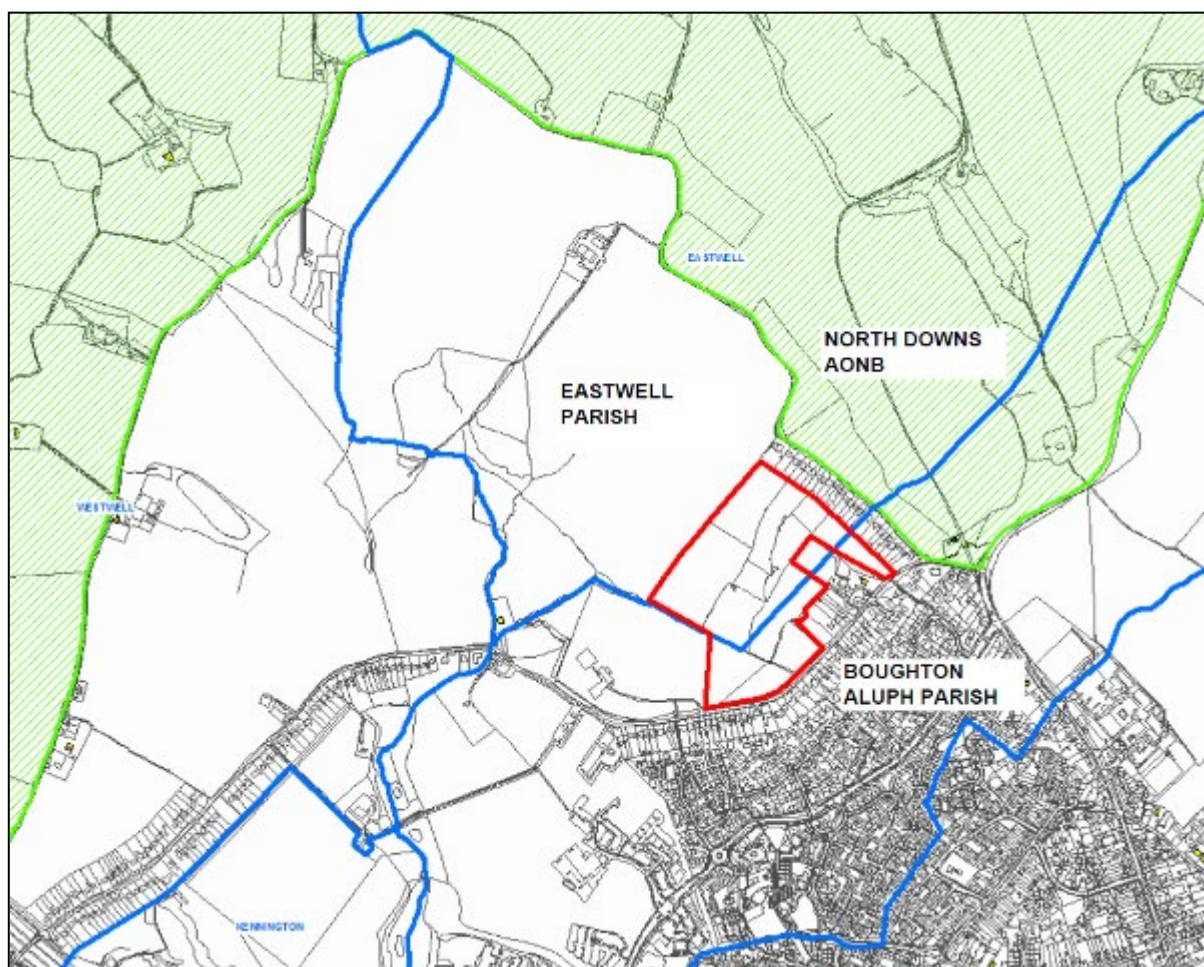
4. The site subject of this planning application comprises approximately 11.25 hectares of agricultural land consisting of irregularly shaped fields in use as grazing pasture and divided by boundary hedgerows. The site is located to the north of Ashford.
5. A site plan is shown as **Figure 1** below and as an annexe at the end of this report.





**Figure 1: Site location**

6. The site is located within both the parishes of Boughton Aluph and Eastwell with the parish boundary running through the site. The Kent Downs AONB boundary lies close to the site's northern boundary as shown in **Figure 2** below.



**Figure 2: Site location showing parish boundaries and relationship to North Downs AONB**

7. The site is located at the edge of the built up area of Ashford, with residential development located to its south along Sandyhurst Lane. Recreational space and sports pitches associated with the Sandyacres Sports and Social Club are located to the west of the site.
8. Public footpath (AE207) enters the site from its northern-most point off Lenacre Street and runs adjacent to the site's north western boundary. The footpath exits the site where it enters the Recreation Ground and follows the

outside of the site's southern boundary as far as the Recreation Ground vehicular access off Sandyhurst Lane.

9. To the north, the site is bordered by the rear gardens and boundary structures of existing properties in Lenacre Street. To the west, a mature hedgerow separates the site from adjoining, largely open farmland. To the south west, a relatively loosely structured hedgerow and tree belt separate the site from the Recreation Ground. The south eastern boundary follows Sandyhurst Lane northwards, separated from it by a banked verge, loose tree belt and understorey and sections of post and wire fencing. The boundary continues northwards past Lenacre Hall Farm Wood before turning westwards from Sandyhurst Lane through Lenacre Hall Farm Wood. The boundary then turns north east to the rear of existing properties lining the northern side of Sandyhurst Lane and skirts the grounds of Lenacre Hall Farm before rejoining Sandyhurst Lane close to the rear of properties at the eastern end of Lenacre Street.
10. Residential properties on Sandyhurst Lane are mostly single storey, or single storey with rooms within the roofs (chalet bungalows). Lenacre Street comprises a mixture of dwelling types including bungalows and chalet bungalows together with some two storey properties. These properties are all largely set back from the road, with individual driveways and low walls/fences or hedges. Given its open and undeveloped nature, the site relates more closely with the undeveloped land to the northern side of Sandyhurst Lane.
11. The site is located within the Hothfield Heathy Farmlands (HFF2 Sandyhurst Farm) and the Stour Gap (SG6 Eastwell Farmlands) Landscape Character Areas, defined within the 2005 Landscape Character Study by Studio Engleback. Policy recommendations are to '**create**' (priority to plant native species) and to '**conserve and create**' (plant more woodlands and reinstate hedges).
12. Lenacre Hall Farm Wood, located in the southern part of the site, comprises Ancient and Semi - Natural Woodland. A further area of Ancient Woodland (Tile Lodge Wood) lies approximately 100m west of the site's south western boundary as can be seen in **Figure 3** below.





**Figure 3: Aerial view on site (Google Maps)**

13. Lenacre Farm Hall, a Grade II listed building, is located off Sandyhurst Lane close to the site boundary. Two further Grade II listed buildings associated with Eastwell Park are located a few metres east of the junction of Sandyhurst Lane and Lenacre Street. Sandpit Cottages (Grade II listed) are located approximately 300m to the west of the site.
14. The site is located within Flood Zone 1 – with a low probability of flooding – a less than 1 in 1,000 probability of fluvial flooding.
15. The application site is located within the Stodmarsh catchment area.

## **Proposal**

16. The application comprises of the following:



18. Amended plans have been received during the course of this application, namely a reduction in the proposed number of dwellings from 'up to' 68 to 'up to' 58 dwellings.
19. In respect of the outline element, apart from access details all other matters are reserved at this stage. The applicant has provided an indicative masterplan and other indicative plans of the proposed residential developable area to show how the development proposed could be accommodated on the site. The masterplan and associated documents suggests an indicative breakdown of accommodation as follows:
  - 1 bedroom apartments
  - 2 bedroom apartments
  - 2 bedroom houses
  - 3 bedroom houses
  - 3 bedroom bungalows
  - 4 bedroom houses
  - 5 bedroom houses
20. The outline proposal includes 40% affordable housing.
21. A vehicular access point is proposed from Sandyhurst Lane and the two parts of the site are proposed to be linked via a pedestrian and cycle access to the west of the ancient woodland. A pedestrian access point linking the site with the local pedestrian infrastructure is proposed at the vehicular access point. Pedestrian access to Lenacre Street is proposed via the public right of way to the north of the site. Cycle routes are proposed throughout the site.
22. Drainage ponds are proposed across the site at the southern and eastern sides of this phase and are proposed to provide for a drainage solution to the site in addition to providing for an amenity and ecological resource for future residents.
23. The masterplan, which is simply illustrative at this stage showing one solution for developing this site, shows a series of smaller irregular clusters of dwellings that are generally outward facing with road frontages. The clusters are mainly cul-de-sacs but are all linked to a main access road. Located in between the clusters are a series of landscaped and sustainable urban drainage (SUDs) areas.
24. The submitted design and access statement does not set out an indicative scale of the development of the northern portion of the site, the document instead states that the proposed scale of the development would be

compatible and complimentary to the varied scale of development within the immediate area.

25. Architecturally it is proposed that the development would take the form of a modern interpretation of the local vernacular, with traditional details and high quality detailing.
26. **Figure 5** below shows illustrative elevations detailing how the site could be developed.



**Figure 5: Illustrative street scene - northern parcel**

**Full application**

27. The proposal includes 40% affordable housing consisting of:

Affordable Housing	
2 bedroom	5
3 bedroom	3
total	8

28. The remainder of the dwellings would comprise general market housing, specifically:

Market Housing	
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3 bedroom	5
4 bedroom	6
5 bedroom	2
total	13

29. The vehicular access to the development is proposed from Sandyhurst Lane at the southwest corner of the site via a new priority junction which would also include pedestrian access. This access would be located approximately 45 metres east of the Sandyacres Sports and Social club vehicular entrance. A further pedestrian only access onto Sandyhurst Lane was initially proposed but subsequently deleted from the proposals. The access can be seen in **Figure 6** below.



**Figure 6: Detailed layout of the full application**

30. A drainage pond would be located at the eastern edge of the site, intended to function as both a SuDS feature and provide ecological enhancements and visual benefits.



31. A landscaping scheme is also submitted detailing boundary treatments consisting of both new planting and retaining existing features.
32. The layout also proposes a 15 metre buffer intended to reduce any impact on the adjacent woodland.
33. 58 car parking spaces are proposed comprising of:
  - 32 open allocated spaces
  - 10 allocated spaces under carports / car barns.
  - 16 visitor parking spaces in the form of lay-bys.

An additional resource of 16 parking spaces (not counted towards parking provision in the Council's Parking SPD) are provided within double garages adjacent to their respective plots.

34. The applicant proposes to replicate the Kentish vernacular in terms of the traditional design and materials of the dwelling. There would be a mixture of terraced properties (plots 1-6 & plots 11-13), semi-detached dwellings (plots 7-10) with the remainder being proposed as detached properties. Materials are proposed to include new and reclaimed stock brickwork, plain clay tiles and oak and timber boarding.
35. The proposal seeks to apply the following design principles:
  - A design in keeping with the scale and development of the immediate area.
  - The creation of access to Sandyhurst Lane.
  - Creation of a new pond for the benefit of new residents but also with some benefits to existing residents.
  - An outward looking design maximising the setting of the site and taking advantage of existing and newly created viewpoints.
  - Spacious gardens providing large amounts of private amenity space for the new residents.
  - The retention and enhancement of existing hedgerows where possible.

- No development being proposed within the buffer to the existing ancient woodland.
- The minimisation or elimination of adverse impacts of lighting and light spillage from the proposed development.



Figure 7: Proposed street scenes

29. The following supporting documents have been provided to accompany the application and are summarised below:

### Planning Statement

**(SD&DM comment:** Information relating to the Ashford Local Plan 2000, the Core Strategy and the Tenterden and Rural Sites DPD is now out of date and has not been summarised).

PS1. An EIA screening opinion was requested as part of this planning application. The Council's EIA Screening Response dated 27th July 2017 noted that the proposed development (for up to 99 new dwellings) would not have any significant effects on the environment by virtue of its size, location and nature of development.

PS2. Ashford Borough Council has assessed the site at Lenacre Hall Farm within the Ashford SHLAA 2017 study. There appears to be no identified issues with the site having been identified as both available and suitable for development in a location with good access to services. The site has been left for the Neighbourhood Plan process to determine whether it should be allocated within the Boughton Aluph,

Eastwell and Goat Lees Neighbourhood Plan rather than allocation within the Ashford Borough Plan.

PS3. The applicants made representations to the Council (August 2017) strongly advocating allocation within the emerging Ashford Local Plan. The site would meet all of the tests required of the SHLAA (deliverable, developable, suitable and achievable) and further would be more suitable than other sites proposed in the Plan.

PS4. The criteria for site assessment created by the Neighbourhood Plan group has been utilised to score the proposed development. The Neighbourhood Plan group scored the site negatively (-14). Using the same criteria the applicant has scored the site positively (+12). The Neighbourhood Plan is at an early stage and no weight can be attributed to any outputs from the group.

**(SD&DM comment:** The Boughton Aluph and Eastwell Parishes Neighbourhood Plan has very recently been adopted and so now forms part of the Development Plan. As such, it can be afforded full weight)

PS5. Ashford Borough Council cannot demonstrate a valid five year housing land supply. Great weight must be afforded to this lack of a five year housing land supply and significant housing shortfall in any planning decision. The tilted balance is engaged.

PS6. Ashford is included as one of the settlements listed within the policy HOU3a. The site is located adjacent to the existing built up confines of Ashford. The scale of development is considered appropriate and proportionate with service provision in the local area. The site is within close proximity to Ashford town centre offering shops, services and facilities. The town centre is accessible via cycle and pedestrian routes and there is a frequent bus service.

PS7. The site is within close proximity of existing and future shops and services at Eureka Park. A Primary and Secondary School are also located within a close proximity of the site.

PS8. New open space and play areas are included within the proposal.

PS9. The Transport Statement shows that 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. A full assessment of site accessibility can also be found within the Transport Statement.

PS10. The proposals seek to enhance existing habitats, protect sensitive habitats and enhance / provide new habitat. The proposals will cause no physical impact to heritage assets and will impact on the setting of the listed Lenacre Hall asset to a

negligible degree (or considerably less than substantial as set out within the Heritage Statement).

PS11. The proposal has been designed to ensure that it is sensitive to the wider landscape setting. The proposal has been designed to be low density reflecting the character of the surrounding area and has been focussed in those areas where there would be a lesser impact on the wider landscape. The proposed development would represent an infill of development in the gap between development at the eastern end of Lenacre Street and Sandyhurst Lane, but it has been intentionally designed to keep development as far as possible to the east, so that it is close the existing settlement envelope on this side of Ashford. It also allows for a large area of new open space to the west, responding to the countryside beyond.

PS12. The proposal has been designed taking into account the character of the surrounding area and enhances the setting of the nearest settlements by virtue of providing a well landscaped and attractively designed proposal. In terms of scale, mass, built form and materials proposed, the scheme would be very much in keeping with the surrounding area.

PS13. There would be no negative impact with regards to neighbouring residential amenity.

PS14. The proposal would not impact upon any international or national protected sites and the development would enhance biodiversity interests on the site and adjoining area through provision of green links, boundary planting, landscape planting and drainage ponds.

PS15. The development is acceptable in principle.

PS16. Only the detailed designs have been provided for the first phase of development to the south. The second phase of development will be designed to ensure consistency and to ensure both phases complement each other in design terms.

PS17. The proposed development would be traditional in appearance making use of traditional design and materials that are common throughout the neighbouring area. The use of gables, hipped roof forms, chimneys and porches all respond to the local vernacular and are considered to be suitable within the site context.

PS18. The form of the dwellings are considered to replicate the surrounding development being no more than two storey in height and predominantly detached and semi-detached properties in generous plots. The low density of the scheme is considered to reflect the surrounding development.

PS19. Landscape planting is proposed throughout to ensure the scheme provides for an attractive environment for future occupiers and nearby residents.

PS20. In terms of the layout of the entire site, an important consideration has been wider landscape setting and visual impacts. The large area of open space proposed on the western side of the site has been positioned as a buffer to the countryside beyond. Subsequently, the areas proposed for development is confined to the eastern, northern and southern sections of the site.

PS21. Pedestrian and cycle access is proposed through the site linking Sandyhurst Lane to the public footpath which runs to the north and west providing for greater connectivity through the site.

PS22. A new pond is proposed on the east of the site providing a focal point for new residents.

PS23. The proposal has been designed considering fully the amenity of the neighbouring residential properties. The second phase of development is outline only however the masterplan shows an acceptable layout in residential amenity terms.

PS24. The proposal seeks to deliver 40% onsite affordable housing provision across both phases of development. The first phase of development seeks to deliver six new affordable dwellings. A further 30 affordable dwellings are proposed for the second phase of the development on the site to the north.

PS25. There is the potential for development to impact on cultural heritage assets of archaeological interest. This could be dealt with by an appropriately worded condition.

PS26. The application makes provision for a policy compliant level of car parking.

PS27. In terms of safety, the Transport Statement demonstrates that proposed site access visibility is acceptable given average traffic speeds.

PS28. The proposal would avoid harm to biodiversity and protects, enhances and expands biodiversity by enhancing and creating suitable semi-natural habitats and ecological networks to sustain wildlife.

PS29. 7 individual trees, 2 groups, 1 hedge and 1 area of scrub will require removal and a further 8 groups, 1 hedge, and 1 scrub area will require partial removal in order to facilitate development. In addition to this, the development will incur into the RPA of 5 individual trees, 5 groups and 1 hedge. The trees proposed for removal are predominantly C and U category with a small number of B category trees. Compensatory planting is proposed throughout. The proposals for provision of new boundary and buffer planting in addition to the proposed Community Orchard would provide for an overall enhancement in tree provision

PS30. For a development of this size, there would be no need for the provision of on-site outdoor sports space, children and young people's play space or allotments. The site would, however, need to provide informal / natural green space on site. The

scheme will provide open space consisting of a large area of useable open space to the western boundary, areas of natural and semi natural amenity space, a children's play space and a Community Orchard. This far exceeds the minimum open space requirements and is considered to be a significant and positive benefit of the scheme and was positively received as such through the public consultation event.

PS31. The proposal has been designed in a way which protects and enhances the landscape character of the area and in this respect the proposal is compliant with planning policy.

PS32. In relation to flood risk, the proposal is located within Flood Zone 1 – Low Probability of fluvial flooding and is not at risk of flooding from other sources. Furthermore, the development would not increase the risk of flooding elsewhere and is therefore considered acceptable. With regards to surface water drainage, the proposed development will be managed utilising SuDS no infiltration techniques to reduce runoff rates. Foul water would connect via gravity to an on-site pumping station, where flows will be pumped to the existing public foul sewer running along the northern boundary of the site.

PS33. It is considered therefore that the proposed development would generate significant economic, social and environmental benefits and that there are no adverse impacts that would significantly and demonstrably outweigh said benefits.

### **Design and Access Statement**

DA1. Pre application consultation - An Environmental Impact Assessment (EIA) screening opinion was requested as part of this planning application. The Council's EIA Screening Response dated 27th July noted that the proposed development (for up to 99 new units) would not have any significant effects on the environment by virtue of its size, location and nature of development. The SCI details the pre-application and public consultation undertaken by Millwood Designer Homes, ECE Planning, and BDB Design LLP, and should be read in conjunction with the other accompanying documents submitted with the planning application.

DA2. Award winning house builder Millwood Designer Homes has an established reputation throughout the South-East for its renowned interpretation of local vernacular architecture, creating individually designed homes, which complement and enhance the surrounding environment.

DA3. Planning Policy – This is set out within the Planning Statement submitted.

DA4. The proposed development has been sensitively and carefully conceived, having regard to the opportunities and constraints of the site.

DA5. The site offers the following opportunities:

- The site provides an opportunity to bring forward a sizeable amount of new housing at a sustainable location adjoining the urban edge.
- A mature landscape framework around the site and within the field parcels.
- Well contained site both visually and physically.
- Gently sloping topography.
- Adjoining existing housing of mixed architectural style and density.
- Mixed pattern of development fronting the main roads and more intimate cul de sac of higher density housing area opposite the site.
- Existing vehicular and pedestrian access serving the site, which it is possible to relocate to meet current standards.
- Excellent links to the urban area and its plethora of local services and facilities and transport connections.
- Improvements to existing local drainage infrastructure.
- Traffic calming to Sandyhurst Lane, subject to KCC Highway approval.
- Broadband network improvements.
- New village pond.
- Accessible open space with links to network of public footpaths.
- Community orchard.

DA6. There are very few physical constraints but consideration has been given to the following issues:

Setting with a Landscape Character Area & need to protect the existing landscape framework, whilst aiming to enhance landscape character of the site with new planting.

- Need to preserve and protect the ancient woodland.
- Creating a landscaped transition between the site and countryside beyond.
- Flooding and drainage issues.
- Need to protect residential amenity of adjoining properties, as well as creating a good standard of amenity for future residents.
- Increase connections to public footpaths and adjoining road network.
- Preserve and improve the biodiversity value of the site.
- Create filtered views within the development through to the adjoining countryside.
- Ecological constraints.

DA7. Ecology – Refer to Ecological Assessment and surveys. In summary the proposal has implemented the suggested mitigation measures proposed within the Preliminary Ecological Assessment and provides for significant enhancement by virtue of these measures and particularly the proposed ecological buffer. The proposal can therefore clearly demonstrate that the scheme would enhance the biodiversity of the site.

DA8. Flood Risk and Drainage – Refer to the submitted Flood Risk Assessment and Drainage Strategy. With regards to surface water drainage, the proposed development will be managed utilising SuDS no infiltration techniques to reduce runoff rates. Foul water will connect via gravity to an on-site pumping station, where flows will be pumped to the existing public foul sewer running along the northern boundary of the site. In summary the proposed development is located within an area of low probability from flooding, would not increase the risk of flooding elsewhere as a result of development, and is considered acceptable from a drainage and foul water sewerage perspective and is therefore consistent with the requirements of the Framework.

DA9. Heritage – Refer to Heritage Statement. A Desk-Based Assessment has been prepared. A summary of this report is as follows;

The site lies in relatively close proximity to a Grade II listed building, Lenacre Hall Farmhouse. As such this assessment was undertaken to consider the historic environment of the site, including the archaeological potential of the site and the possible impacts on heritage assets arising from development.

The assessment concludes:

- There are no designated heritage assets within the site;
- There are designated heritage assets within the study area;
- The proposals are considered to have a negligible effect on the setting of these assets;
- There are no known non-designated heritage assets within the development site;
- Mapped historic field boundaries, of local significance, may survive and below ground remains;
- The site has the potential for, as yet unknown, heritage assets (archaeological remains) to be present;
- Previous disturbance is limited in scale;
- Should any archaeological remains be present they may be impacted by the proposed development if works are undertaken in these areas.

DA10. Arboricultural Report – Refer to Arboricultural Assessment. The proposal has been designed to ensure a minimal loss of tree removal respecting the natural environment and landscape features. Furthermore, the proposals for provision of new boundary and buffer planting in addition to the proposed Community Orchard would provide for an overall enhancement in tree provision.

DA11. Landscape Assessment - A detailed Landscape & Visual Assessment has been carried out which has resulted in the submitted landscaping proposals. The



characteristics of the site and surrounding landscape have a good ability to accommodate development without significant adverse landscape and visual effects. The site has a small and contained visual envelope and the proposal has been carefully design to incorporate a number of mitigation measures in order to minimise the identified adverse effects. The proposal provides a significant area of open space to the west and a series of interconnected open spaces, green routes and waterways which would provide an attractive landscape setting, sympathetic to its surroundings. The receiving landscape is sensitive, but important designations such as the Kent Downs AONB would not be significantly harmed in the event that planning permission is granted.

DA12. Design Evolution. As part of the design process, a number of different layout options were considered. Most of the development options explored different scenarios for possible development sited in the western field, the effect this may have on visual impact from the south-west and the corresponding effect on densities and layout options within the remainder of the site. The evolution of the scheme has resulted in the submission of a sensitively designed, landscape led high quality development.

DA13. Masterplan - The site wide masterplan has been informed by a detailed analysis of the site characteristics and existing landscape structure with the aim being to create a new integrated housing development of mixed density which respects the sensitive edge of urban area location and integrates within the landscape setting of the site. The masterplan for the outline scheme is submitted for illustrative purposes only, with all matters apart from access reserved at this stage. The aim of the masterplan is to create an attractive landscape led development and living environment, which has its own architectural character and identity. The proposals are sensitively set within an already established landscaped setting which respects the transition between the settlement and open countryside beyond. The layout takes a sensitive approach to the existing site constraints whilst making the most efficient use of the available and developable land, consistent with the aims of the NPPF. It is proposed that the development will take the form of a modern interpretation of the local vernacular, with traditional materials and high quality detailing.

DA14. The masterplan identifies the following key concepts;

DA15. Relocated vehicular/pedestrian access onto Sandyhurst Lane, leading to a interesting internal network of roads and private drives creating variety and interest in the public domain.

- Hierarchy of movement routes through the development.
- Strong street frontage development.
- Staggered building line to create visual interest.

- Retention of ancient woodland and existing landscape framework of hedgerows.
- Irregular pattern of development to reinforce and reflect local distinctiveness.
- A wide range of house sizes.
- Mix of terraced, semi-detached, chalet bungalow and detached houses.
- Large public open space and children's play area.
- Permeability development with pedestrian and cycle links; reinforcing links to existing footpaths and local community and recreations facilities
- Creation of new ponds and ecological enhancement
- Natural surveillance of the public realm, with enclosed private rear gardens and open amenity spaces.

DA16. Landscape Masterplan - Key principles incorporated within the masterplan are as follows;

The site layout observes the required minimum 15m buffer to the Ancient Woodland in the eastern part of the site and this is incorporated within a new community orchard.

- A 15m wide Conservation Strip / Wildlife Corridor is proposed to link the area of ancient woodland with Tile Lodge Wood, located to the west of the site.
- Pedestrian and cycle access to and from Lenacre Street via existing Public Footpath.
- Ecological Enhancement: Ground level vegetation at the site margins is to be enhanced where possible to encourage species diversity and habitat for reptiles and birds. A suitable list of species is included within the ecologist's report.
- The majority of trees within the central part of the site, those within the site boundaries and those which create field boundaries within the site are to be retained where possible. Replacement and / or reinforcement planting with appropriate native species would be provided.
- Ecological Enhancement: Suitable areas to be sown with native wildflower seed mixtures to enhance species diversity within the site and create attractive informal landscape edges within the site.
- Four new areas of green space would be made accessible including; proposed area of open space in western field, mitigating views from the Recreation Ground to the south-west. New shared pedestrian / cycle route through attractively landscaped entrance area. A large area of informal natural green space located on the existing pasture to the west of the site.
- A new community orchard and informal natural green space immediately adjacent to the west of the existing ancient woodland.
- An area of informal natural green space located on existing pasture in the centre of the site.

- An area of informal natural green space including a natural play area for children located at the northern end of the site, along with a natural play area for children.
- Low density housing layout, responding to surrounding grain of development locally.
- Area of Ancient Woodland (Lenacre Hall Farm Wood) to be retained and protected with a min. 15m wide buffer zone.
- Proposed hedgerows.
- Three new attenuation ponds are proposed across the site as part of Sustainable Urban Drainage System (SUDs) for the site.
- Creation of new Village pond.

DA17. Detailed application proposals - As part of the hybrid application detailed proposals are submitted for the southern part of the site for twenty one houses. The design, amount and layout of the proposed development is underpinned by the detailed assessment of the site context, opportunities and constraints, supporting independent surveys. These proposals build on the framework of the masterplan and would be served from a new access point to Sandyhurst Lane. This development would provide a mix of terraced, semi-detached and detached houses. Key design principles incorporated within the detailed application are as follows;

- Sensitively designed scheme in keeping with the scale and development within the immediate area.
- Creation of new pedestrian connection to Sandyhurst Lane to allow access.
- Creation of a new 'Village' pond for the benefit of new and existing residents within the area.
- An outward looking design maximising the setting of the site and taking advantage of existing and newly created viewpoints.
- Spacious gardens to the private units providing large amounts of private amenity space for the new residents.
- The retention of existing hedgerows where possible and enhancement of these.
- No development proposed within the buffer to the existing ancient woodland
- Best practice principles will be adopted in relation to minimising or eliminating adverse impacts of lighting and light spillage from the proposed residential development.

DA18. The scale of the proposed houses is illustrated on the submitted detailed house type drawings. The aim is that the scale will be compatible and complementary to the varied scale of existing development in the immediate area. The proposals for the detailed application are all two storey in height.

DA19. Housing mix - Within the first phase of the development it is proposed to provide a wide mix of houses sizes ranging from two bedroom to five bedroom.

DA19. Affordable Housing - Across the entire site the affordable housing will be provided at 40% of the total development.

DA20. Appearance - The design would be traditional, incorporating design detailing commonly found in the area, including:

- Traditional pitched roofs (hipped, gabled and cat-slide forms).
- Punctuated rooflines to create a varied and interesting townscape.
- Traditional forms and shapes.
- Design articulation in the form of chimney stacks, entrance door canopies.
- A variety of individual house designs contributing to a high quality, attractive residential environment.
- High quality palette of materials including reclaimed stock brickwork, plain clay tiles, oak, timber boarding.

DA21. Materials - A palette of traditional materials is proposed:

- Brick
- Clay roof tiles
- Natural slate
- Tile hanging
- Weatherboarding
- Traditional style windows and doors

The proposed street materials have been chosen to reflect the road hierarchy layout and would include:

- Tegular block paving
- Tarmac
- Tar and chip to the private drives

DA22. Sustainability – Sustainable development is a golden thread running through the NPPF. The Planning Statement sets out how the proposed development meets the three dimensions to Sustainable Development; economic, social and environmental. The site is sustainably located. The need to provide a high degree of sustainable construction and energy conservation has influenced the final form of the proposed dwellings. The houses would be energy efficient and would be designed to meet the current Building Regulations. The dwellings would be constructed from timber frame sourced from managed forests which provide highly insulated dwellings. Provision would be made within individual residential curtilages for adequate general and recyclable waste storage facilities, cycle storage and water butts for rainwater recycling. Millwood Designer Homes also use a fair proportion of reclaimed stock

bricks that not only significantly reduce the CO2 emissions from manufacture but also provide an instantly aged appearance to the new development.

DA23. Transport – Reference is made to the submitted transport assessment.

DA24. Parking - Parking provision is in accordance with the Council's Residential Parking and Design Guidance SPD. Based on the 21 dwellings proposed (southern portion of the site), 47 spaces are required including 5 unallocated visitor spaces. An overprovision of parking is to be provided within the development. In addition to this there are eight double garages provided to the larger four and five bedroom dwellings. Parking spaces are provided in front of double garages for the larger dwellings. For the smaller dwellings car barns are provided with a tandem space in front. As tandem spaces are provided, an extra provision of 0.5 visitor spaces per dwelling is also provided. Visitor parking is provided at the rate of 0.2 space per unit. These spaces will be provided in layby form around the development.

DA25. Refuse - The detailed layout has been tracked to ensure that refuse collection is sensible and within the suggested parameters. Refuse storage areas would be located within the rear gardens to the properties with collection taking place on street to the front.

DA26. The Design and Access Statement concludes that the proposals are fully acceptable in design and access terms.

### **Addendum to Design and Access Statement (Dec 2018)**

ADA1. The detailed element remains unchanged from that refused by the Council in July 2018, although the applicants have sought to address concerns raised previously relating predominantly to landscape impact through the further reduction in housing numbers within the Outline element of the scheme. This has resulted in a revised layout and an increase in public open space provision.

ADA2. The revised scheme now seeks to deliver 79 new residential dwellings (of which 40% will be affordable), alongside associated access, open space, drainage, community orchard and ecological buffers / landscaping.

ADA3. The revisions to the proposals are considered to be beneficial in all respects with the exception of the minor loss of the provision of five new dwellings onsite.

ADA4. The area facing the most change is the area to the west of the Ancient Woodland. The Illustrative Masterplan now shows seven dwellings immediately to the west of the ancient woodland instead of the five shown previously (and the relocation of the community orchard and attenuation pond previously located here).

ADA5. Moving further to the west, a new parcel of open space is proposed to the south of plot 77, highlighted in green. This replaces a block of predominantly detached residential development (seven dwellings in total previously plots 78 – 84). The attenuation pond and community orchard are proposed to be relocated within this new area of open space. A new access route to the reconfigured dwellings is also proposed alongside suitable buffer planting to the Ancient Woodland.

ADA6. Plots 1 – 69 and plots 77 – 79 remain as previously submitted. There are no other proposed amendments to the layout.

ADA7. There is minor amendment to the southern parcel to remove the footpath connection by the pond, along with the introduction of a native hedge to the western boundary adjacent to the sports field.

ADA8. The proposal will deliver a broad mix of house size and types and will include a provision of 40% affordable housing.

ADA9. In terms of other amendments, the proposal now includes an increased level of open space which is a clear and tangible benefit of the proposal for two reasons. Firstly, the amendments increase the already significant open space provision for existing / future residents. Secondly and more importantly, they significantly reduce the landscape impact of new development relating to views from the public footpath at the west of the site by removing development from the more visible parts of the site. By virtue of the proposed amendments and the already substantial screening running through the site, the Outline element of the scheme should be largely imperceptible from the public footpath.

ADA10. Improvements to the layout will furthermore retain all important trees and vegetation on site, retaining the ecological benefit of the existing provision and providing for a north – south green link through the site.

ADA11. The Ecological Addendum Letter submitted in support of the amendments to the scheme notes in summary, that:

*“...the amendments to the layout are not considered to result in any significant negative changes to the site in ecological terms beyond those already indicated within the previous reports submitted for the site. Indeed, there is potential for minor benefits through the reduction in development footprint, number of dwellings and retention of more boundary features.”*

ADA12. In terms of Transport impact, the accompanying Transport Addendum confirms that a reduction in the number of residential units within the Outline phase will only lessen transport impact. In this regard, the findings of previously submitted Transport Statements remains valid and;

*“...whilst the proposed development will have some impact on the wider road network; with the agreed mitigation measures in place, any development impact on the wider highway network will be successfully mitigated”*  
(Transport Addendum November 2018).

### **Landscape and Visual Appraisal**

LVA1. The characteristics of the site and surrounding landscape have a good ability to accommodate development without significant adverse landscape and visual effects.

LVA2. The site has a small and contained visual envelope and the proposal has been carefully designed to incorporate a number of mitigation measures in order to minimise the identified adverse effects.

LVA3. The proposal provides a significant area of open space to the west and a series of interconnected open spaces, green routes and waterways which would provide an attractive landscape setting, sympathetic to its surroundings.

LVA4. The receiving landscape is sensitive, but important designations such as the Kent Downs AONB would not be significantly harmed in the event that the scheme be granted planning permission.

### **Flood Risk Assessment & Drainage Strategy**

FRA1. The site lies within Flood Zone 1 – Low Probability of fluvial flooding.

FRA2. The site is not at risk of flooding from other sources.

FRA3. Surface water runoff from the proposed development will be managed utilising a variety of SuDS infiltration and attenuation techniques to manage runoff rates.

FRA4. Foul water will connect via gravity to on-site pumping stations, where flows will be pumped to the existing public foul sewers.

FRA5. The development does not increase flood risk on site or elsewhere.

FRA6. The drainage strategy meets with the Government, County Council and Borough Council's policy objectives concerning development and flood risk.

FRA7. The flood risk assessment and drainage strategy has established that appropriate surface water management arrangements can be incorporated within the proposed development such that there will be no increase in flood risk either on or off site for a range of storm events up to the 1 in 100 year event (1% annual probability) including an allowance of 40% for climate change. The proposals are consistent with the Government's National Planning Policy Framework and it has

been demonstrated that the occupants and buildings will remain safe for the lifetime of the development.

### **Transport Statement**

TS1. Each phase will have their own access point in the form of a priority junction onto Sandyhurst Lane. There will be no public vehicular access between the two phases, however a 3m wide footway/cycleway will provide access for emergency vehicles, pedestrians, and cyclists. The Transport Statement is based on a residential development of up to 89 units.

TS2. The proposed development site is located within walking distance of a number of local facilities. Larger retail facilities and services can be accessed by cycling or public transport. The local public transport network is easily accessible from the site, with bus stops located within 300m and 600m of the proposed northern and southern entrances respectively. Bus services from these stops provide access to Ashford Town Centre, local schools, and the local rail stations. The development is therefore considered to be well served by local facilities.

TS3. Both access junctions have been assessed using PICADY 5 and will operate at a fraction of their capacities during the AM and PM peak hours. During the busiest time segments, the northern and southern access junctions will operate at a predicted maximum level of 8.7% and 3.3% of their capacities, respectively. The junctions will therefore have minimal impact on the capacity of Sandyhurst Lane.

TS3. As agreed with Kent County Council at the pre-application meeting on the 6th September 2017, the available visibility splays at the access junctions meet the minimum requirements as set out in Manual for Streets 2 and TD9/93 Highway Link Design. The access roads within the development have been designed to accommodate the standard Kent County Council refuse freighter.

TS4. To assess the potential impact of development traffic on the local highway network, ATC surveys have been carried out at two points (to best mirror the proposed site entrances) on Sandyhurst Lane. TRICS analysis has been undertaken to predict the likely number of trips produced by the development from each entrance.

TS5. Based on TRICS trip generation data, the development is predicted to generate approximately 7.2% of the predicted 2022 traffic flows (5-day average) on Sandyhurst Lane. The development will therefore have minimal impact on the local highway network.

### **Preliminary Ecological Appraisal**

EA1. The site does not lie within or adjacent to any statutory or non-statutory designated sites. The proposals for the site are not considered to impact upon any designated sites within the wider landscape.



EA2. Pile Lodge Wood, a non-statutory site, is situated adjacent to the western site boundary. At this distance, the proposals have the potential to cause a loss of connectivity to this site. It is recommended on-site habitat features connecting to this site are retained.

EA3. The majority of the habitats on site are common and widespread throughout the local area and the UK as a whole. The site is dominated by semi-improved grassland, with tree lines, hedgerows, ditches and a compartment of broadleaved woodland. None of the plant species identified on site are considered rare.

EA4. The broadleaved woodland compartment is designated as ancient semi-natural. In line with Natural England's standing advice for ancient woodland, it is recommended buffer of at least 15m be kept from the edge of the ancient woodland compartment.

EA5. A number of mature oak, ash and poplar trees were scattered across the site, all of which were considered to have low potential for roosting bats. It is recommended these are retained, should this not be possible then they should be soft felled following a prior survey.

EA6. The hedgerows, tree lines and woodland all have potential to provide suitable foraging habitat for bat species. While it is believed much of these habitat features will be retained, given the size of the site and quality of the on-site habitat as well as connectivity to adjacent off-site habitats, it is recommended a bat activity survey is performed once per month between April to October. It is also recommended that static recording devices are left on site once per month for five consecutive nights.

EA7. No badger setts were identified on site, some mammal scrapings were identified but considered likely to be rabbit. Badgers may use the site for foraging and so should be considered during construction works. A subsequent badger update survey is recommended before works begin.

EA8. The majority of the site consists of short semi-improved grassland which is considered sub-optimal foraging habitat for UK reptile species. However, areas around the field margins, ruderal and ditches were considered suitable foraging habitat for reptiles. As such, reptile presence/likely absence surveys are recommended.

EA9. Recent biological records of dormice exist within a 2km radius of the site. Areas of hedgerow, tree lines and broadleaved woodland were present on-site, all of which contained species utilised by foraging dormice. These habitats also provide important connectivity to the wider landscape and neighbouring compartments of woodland, as such dormice presence/likely absence surveys are recommended.

EA10. Three water bodies were identified on site, two of which were dry at the time of survey. The pond that contained water was considered to contain 'below average' habitat for great crested newts. However, given the size of the site, the presence of

biological records in the local area as well as the potential scale of the proposals, it is recommended an eDNA survey is performed on the pond. The two dry water bodies on-site and two off-site ponds should also be reassessed during spring when they are likely to contain water and when access to the water is likely to be easier.

EA11. The site is not considered to be constrained by water voles or otters. It is considered that no further survey work for these species is required.

EA12. Nesting birds may use the trees and scrub on-site. It is recommended that clearance work on site be undertaken outside of the breeding bird season (March-September inclusive) or immediately after a nesting bird check by a suitably qualified ecologist.

EA13. There is potential for the proposals to impact upon the protected ground nesting bird species for which biological records exist in the area. As such, a breeding bird survey is recommended to determine which species are using the site and in what capacity.

EA14. A number of rabbit warrens were identified on site, where works are proposed to take place that involve the destruction of warrens, it is recommended they are done so by hand tools to avoid crushing or asphyxiation of rabbits.

EA15. Recommendations for enhancements have been made within the report, aimed at improving the ecological value of the site post development, these include new tree plantings, bird nesting boxes and restoration of the on-site ponds.

### **Reptile Presence/Likely Absence Surveys**

RS1. Reptile surveys undertaken in April to June 2017 found a 'good' population of grass snakes to be present on site, a sub-adult slow worm was also identified. All reptiles were situated around the margins of the site.

RS2. It is considered that provided development is restricted to the areas of shorter grazed grass and that the margins of the site and connectivity features are retained then the impact to reptiles using the site would be largely avoided. Some reasonable avoidance measures have been detailed in order to further reduce the potential to harm any reptiles that may be on-site. The final mitigation strategy can be developed in line with the masterplanning.

RS3. A number of enhancements have been included in order to continue to provide suitable habitat for reptiles that may make occasional use of the site post-development.

### **Great Crested Newt eDNA Testing**

GCN1. The results from the water sample analysis indicates the likely absence of GCNs from the on-site water bodies. The site is therefore considered not to be constrained by this species and no further surveys are required.

GCN2. The use of eDNA is considered sufficient to inform a planning application.

### **Breeding Bird Survey**

BBS1. The site is dominated by sheep and horse grazed pasture with treelines, hedgerows and ditches within and bordering the site. A small compartment of woodland was situated in the eastern corner of the site. The boundary features and woodland were identified as supporting a range of common bird species as well as four BoCC Red List species and two Amber List species.

BBS2. It is recommended that the edge treelines and hedgerows be retained and enhanced within the development master plans. Native species can be planted to provide increased shelter and food sources for birds, small mammals and reptiles.  
BBS3. It is understood the proposals involve the retention of the field to the north of the site containing the public footpath. It is recommended patches of this grassland be kept short to retain feeding opportunities for species such as starlings and song thrush.

BBS4. The UK breeding season for most bird species takes place between March and September. It is therefore recommended that any works affecting the suitable bird habitat on site (including buildings and areas of shingle) be carried out outside of this period or under ecological watching brief, as detailed within the report.

### **Bat Activity Survey**

BAS1. During the transect surveys a low level of activity was recorded along hedgerows, tree lines and woodland edge across the site, comprised largely of more common and widespread species such as common pipistrelle, noctule and myotis sp.

BAS2. Four remote recording devices were set up in areas across the site and left to record for five consecutive nights in May, June, July, August and September. These Anabats revealed a greater use of the site by bats than the transects would have suggested. The most recorded species was the common pipistrelle followed by Myotis sp. Activity was greatest on the tree lines and hedgerows with direct connectivity to the on-site and adjacent ancient woodland compartments.

BAS3. Based on the findings of the two survey methods, recommendations for mitigation and enhancements have been made, aimed at improving the ecological value of the site for bats post development. This includes the areas of habitat recommended to be retained, dark corridors, pond creation and new habitat planting. It is considered that if the recommendations and enhancements are implemented

that the favourable conservation status of bats in the local area will not be impacted upon by the development.

### **Arboricultural Report**

AR1. A total of 77 individual trees, 31 groups, 8 hedges and 1 woodland are the subject of the report which has been written in accordance with BS 5837. These are:

- 3 individual trees, 3 groups and 1 woodland have been categorised as A grade of high quality and value.
- 14 individual trees, 11 groups and 4 hedges have been categorised as B grade of moderate quality and value. 22 individual trees,
- 49 individual trees, 16 groups and 4 hedges have been categorised as C grade of low quality and value. Under guidance set out in BS 5837:2012, C grade trees should not pose a constraint to development.
- 12 tree/group/hedges have been categorised as U grade and should be removed for reasons of sound arboricultural management.

AR2. None of the identified trees is subject to a tree preservation order nor is the site within a Conservation Area.

AR3. An assessment of soils on-site was carried out by a desktop analysis using the National Soil Resources Institute website which identified the soils in the northern aspect of the site as likely to be slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils. The southern aspect of the site is believed to be that of freely draining, slightly acidic loamy soils. This is a guide only and detailed on-site soil analysis should be undertaken by the project engineer to inform design.

### **Arboricultural Impact Assessment**

AI1. To facilitate the development; 7 individual trees, 2 groups, 1 hedge and 1 area of scrub will require removal. 8 groups, 1 hedge, and 1 scrub area will require partial removal. In addition to this, the development will incur into the RPA of the 5 Individual trees, 5 groups and 1 hedge.

AI2. None of the trees on or adjacent to the site is the subject of a tree preservation order (TPO) and they are not located within a conservation area.

AI3. The site is currently in use as grazing land for livestock and is divided by rural hedges, tree lined groups and fencing.

AI4. While there are several tree removals proposed, and several partial removals to facilitate the proposed development, most of the trees to be removed have been categorised as grade C and should therefore not represent a constraint to development. Of the remaining trees to be removed only 1 individual tree and 1

group to be removed are categorised as grade B. In addition, the removals are limited to trees/groups/hedges that are located generally within the interior of the site, with only a few instances of partial removal on the boundaries. The impact on amenity will therefore be minimal.

AI5. There would be compensatory planting identified in the soft landscaping scheme, located throughout the development to compensate for the losses of these poorer quality specimens.

### **Phase I Desk Study, Site Reconnaissance Report**

SR1. The site is mapped as being underlain by superficial Head deposits (Secondary Undifferentiated Aquifer) over Gault Formation (Unproductive Strata) in the southern and central area of the site, and West Melbury Marly Chalk Formation (Principal Aquifer) in the northern area of site.

SR2. The site is not located within a Groundwater Source Protection Zone (SPZ) with regards to the protection of potable water supplies. The site does not lie within an Environment Agency flood risk zone. A spring is shown on site on the historical maps reviewed.

SR3. The site is in an intermediate probability radon area. However, no special protective measures are reported to be required in the construction of buildings on this site, in respect of protection from radon gas.

SR4. The qualitative contamination risk assessment has identified Low to Moderate risks from the following potential contaminants on site:

- PAH, metal and asbestos associated with fly tipping and made ground within the infilled ponds;
- Pesticides and herbicides (associated with the current and historical agricultural use of the site); and
- Potential for on-site migration of gas from infilled pits and landfill sites within 325m to 550m of the site.

SR5. The geotechnical risk assessment has identified potential substantial risks from the following:

- High groundwater table and potential requirement for dewatering
- Soil heave and shrinkage associated with cohesive soils (Head deposits and Gault Formation); and
- Potential for naturally occurring selenite crystals within clay to produce ground that is aggressive to concrete.

SR6. Recommendations are provided for an exploratory site investigation, including geotechnical and laboratory testing of soils and 6 No. fortnightly gas monitoring visits to assess ground gas risk.

### **Utilities Statement**

US1. The report reviews the existing utilities and drainage records for the area and comments on likely future requirements and Points of Connection.

US2. There are existing supplies of water, gas, electricity, and telecommunications in the area and all are located in Sandyhurst Lane.

US3. Water and telecommunications plant in the area suggests that there should be no abnormal costs for supply.

US4. There is a significant possibility that a substation will be required on the site, supplied from the HV main in Sandyhurst Lane.

US5. There is a strong likelihood that the existing overhead HV electricity cables across the site will need to be diverted underground and an existing pole mounted transformer will have to be relocated. It may be possible to combine this with the new substation.

US6. There is a possibility that off-site reinforcement of the gas network may be required but confirmation should be obtained

US7. The report has been compiled from a desk study of existing asset plans, and further investigation is recommended to obtain budget estimates and Points of Connection from the network operators.

### **Statement of Community Involvement**

SCI1. The consultation strategy sought to involve a wide range of interested parties. The target groups for engagement included local residents, Ashford Borough Councillors, members of the Parish Council, neighbourhood planning representatives, statutory stakeholders and interested parties.

SCI2 On 24th July stakeholders, neighbours and interested groups were invited to attend a public exhibition at the Sandyacres Sports and Social Club to give feedback on the proposed residential development at Lenacre Hall Farm. On 25th July, Councillors were also invited to the event. A total of 449 invitations were sent out to the public and a further 53 invitations were sent to councillors to attend a private preview.

SCI3. Interested parties who attended the public exhibition were invited to record their comments by filling out a comments and feedback form. In total 71 people (14.1% of the total invited) attended the Consultation event and 34 attendees (47.9%) completed and returned the feedback forms at the exhibition.

SCI4. Interested parties were also invited to view the Exhibition Boards online, as well as submit their comments via the purpose-made website. In total 8 responses were received via the website and a further 4 responses were received via email.

SCI5. The public consultation raised a number of points which the Project Team have taken into consideration.

## Planning History

Planning history relevant to this site is detailed below:

**17/00005/EIA** – Environmental Impact Screening Opinion for residential development at Lenacre Hall Farm for up to 99 dwellings.

A decision was issued confirming that an Environmental Impact Assessment was not required.

**18/00413/AS** – The development of 21 new residential dwellings, access, drainage, car and cycle parking and landscaping. This application which is identical to the full application part of the application currently before the Members of the Planning Committee, was refused by the Planning Committee on the 31st July 2018. The reasons for refusal are as follows:

*The proposal would be contrary to Policies CS1, CS4, CS9, CS15 and CS18 of the Local Development Framework Core Strategy 2008, Policies TRS17, TRS18 and TRS19 of the Tenterden and Rural Sites DPD 2010 and Policies GP12, EN10 and EN27 of the Ashford Borough Local Plan 2000, and emerging Policies SP1, SP2, SP6, HOU5, ENV3a and ENV5 of the Ashford Borough Local Plan 2030 (submission version), and the National Planning Policy Framework, and would therefore represent development contrary to interests of acknowledged planning importance and a form of unsustainable development, and this is not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:*

*(a) The location of development proposed lying outside the established settlement edge together with its scale would have a significant adverse urbanising impact on the open countryside, out of character with the adjoining rural settlement character. The development would therefore be unacceptably harmful to the visual amenity of the area.*

*(b) The development would be unsustainable in transport terms as there are no day-to-day facilities within easy walking distance of the site leading to the need for all journeys to access such facilities being made by car.*

*(c) The development would not conserve and enhance the natural environment and would lead to an unacceptable loss of habitat.*

*(d) The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:*

*· affordable housing · primary school expansion · secondary school improvement · libraries · sports – outdoor pitches · informal/natural space project · children’s and young people’s play project · allotments provision · strategic parks project · healthcare improvements.*

An appeal was lodged with the Planning Inspectorate against the Councils decision in January 2019. The appeal was dismissed on the 13<sup>th</sup> December 2019. The Inspector’s decision stated the following in dismissing the case:

*“.. the open nature of the site is an existing feature which is important to local landscape character.*

*Sandyhurst Lane provides separation between the built form which forms the edge of the settlement of Ashford on one side and open countryside land on the other. I note that Lenacre Hall and nearby buildings are located on the other side of the road, however these buildings are limited in number and are some distance from the site. Nevertheless, this break provides a clearly legible delineation resulting in an attractive and clearly defined setting to the settlement of Ashford in this location.*

*Development on this land would result in a change to the internal character of the site. The introduction of a number of substantial dwellings, along with the likely associated domestic paraphernalia and urban features of the development, such as roads and car parking, would introduce an urban land use to this currently open site. I note that the proposed development would not change the pattern of field boundaries. However, given my findings above that the local character of this site is associated with the mainly undeveloped open land which surrounds on three sides, it can be seen that the proposed development would not sit sympathetically in this landscape.*

*.. introducing development on the northern side of Sandyhurst Lane in this location would be harmful to the defined settlement edge described above and consequently to the setting of the settlement of Ashford.*

*I agree with the appellant’s Landscape Statement that the design and layout of the Appeal proposals are not consistent with the character of the built form on the southern side of Sandyhurst Lane. Whilst their design may relate to the Kentish Vernacular, they are not inherently ugly and they may create a sense of place in their own right, I do not consider that the proposed development is consistent with the local character of the built form in Sandyhurst Lane.*

*Although long distance views would be limited, the appeal scheme would be visible in*



*public views along Sandyhurst Lane and other points particularly in the winter months. The vegetation on the boundary would not be so dense that views would not be possible, particularly when trees are not in leaf. The development would also be visible along the proposed access road. Although in views from the nearby public rights of way there is an existing backdrop of housing, the proposed development would harmfully extend built form into this open landscape.*

*I am however satisfied that there would be an appropriate landscape buffer to the open countryside and I am provided with a mechanism for its maintenance. Nevertheless, the lack of harm in this respect would be a neutral effect and as such does not overcome the harm identified above.*

*For the reasons set out above the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this respect, it would be contrary to the Policies of the Local Plan I find to be most relevant to this main issue: HOU5, SP1, SP6 and ENV3a, the aims of which are set out above.*

*.. the appeal site would be a suitable location for housing with particular reference to sustainable transport. In this regard it would therefore comply with Policies HOU5 b) and d) and SP1 of the Local Plan which together require that new development is in an accessible location within easy walking distance of basic day to day services, and located where it is possible to maximise the use of sustainable transport to access services, amongst other things.*

*.. the proposed development would not have a harmful effect on biodiversity. As such it would not be contrary to Policies HOU5e) and f) vi), ENV3a or ENV5 which, in part, seek to protect important rural features, wildlife habitats and the natural environment and enhance biodiversity interests on the site.*

*The proposed development would provide an efficient use of land in an accessible location. Future occupants would be likely to contribute to the local economy and would sustain local services, and there would be job creation through the construction period. There would also be economic benefits from the new homes bonus and financial contributions in the planning obligation. Also, housing in this location would reduce pressure on more sensitive sites.*

*These are, in the main, benefits of the scheme. Although I note that any financial contribution in a planning obligation would need to be of a scale to provide mitigation for any adverse impacts only and as such could not be considered a benefit of the development. Nevertheless, the scale of the proposed development means that these benefits are somewhat limited and I note that these benefits are generally not specific to this proposed site or development. Consequently, they would not outweigh the permanent and public harm to the character and appearance of the area, contrary to the development plan, identified above.*

*Whilst I do not find harm in relation to biodiversity or the accessibility of the site, the lack of harm in these regards is a neutral factor which would not outweigh the harm in relation to the character and appearance of the area. Consequently, the development proposals do not accord with an up-to-date development plan and as such cannot be considered to be sustainable development in terms of the Framework”.*

(Appeal reference - APP/E2205/W/19/3220880 – 13 December 2019)

## Consultations

**Ward Members:** No comments.

The former Ward Member did make representations in December 2017. These comments are as follows:

*"I support the objections raised by residents and their representatives. The site is not in the Local Plan before the Government Planning Inspectorate for Public Examination. The site was rejected by ABC following the call for sites as it is not suited to sustainable development and the site has bio diversity and landscape value. The whole purpose of plan making is to ensure developments and infrastructure needs go hand in hand with sensible and measured considerations and that is what the Local Plan has achieved by excluding parcels of land like this. Speculative development such as this cannot satisfactorily address infrastructure needs as they are incoherent and place unacceptable pressures on local roads and vital local amenities such as schooling. They do not reflect the vision and aspirations of local communities to have real sustainable developments that take due regard for landscape and setting.*

*NPPF places a priority to develop brownfield land, lower grade land, and land that has no discernible value, before seeking to develop land of more value. The Ashford Local Plan by rejecting this site is in full accordance with the NPPF and fully satisfies Ashford Objectively Assessed Housing need.*

*National Planning Policy looks to conserving and enhancing the natural environment and that planning should seek to protect and enhance valued landscapes, geological conservation interest and soils; recognise the wider benefits of ecosystem services; minimise impacts on biodiversity and provide net gains in biodiversity where possible contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This site and the surrounding landscape is exactly what Government Policy refers to.*

*The rural north side of Sandyhurst Lane is a valued biodiverse landscape that forms an integral part of the wider ecological networks. Development of the land for housing will severely impact this network. Planning Policy places great importance on protection for ecological networks and to halt their decline. The Government is committed to increasing not decreasing the area of important wildlife habitats through the UK Biodiversity Action Plan (UK BAP).*

*The land is to the north of Sandyhurst Lane and is greenfield. It is a distinctive and established boundary between the Rural and Urban settlements of Boughton Aluph and Eastwell. Development here would be an encroachment of the urban settlement*

*into the distinctive rural countryside and will bring development pressure on other large areas of land to the north of Sandyhurst Lane and the Faversham Road. Land to the north of Sandyhurst Lane is a distinctive and important local landscape and its very character softens the urban / rural edge, making it a tranquil and pleasant place to enjoy the great outdoors for those that live in Sandyhurst Lane and for those that visit to enjoy the walks through the network of public footpaths and streams. Land to the north is what gives Sandyhurst Lane a sense of place, an important planning consideration.*

*Local Plans are key to delivering sustainable developments and are essential to avoiding random developments as by nature they are unsustainable. The site is not close to a bus route or shops. It is outside the local primary school catchment area and the school is oversubscribed with no capability for expansion. The Ashford Local Plan has been careful with chosen sites and their location so that developments are more able to fund public transport and shops, and provide schools to support; and it is a key consideration of plan making to ensure the Ashford Local Plan development strategy chooses sites that are sustainable in every sense of the meaning. The Lenacre Farm proposal is an opportunist development that is wholly unsustainable.*

*Sandyhurst Lane is part of a road network that can be severely stressed during peak times. And while traffic will always be an issue, this area north of Ashford must be sensitive to the restrictions of the local road network, their limits, and their inability to expand.*

*Development here will have an unacceptable impact on residents' enjoyment of their homes and the place they live. Ashford Development Plan has chosen sites with the least impact on the local road networks, that are able to expand, and S106 monies are fully able to fund. Large scale development of this nature would not be in keeping with the current linear form of development in Sandyhurst Lane, and would severely impact upon its rural landscape value and the character setting.*

*The site is visible from the wider landscape. This part of Sandyhurst Lane is in a rural setting and is surrounded by fields. For residents, this setting would be negatively impacted by development because of the harmful effect to the landscape character.*

*The site is in close proximity of another local Wildlife site and is an integral and important part of the wider ecological network within this region. The site itself is known for its wildlife. Homes bring with it domesticated animals that are known to seriously affect wildlife habitats, and this impact from housing cannot be eliminated, and so close, adjoining wildlife areas will be devastated.*

*Development in rural areas shall be designed in a way which protects and enhances the particular landscape area within which it is located and where relevant any adjacent landscape area. The proposed development will entirely obliterate the landscape and severely affect the adjacent landscape area. The Government also acknowledges that there are landscape areas outside the nationally designated*

*areas that are particularly highly valued locally and a local approach to their protection could be acceptable. It states that tools such as Landscape Character Assessments (LCA) can provide sufficient protection for these areas without having to label areas with rigid designations, which may be unduly restrictive. It suggests that criteria-based policies in Local Development Documents could therefore be an acceptable approach that provides sufficient protection. Ashford Borough Council has decided on a criteria-based approach based on an LCA to protect the areas of local landscape importance within its boundary. Land north of Sandyhurst Lane which includes the proposed development site is just such an area and indeed Ashford Borough Council purchased the adjoining Sandyacres sports ground some years ago for the very reason to protect the landscape area from potential development.*

*Landscape is therefore about people and places, a landscape's uniqueness contributes to society, the economy, the environmental value of the area and a person's perceptions. For example, an area can play an important role in people's lives, contributing to a sense of identity and well-being, or it may be home for a particular type of habitat or wildlife species. Land north of Sandyhurst Lane which includes this proposed development site is just such a landscape area".*

**Boughton Aluph and Eastwell Parish Council:** Object for the following reasons:

Since the submission of this application the Ashford Local Plan has been adopted. The Plan identifies more land for residential development than is needed to meet the Plan's overall housing target, and adopts a pragmatic and realistic approach to housing delivery in Ashford, there is no justification for allocating significantly more land in the less sustainable locations which would seriously affect the borough's character.

The setting of the AONB merits particular protection in accordance with National Planning Policy.

It is important to note that as from May 2019, following a decision by the Local Government's Boundary Commission, the parish will be divided into two wards, the urban area of Goat Lees and the rural Downs West. This major development sits within the less sustainable and more sensitive section of the rural ward.

The Neighbourhood Plan has progressed to Reg 14 status. Specifically regarding potential development of the Lenacre Hall Farm site, the collective response was unequivocal: of the seven sites for potential development featuring in the survey, this site was clearly the most unpopular, with 75% seeing it as unsuitable or highly unsuitable. Most salient of all for this application, 91% of respondents saw maintaining the existing rural/urban boundary in the parish (specifically defined as running along Sandyhurst Lane) as important or very important.

**(SD&DM comment:** The Boughton Aluph and Eastwell Parishes Neighbourhood Plan has now been formally 'made' (adopted) by the Council, and subsequently forms part of the Development Plan. Policies within the plan will now apply to development proposals within the parish.)

There is strong local opposition to this development.

**Westwell Parish Council:** Object to the application and makes the following comments:

- The application is not compliant with the emerging local Plan. This site was assessed but not included.
- There would be an unacceptable increase in traffic in a rural lane that is already used as a rat-run to avoid Trinity Road; is subject to congestion queuing at peak times at the north and south junctions; has no footway for most of its length.
- The site is agricultural land very close to the AONB with a listed building and ancient woodland within the site, and further ancient woodland and an archaeological site within 200m west.
- The site is rural. If development took place on the site it would move the acknowledged urban boundary of Ashford to the west.
- The development would pose a risk to wildlife corridors in the area.
- The methodology used in the environmental statement and tree survey is considered to be flawed given that only one day was spent on site. It is considered that this plus the use of a desk-top survey gives inadequate, inaccurate results, and does not correctly assess the wildlife sensitivity of the site.
- The proposed lighting would be contrary to ABC's Dark Skies policy and give rise to light pollution in Sandyhurst Lane and
- Lenacre Street, to the detriment of existing residents and wildlife. These roads do not have street-lighting.
- The topography of the site means that the development would be visually intrusive, damaging the immediate setting of the AONB and the landscape character of the area.

**Kent Highways and Transportation:** No objections subject to conditions and state the following:

*“A MOVA mitigation scheme is proposed at the junction of Trinity Road and Faversham Road. This will optimise green times during peak periods and reduce delays and queues. The applicant has agreed to fund KCC to undertake this mitigation scheme, the cost of which is £35,000. This funding is required prior to the occupation of the 22nd dwelling on the site. The cost of this scheme should be secured through a Section 106 planning agreement”.*

**(SD&DM comment:** The MOVA mitigation scheme is a vehicle optimisation signal scheme that can detect queuing on arms of a junction and alter green times accordingly).

**Kent County Council (Lead Local Flood Authority)** – No objection subject to conditions.

**Southern Water:** No objections stating that:

*“Southern Water has recently undertaken more detailed network modelling as part of a network growth review. The results of this assessment, to our current modelling procedures and criteria, indicates that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate **foul sewerage disposal** to service the proposed development. Foul sewerage flows from both phases of the development are to be discharged via on-site pumping stations and at respective manholes TR00458501 for Phase 1 and TR01452901 for phase 2”.*

Request that any drainage conditions are agreed and approved by the local planning authority in consultation with SW.

**ABC Drainage:** No objections.

**ABC Environmental Health Manager:** No objections subject to conditions relating to contamination, code of construction practice and EV charging points for vehicles.

**Kent Police:** No objections but request a condition or Informative to show a clear audit trail for Design for Crime Prevention and Community Safety.

**Kent Fire and Rescue:** No objections confirming that the means of access is satisfactory.

**Environment Agency:** No comments to make.

**Natural England** – No objection.

**(SD&DM Comment:** NE have not been reconsulted on this application following the statutory advice received in July 2020 regarding development proposals in the Stour Valley catchment area with the potential to increase harmful nutrient impacts at designated protected lakes at Stodmarsh. Notwithstanding this, the Council is legally obliged to give significant weight to the views of NE set out with the formal standing advice in relation to relevant planning applications).

**KCC Ecological Advice Service:** No objection subject to conditions.

**KCC Public Rights of Way and Access:** No objection stating the following:

“Public footpaths AE207 and AE208 would be directly affected by proposed development. We support the provision of pedestrian and cycle access within the site which link to the National Cycle Route and onto Sandyhurst Lane. Please note that any route that is not recorded as a PROW will not be maintained by the County Council and the ongoing maintenance of such routes will need to be secured. Although these routes will not become public rights of way we would recommend a minimum width of 3m for shared use paths.

In response to this application’s previous EIA we stated that provision for walkers and cyclists should be provided within traffic free, wide green corridors of open space and not be confined behind rear gardens and overlooked by any adjoining property to help facilitate a safer environment for path users. Regarding this guidance we have concerns over the section of footpath AE207 from its junction with Lenacre Street which runs adjacent to Yew Tree Cottage and a proposed housing plot. This section of the path will become part enclosed once the houses are built and this coupled with the potential increase of use from the new residents will have an adverse impact on the path.

We ask that footpath AE207 has a minimum 3 metre width between the development site boundary and the boundary of the proposed house gardens. This will prevent footpath AE207 feeling enclosed and will deter anti-social behaviour. We also ask that this small section of AE207 which runs adjacent to the houses for 150 metres is surfaced to a minimum width of 2 metres to help mitigate the increased use. Overall the PROW and countryside access has been well considered in the layout and design of the proposed development. Afore mentioned improvements to the PROW network will further increase the opportunities available to residents for recreation, active travel and exercise”.

It is requested that a financial contribution of £15,000 is secured by way of 106 Agreement to upgrade the surface of existing footpath AE207 to an appropriate standard for 150m from Lenacre Street to a width of 2m.

**Kent Wildlife Trust:** Object. Comment as follows:

- Lack of consideration of the ancient woodland within the red line boundary and the adjacent Local Wildlife Site and its associated boundary features that run through the site. Design layout does not appear to respect or protect these features and detail of how any impacts will be mitigated for do not appear to have been provided. In addition, garden boundaries appear to have been marked in on the masterplan as running up to existing boundary features- this is not an acceptable approach as these features need to be incorporated into the design as part of the wider green infrastructure and managed as boundary features (with sufficient space in which to do so). Including these into gardens will not guarantee their management in the long term.

- Consideration should be given to the notable species of Hedgehog- and that garden layouts include raised gates and hedgehog passages, with any grassed open space having dropped kerbs at any green infrastructure linkage points.

**(SD&DM comment:** The layout of the northern part of the site is in outline only with layout a matter for future consideration)

**ABC Culture:** Request off site contributions towards play, allotments, strategic parks, outdoor and indoor sports and the arts and voluntary sector. Informal natural open space is to be provided on site. All contributions should be secured through a s106 agreement should planning permission be granted.

**Kent County Council Heritage:** No objection subject to conditions. State:

“This application is supported by a Historic Environment DBA by ASE. In my view the DBA is of outstanding quality and provides a detailed, clear and robust description of the historic environment of this particular site. The Planning Statement outlines heritage issues in section 7.6 and although it refers to the ASE DBA, I would like to stress that the lack of known heritage assets on this site is most likely reflecting the limited nature of formal investigation on the site rather than a lack of archaeology. And until archaeological remains are revealed and appropriately assessed, significance is unclear.

I would support the proposal that archaeological issues can be addressed through condition but would emphasise the need to undertake a phased programme of fieldwork at a very early stage and ensure there is site-wide coverage in the initial stages. Understanding the heritage of this site may benefit from a phase of geophysical surveying in order to try and target further evaluation and detailed mitigation.

There needs to be further consideration of historic landscape features. This aspect is covered in the ASE DBA and it would be appropriate to ensure suitable mitigation for historic landscape features. I would also like to encourage the applicant to consider ways to integrate important historic landscape features in to the final design and layout. For example, the overriding field boundaries are north to south and there are some historic footpaths still in use. It would be preferable for this pattern to be replicated in the final design and for the historic footpaths to be retained”.

**Ashford Ramblers’ Association:** No objection but states:

“While I am deeply saddened by yet more greenfield sites being used for housing and yet more of Ashford's precious - and increasingly limited - countryside being built on, since the original footpath remains unaltered in these plans I can make no objection other than to say it will affect the enjoyment and feeling of open space of the Right of Way which is used regularly by walkers and dog walkers in the area”.



**Kent Downs AONB Unit:** No objections subject to the proposed landscape masterplan (4517-LLB-ZZ-XX-DR-L-0001) being secured and building heights restricted to two stories across the entire site.

**Kent County Council (Developer Contributions)**– No objection. Requests contributions towards primary and secondary education along with library contributions, social care, youth services and community learning.

**Sandyhurst Lane Residents' Association:** Object stating that the development would be unsustainable, inappropriate and environmentally damaging.

**182** neighbours consulted, **165** letters of objection received and **1** letter of support. Comments are summarised below.

Objection comments:

- The existing infrastructure including amenities could not support the additional properties.
- Traffic impact. Surrounding roads already suffer with excess traffic and delays at peak times.
- The proposed road junction from the site onto Sandyhurst Lane is in close proximity to the entrance to Sandycres sports & social club which frequently has heavy traffic use and the footpath access is on the blind bend opposite 354 Sandyhurst Lane, this could lead to accidents with the traffic using the Lane.

**(SD&DM comment:** The separate pedestrian link has been deleted from the southern portion of the scheme).

- The development would be detrimental to the woodland habitat.
- Contrary to the applicant's statement the area is prone to flooding whenever there is heavy rain with the culvert from the woodland that passes under Sandyhurst Lane overwhelmed this results in the woodland and surrounding areas including the lane in the vicinity under water and has led to road closure at times, this will increase if the site is developed.
- It has been established that the boundary between the urban areas and the rural areas to the North of Ashford would remain along Sandyhurst Lane as proposed by the Neighbourhood Plan.
- Agricultural land should be detained for food production.
- When an incident happens on the m20 Sandyhurst Lane turns into a car park as traffic sits here stationary. It is simply not an option to put large developments on this Lane as it is unable to cope already as soon as anything goes wrong.
- The amendments fail to address previous concerns.
- The supporting infrastructure is lacking in terms of schooling/ hospitals/ doctors/ public transport/ utilities services/unsuitable for highway connections.
- The land should be preserved as a very important part of the country side used by the local community for walking etc.

- The development would be detrimental to wildlife.
- The landscape assessment for Eastwell Farmlands prepared by studio Engleback 2005 is an accepted policy in the ABC 2030 plan, it grades this site as Conserve and Create, specifically by planting more trees. It regards the site as having high ecological integrity with a unique and separate character. This categorisation should inform ABC that the site is not well suited for development.
- This development will completely surround the small and highly vulnerable ancient woodland and have both direct and indirect impacts on the ancient woodland. The proposed footpath/cycleway between the southern and northern sections still lies within the 15m buffer zone and as the plans indicate, it will have hard standing.
- This application contains the smaller site of 21 houses which was rejected earlier. The reasons for rejecting this site still apply.
- The site is not an allocated site.
- The proposal has previously been rejected and nothing has changed.
- The ground is good arable land and hosts multiple types of endangered animals.
- The detailed scheme amendments are minimal and Millwood have made little attempt to address the major objections made by the 100+ people in November 2017 which are therefore all still valid.
- The proposed development will have a major impact on the visual amenity and change the rural emphasis of the area.
- The development proposals are out of character with the area.
- In light of the housing requirement and supply, there is no justification for the delivery of housing in unsuitable and unsustainable locations.
- Lenacre Lane has developed in a similar way to Sandyhurst Lane with “ribbon” development on one side. Occasional infill building has not impacted on the overall visual amenity of an essentially rural area. However the proposed development will have a major impact on the visual amenity and change that rural emphasis.
- The dense modern housing would be out of keeping with the character of the area.
- Sandyhurst Lane is winding, unlit and with no footpath along much of its length. The development would put pedestrians at risk.
- Construction traffic and noise etc would blight the lives of existing residents for years to come.
- The council should focus development on brown field sites and enhancing current housing, infrastructure and amenities. This will improve the overall area and drive value within the borough.
- Green areas are essential for the wellbeing of all life.
- There are no day to day facilities within an easy walking distance of the site.
- The development would devalue the area.
- There is misleading information in the Transport Statement.
- The hybrid application is worse than the scheme already refused by the Council for the 21 dwellings in the southern part of the site.

- The local school is oversubscribed.
- The development would not comply with planning policy.
- The countryside must be protected.
- The development would be harmful to biodiversity.
- This site cannot be considered a windfall site. Windfall meaning unexpected. This site has been through the whole democratic process of being considered for inclusion in the new local plan. It has been rejected wholeheartedly by the local community and the Parish Council and excluded from the new plan.

Support Comments:

- The line of Sandyhurst Lane and Lenacre has already been broken with houses on either side of Sandyhurst Lane etc. We need more houses and affordable ones for our children. There is no reason why this development should not go ahead.

## Planning Policy

36. 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), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
37. Not part of the Development Plan but noteworthy are (i) the Egerton Neighbourhood Plan that is currently at 'Regulation 16' (Examination) stage and (ii) the Tenterden Neighbourhood Plan that, although it has been out to consultation is at an earlier 'Regulation 14' stage in the process towards adoption.
38. The relevant policies from the Local Plan relating to this application are as follows:-
- |      |   |
|------|---|
| SP1  | Strategic Objectives                                |
| SP2  | The Strategic Approach to Housing Delivery          |
| SP6  | Promoting High Quality Design                       |
| HOU1 | Affordable Housing                                  |
| HOU5 | Residential windfall development in the countryside |

HOU6	Self and Custom Built Development
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA5	Planning for Pedestrians
TRA6	Provision for Cycling
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting Important Rural Features
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV12	Air Quality
ENV13	Conservation and Enhancement of Heritage Assets
COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
COM3	Allotments

IMP1            Infrastructure Provision

IMP4            Governance of space/facilities

39. The relevant policies from the Boughton Aluph and Eastwell Parishes Neighbourhood Plan (2021) relating to this application are as follows:-

Policy BAE NP1    Design of New Development and Conservation

Policy BAE NP3    Development in the Countryside

Policy BAE NP9    Public Rights of Way

Policy BAE NP11    Securing Infrastructure

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

**Supplementary Planning Guidance/Documents**

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (relating to external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

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

30. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
31. Paragraph 8 - The NPPF sets out the high level government aim of achieving sustainable development through 3 main objectives which are interdependent and need to be pursued in mutually supportive ways. These are
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 20 – 23 - Strategic policies.

Paragraph 28 – 29 Non-Strategic policies.

Paragraph 34 - Developer contributions.

Paragraph 38 - Decision making.

Paragraphs 39 to 46 - Pre-application engagement.

Paragraph 47 – 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations.

Paragraph 60 to 67 - Delivering a sufficient supply of homes.

Paragraphs 68 to 73 - Identifying land for homes.

Paragraphs 74 to 77 - Maintaining supply and delivery.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 114 to 118 - Promoting sustainable transport.

Paragraphs 112 to 116 - Supporting high quality communications.

Paragraphs 119 to 123 - Making effective use of land.

Paragraphs 124 to 125 - Achieving appropriate densities.

Paragraphs 126 to 136 - Achieving well-designed places.

Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.

Paragraphs 174 to 178 - Conserving and enhancing the natural environment.

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 183 to 188 - Ground conditions and pollution.

Paragraphs 189 to 208 - Conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

Technical Housing Standards – Nationally Described Space Standards.

## Assessment

32. The main issues for consideration are as follows:

- a) The application proposals in relation to the Borough's strategic approach to housing development
  - b) The location of the site in relation to the level, type and quality of day to day service provision currently available and accessibility to those services
  - c) The impact of the scheme on the character and appearance of the surrounding area
  - d) Design and Layout
  - e) The impact of the development upon heritage assets
  - f) The impact on residential amenity
  - g) The impact of the development highway safety and approach to parking
  - h) Ecology and biodiversity
  - i) Flooding and drainage and contamination
  - j) Affordable housing provision, housing mix & self build
  - k) The effect on the Stodmarsh European designated site
  - l) The application proposals in relation to the Borough's 5 year housing land supply
- (a) The application proposals in relation to the Borough's strategic approach to housing development

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



42. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend according to their degree of consistency with the Framework.
43. The adopted Ashford Local Plan 2030 sets out the land use planning strategy for the Borough and pursues a hierarchical approach towards the distribution of housing development across the Borough in a plan led and sustainable way.
44. Policy SP1 sets out the strategic objectives for the Borough forming the basis for the policy framework of the Local Plan. Criteria (a) states that it is important to:
- ‘...focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes the best use of suitable brownfield opportunities’.*
45. Further, policy SP2 identifies that the housing target for the Borough will be met through a combination of committed schemes, site allocations and suitable windfall proposals and that the majority of new housing development will be at Ashford and its periphery, as the most sustainable location within the borough.
46. In rural areas, policy SP2 states that development should be at a scale that is consistent with the relevant settlement’s accessibility, infrastructure provision, level of services available, suitability of sites and environmental sensitivity.
47. The application proposes a development of up to 79 units on fields that adjoin the edge of the existing urban area. As a large, unallocated, housing proposal, the application would significantly increase the number of dwellings to be provided in this location.
48. Whilst policy SP2 allows for windfall housing development to come forward, this is where it is consistent with the spatial strategy outlined in the policy and, with other policies in the Local Plan to ensure that sustainable development is achieved. I deal with the consistency of the proposals with other Local Plan policies below.
49. Policy HOU5 (residential windfall development in the countryside) states that proposals for residential development adjoining or close to the existing built up confines of identified settlements such as Ashford, will be acceptable providing that each of the following criteria is met;-

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;

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;

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;

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

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

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,

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

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

50. Policy HOU5 also deals with the issue of windfall development within or in the setting of an AONB and the need for proposals to be justifiable within the context of the national level of protection afforded to such areas and the need to conserve and enhance their natural beauty.

51. A detailed assessment of the proposed development against policy HOU5 is set out below.

(b) The location of the site in relation to the level, type and quality of day to day service provision currently available and accessibility to those services

52. Criterion (a) of policy HOU5 requires the scale of development proposed to be proportionate to the level of service provision currently available in the nearest settlement and commensurate with the ability of those services to absorb the level of development.
53. The proposal, in the context of the settlement as a whole, is not considered to be disproportionate, and the cumulative impact of the development on the service provision within the settlement would not compromise the ability of these services to meet the day to day needs of the local community. Conversely, this plan-led approach to growth could in turn maintain and/or even enhance the viability of these facilities. As such, I am satisfied that the proposal would not conflict with policy HOU5 (a) of the Local Plan.
54. Policy HOU5 (b) requires that a windfall development 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 supporting text to this policy outlines that basic day to day services such as a grocery shop, public house, play/community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although it is identified that the specific local context of a settlement may mean a higher or lower distance would be a more appropriate guide.
55. Sandyhurst Lane is part of the wider Ashford area and Ashford, as the largest settlement with good transport links, represents the most sustainable location with the borough. The urban area is home to approximately half of the borough's population and it is where a large proportion of local jobs are located. It is also the area that future economic growth will be concentrated.
56. It is also recognised that there are a wide and full range of local services available within the town centre and the various neighbourhoods that make up the wider urban area and the town caters for its own residents' needs and those living in the rural hinterland.
57. The site is not considered to be an isolated location given that it is adjacent to the established settlement. The site is within a reasonable walking & cycling distance of a number of local services and facilities.
58. The closest bus stop is situated a short walk away and has frequent services to Ashford town centre and Faversham to the north. Footpaths/cycle routes connect the site to key employment/retail area to the south. Pedestrian and cycle routes lead further south towards Ashford town centre. A public right of way borders the site on the west boundary heading north around the site.

59. There are a number of medical and healthcare facilities such as dental and GP surgeries also within a reasonable walking distance of the proposed development. The Towers School and Goat Lees Primary School are also located within 1km of the site.
60. The site is therefore not considered to be physically 'out-of-the-way' or isolated from services. I am satisfied that the proposal would comply with criteria (b) and also (d) of policy HOU5. The Planning Inspector came to the same conclusion in her response to the recent appeal (APP/E2205/W/19/3220880) on part of this site stating:

*"...the appeal site would be a suitable location for housing with particular reference to sustainable transport. In this regard it would therefore comply with policies HOU5 (b) and (d) and SP1 of the ALP which together require that new development is in an accessible location within easy walking distance of basic day to day services, and located where it is possible to maximise the use of sustainable transport to access services, amongst other things".*

(c) The impact of the scheme on the character and appearance of the surrounding area

61. Policy HOU5 (f) requires the development (and any associated infrastructure) to be of a high quality design and meet the following requirements:-
- i) the need to sit sympathetically within the wider landscape,
  - ii) the need to preserve or enhance the setting of the nearest settlement,
  - iii) the need to include an appropriately sized and designed landscape buffer to the open countryside,
  - iv) the need to be consistent with local character and built form, including scale, bulk and the materials used.
62. As concluded by the Planning Inspector at the recent appeal, the site relates more closely with the mainly undeveloped land to the north of Sandyhurst Lane as a result of its undeveloped nature.
63. In terms of the existing landscape character, the site reflects some of the characteristics as described in local landscape character assessments. It is formed of fields which are predominantly small or medium, in irregular patterns. Boundaries are formed by hedgerows and shaws, with character and species reflecting the underlying soils. It also features an area of ancient

and semi-natural woodland and reflects the mosaic of mixed farming, with pasture and arable land set within a wooded framework.

64. Local landscape character assessments locate the northern and southern parts of the site into two separate character areas.
65. The northern part of the application site does reflect some of characteristics as set out in the Landscape Assessment of Kent (Stour Gap: gently undulating farmed landscape and small copses and woodland clumps). At a local level it reflects elements of the Ashford Landscape Character Study description for this area (Eastwell Farmlands), which includes rolling arable and pasture with medium sized fields generally divided by mature thick hedges. The subdivision, described as Lenacre Hall Farm is described as rough pasture with a western boundary hedgerow which forms a strong boundary with the arable land and gives the parcel a unique and separate character. The site thus retains a distinctive character, forming a buffer between the northern fringe of Ashford and the agricultural land to the west.
66. Under the indicative proposals a section of the site's western field would be retained as open space, together with existing vegetation and boundary hedgerows, and the layout suggests a sensitive approach to overall site topography and the density of neighbouring existing development. However, the proposals would remove much of the area of grazing pasture which form the landscape buffer, would introduce built form into a large part of the site and would increase the depth of development west of Sandyhurst Lane. This would impact adversely upon the existing character of the site, including the user experience of the public right of way which runs inside the western boundary.
67. The site's topography and the indicative location of the proposed development are such that visibility of the built form from viewpoints in or at the boundary of the AONB, would be limited. Proposed development in the north west of the site would potentially be visible from the recreation ground however, significant visual effects would be confined largely to the footpath which follows the inside of the western boundary.
68. The southern part of the site does reflect the undulating landscape of mixed farmland of the Hothfield Heathy Farmlands. At a local level the site is included within a subdivision of Hothfield Heathy Farmlands identified as Sandyhurst Farm which covers an area of land stretching south westwards. The site lies at the northern tip and forms a small part of this widely varying character area. Within Sandyhurst Farm character area the site forms a part of a further subdivision defined as West of Goat Lees. However, the site cannot be said to reflect the identified characteristics of this area, which focus

mainly on recreational land use for sports. Its topography, land cover, landscape pattern and land use would suggest that it has a closer relationship with the main part of the site to the north, rather than land to the west, although it is physically separated by hedgerows and woodland. The site therefore does contribute to the landscape buffer formed by the wider area of the whole site and to the character of an undeveloped settlement edge. At the same time, it has a more urban setting than the northern part of the Site, with the whole southern boundary adjacent to Sandyhurst Lane and the western boundary adjoining the recreation ground. The proposals would introduce built development across much of the southern part of the site, with an area of green space proposed to be retained and enhanced at the eastern corner and a green corridor created along the northern boundary.

69. Visual impacts would be confined to near views from Sandyhurst Lane, the recreation ground and from the footpath. These viewpoints would all potentially include, in varying degrees, views of the development and an increased sense of the built form within the landscape. Existing distant views from Sandyhurst Lane would potentially be partially lost, reducing the sense of the settlement's rural setting.
70. Indeed, the inspector noted at the recent appeal on this site, that:

*“Development on this land would result in a change to the internal character of the site. The introduction of a number of substantial dwellings, along with the likely associated domestic paraphernalia and urban features of the development, such as roads and car parking, would introduce an urban land use to this currently open site. I note that the proposed development would not change the pattern of field boundaries. However, given my findings above that the local character of this site is associated with the mainly undeveloped open land which surrounds on three sides, it can be seen that the proposed development would not sit sympathetically in this landscape”.*

*Furthermore, introducing development on the northern side of Sandyhurst Lane in this location would be harmful to the defined settlement edge...and consequently to the setting of the settlement of Ashford.*

*Although long distance views would be limited, the appeal scheme would be visible in public views along Sandyhurst Lane and other points particularly in the winter months. The vegetation on the boundary would not be so dense that views would not be possible, particularly when trees are not in leaf. The development would also be visible along the proposed access road. Although in views from the*

*nearby public rights of way there is an existing backdrop of housing, the proposed development would harmfully extend built form into this open landscape”*

71. In October 2021, the Boughton Aluph and Eastwell Parishes Neighbourhood Plan was adopted and now forms part of the Development Plan and is afforded full weight in the decision making process. The Plan sets out the vision for the parishes to retain its distinctive rural character at the urban edge of Ashford. Policy BAE NP3 (Development in the Countryside) is of particular relevance and states the following:

A proposal for development within the countryside will only be supported where:

- a) it would conserve and enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting as well as the tranquillity of the countryside and would have regard to the Kent Downs AONB Management Plan;
- b) it would retain the landscape character of, and not have a detrimental impact on, the area of Eastwell Farmlands valued landscape defined on Map 14;
- c) it would retain and enhance the landscape character of Eastwell Park Historic Park and Garden defined on Map 5;
- d) it would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built-up confines, in particular those defined on Maps 16 and 17;
- e) it would protect and, where possible, enhance ancient woodland as defined on Map 15; and
- f) it is necessary for the purpose of providing essential utilities infrastructure.

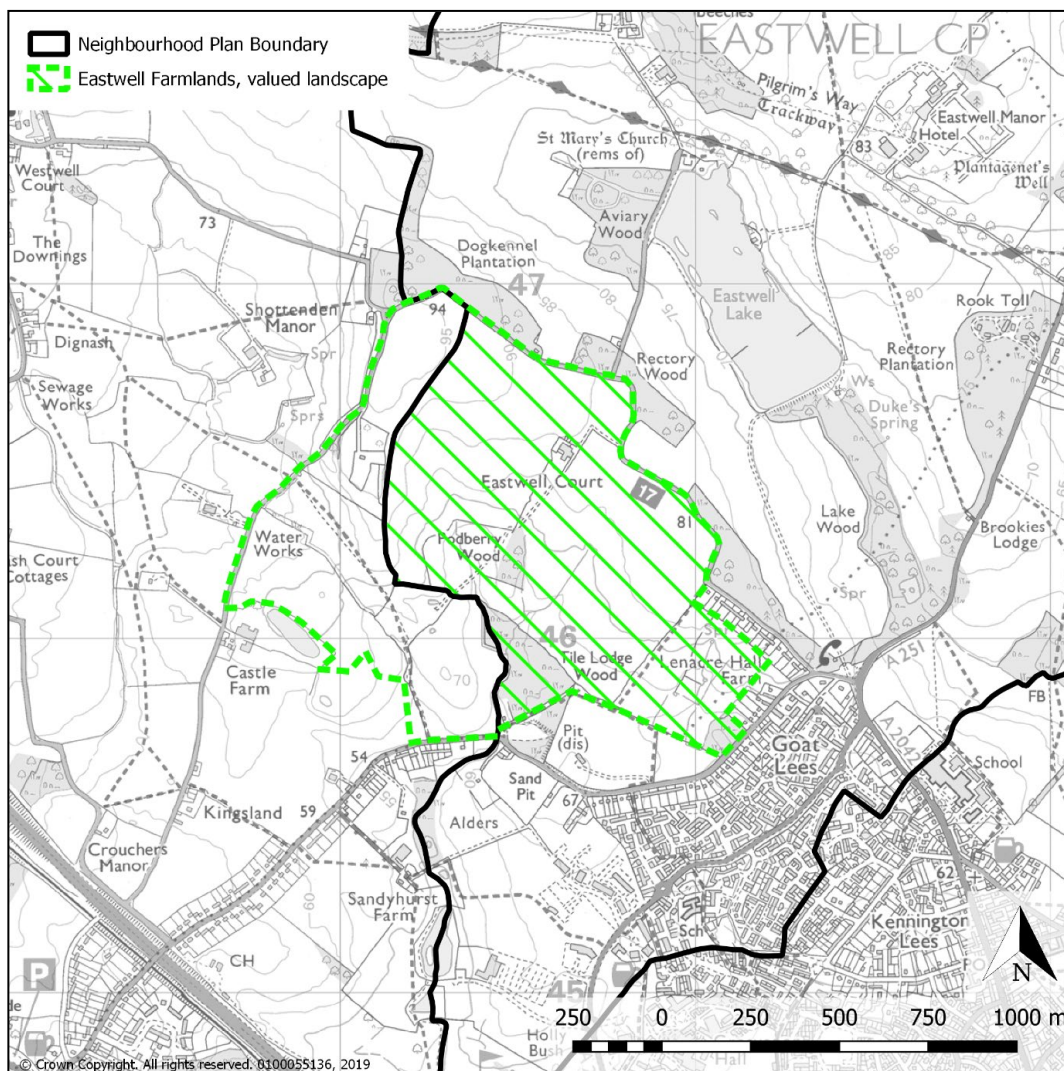
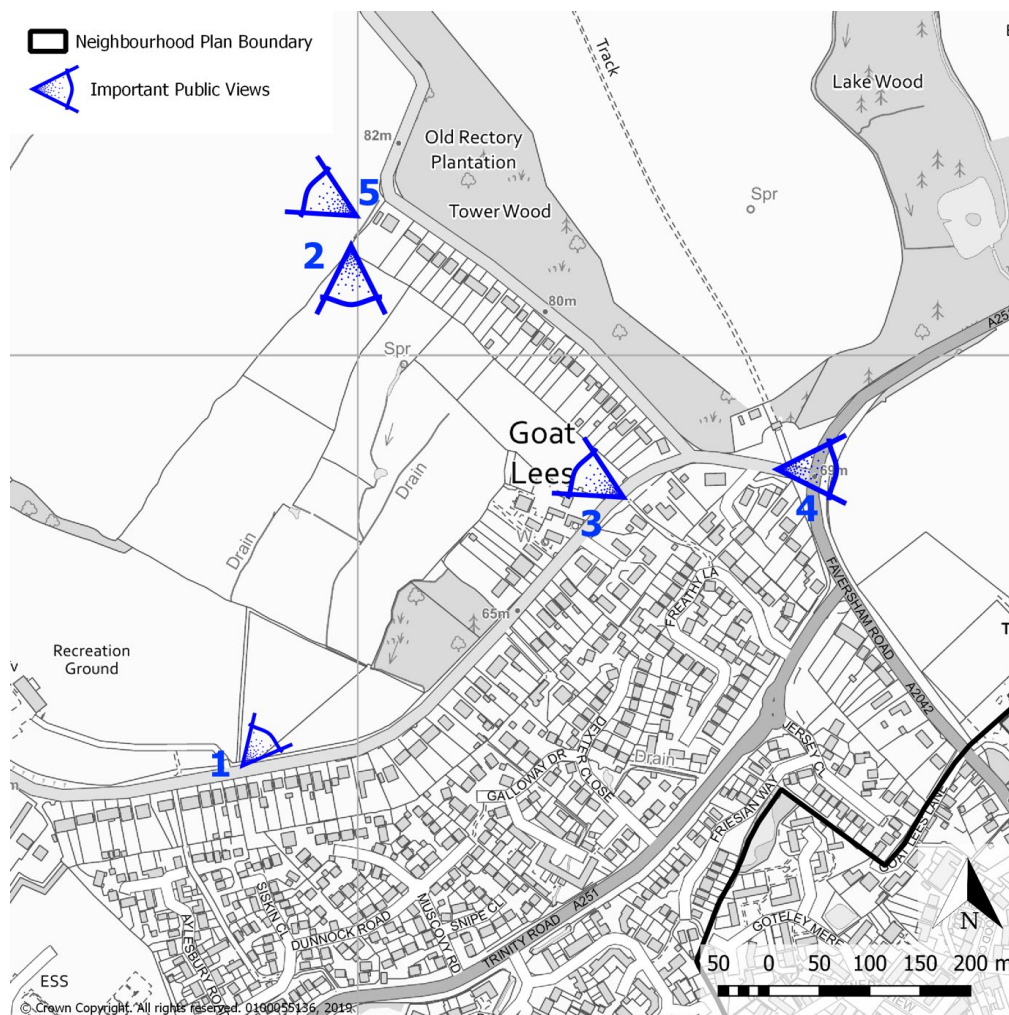


Figure 8: Eastwell Farmlands valued landscape (Map 14 BA&E NP)

72. Policy BAE NP3b seeks only to permit development which would retain the landscape character of, and not have a detrimental impact on, the area of Eastwell Farmlands valued landscape defined on Map 14 (See Figure 8).



73. The northern part of the site would be located within the Eastwell Farmlands valued landscape. The proposed development of up to 79 dwellings together with the associated urban features such as roads and car parking would fail to retain this important landscape character and as such the proposals would fail to comply with newly adopted policy BAE NP3b.
74. The Neighbourhood Plan also identifies a number of important viewpoints where it seeks to maintain the distinctive views of the surrounding countryside these are identified on **Figure 9** below.



**Figure 9: Important Public Views**

Viewpoint 1: From Sandyhurst Lane adjacent to the entrance to Sandyacres Sports and Social Recreation Open Space, looking North East across grassland towards Tower Wood, Lenacre Street, with views over Lenacre ancient woodland.

Viewpoint 2: From public footpath AE207 where it enters Lenacre Hall Farm looking South, views across farmland and the Sandyacres Sports and Recreation Open Space and over woodland towards The Warren, Hoads Wood and Godinton Park. And south-easterly towards the Ashford Town skyline.

Viewpoint 3: From Sandyhurst Lane, adjacent to Lenacre Hall Farm buildings, looking North West over the farm gate, view across farmland and Eastwell Park Estate. The whole view framed by oak trees.

75. Viewpoints 1-3 all directly relate to the application site. It is clear that the development proposed would undoubtedly drastically change the rural character of the settlement edge and the distinctive viewpoints that are currently enjoyed and which the recently adopted Neighbourhood Plan seeks to preserve.

In light of the above, I consider that the proposed development would fail to comply with policy HOU5 (f) as well as policy BAE NP3 of the Neighbourhood Plan.

(d) Design and Layout (full application)

76. Policy SP6 of the Local Plan requires good design. Policy BAE NP1 of the Neighbourhood Plan also seeks high quality design that responds to the heritage and distinctive characteristics of each area.
77. The development would be largely inward looking, with only a small number of dwellings facing outwards, and these would look out upon the hedgerow to the north of the site, with the existing woodland to the north-east of these properties.
78. Plots 1-6 would perhaps be the most visible dwellings within the scheme – and these would consist of two blocks of three terraced properties. These are shown as being constructed of black weatherboarding, and clay tiles. Whilst the dwellings would have a relatively rural character, they would not be read as rural buildings, and they do not relate to the prevailing character of the locality.

79. Other properties within the site – for example plots 11 – 13 have large roof slopes which are significantly larger than those within the immediate vicinity.
80. I consider that whilst individually the buildings are not poorly designed, they do not respond positively to the prevailing character and appearance of the locality.
81. The Planning Inspector previously compared the proposed development of the southern part of the site with the existing development on Sandhurst Lane. The Inspector concluded that the existing development was generally traditional in construction and detailing, set back from the road and included bungalows and two storey detached dwellings. The Inspector found that the proposed development would not be consistent with the local character of the existing built form and therefore was not acceptable. The scheme currently being considered in the southern part of the site is identical to the appeal scheme that was dismissed and the appeal decision holds significant weight. In line with the inspector's decision I would agree that whilst the proposals (in full) are not inherently ugly and they may create a sense of place in their own right, the development proposed is not consistent with the prevailing character of the area and therefore would fail to comply with policy SP6 of the Local Plan and BAE NP1 (a) of the Neighbourhood Plan.

(e) Impact on the Setting of Heritage Assets

82. Policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
83. Policy BAE NP1 (b) also states that development will be supported if it would protect and enhance heritage assets and their settings. The policy specifically mentions Lenacre Hall Farmhouse which is the closest listed building to the site. The building is Grade II listed.
84. Lenacre Hall Farm would not be physically impacted by the proposed development. Given the distance from the development proposed to the south, together with its generous curtilage and the fact an appropriate landscape buffer could be worked into the layout to the north of the site I consider that that the impact of the development on its setting would be less than substantial in NPPF terms and the impact would therefore be acceptable. The development would therefore comply with policy ENV13 of the Ashford Local Plan and policy BAE NP1 (b) of the neighbourhood plan that seeks to avoid harm to the setting of heritage assets.

85. Policy ENV15 of the local plan outlines that the archaeological and historic integrity of important archaeological sites together with their settings will be protected and where possible enhanced. Kent County Council have been consulted and have confirmed that archaeological issues can be appropriately addressed through condition.

(f) Impact on Residential Amenity

86. In terms of the southern portion of the site, the nearest existing residential properties are located on Sandyhurst Lane. Satisfactory distances would be maintained between the proposed and existing dwellings. Taking this and the proposals for landscaping into account, I am satisfied that the development of the site could be achieved without causing demonstrable harm to the amenities of existing neighbours through loss of privacy, loss of light, immediate outlook or by having an overbearing presence and that the amenity relationships between proposed new homes would, similarly, be acceptable.
87. In determining the associated appeal relating to the site the Planning Inspector similarly raised no concerns in relation to residential amenity. Further, should planning permission be granted I am satisfied that the layout for the remainder of the site could be appropriately configured to ensure no additional negative impact upon existing residents or future occupiers would occur.

The increase in vehicular activity associated with the proposed development is one that I do not consider to result in any demonstrable harm through undue noise and disturbance. I am therefore satisfied that there would be no adverse noise effects resulting from the increased traffic movements associated with the proposed development.

88. The NPPF requires Local Planning Authorities to plan to create safe, accessible environments and to promote inclusion and community cohesion. Policies HOU12, HOU14 and HOU15 are therefore relevant as these deal with residential space and accessibility standards as well as ensuring the provision of private external space.
89. Gardens to new homes are proposed to be provided to a size which would comply with or exceed the Council's Residential Space and Layout SPD. The internal accommodation being proposed would similarly comply or exceed the National Space Standards and would be acceptable.
90. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers.

(g) impact of the development highway safety and approach to parking

91. Criterion (c) of policy HOU5 seeks to ensure that development is able to be safely accessed from the local road network and that the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.
92. The application has been subject to consultation with Kent Highways and Transportation (KH&T). In the latest comments received, KH&T confirm that initial concerns have now been overcome by the provision of increased visitor parking provision, the reduction in the width of the access to prevent any obstructive parking, the provision of soft landscaping to help prevent any obstructive car parking within the site and the provision of rear access gates to all terraced properties.
93. With regards to parking in the southern section of the site, all of the proposed dwellings would benefit from allocated parking and 8 of the properties would have garages that would be an 'additional parking resource' as per the Council's adopted Residential Parking SPD.
94. A total of 16 visitor parking spaces have been provided across the site. This amount of parking would also comply with the adopted SPD.
95. The applicant also proposes the provision of cycle storage facilities that could be secured by a planning condition.
96. In addition to parking, a useable layout sufficient for turning in order to allow standard vehicles to enter and exit the site in a forward gear has also been provided. The road has been tracked and shown to be able to accommodate a refuse collection vehicle with adequate on-site turning available so that this type of large vehicle could exit the site in forward gear.
97. With regards to the part of the scheme that is currently in outline, KH&T further raise no objections but request a number of conditions /obligations to ensure that appropriate visibility splays are maintained, the emergency access is completed at the right time and the proposed works to widen the Sandyhurst Lane arm of the Sandyhurst Lane/Faversham Road is also completed. In addition a financial contribution is sought for £35,000 to pay for road infrastructure enhancements at the junction of Trinity Road/Faversham Road. These enhancements would be necessary in order to reduce delays in peak periods.

98. For the reasons set out above, subject to appropriate conditions and obligations I am satisfied that the proposed development would not be harmful to highway safety, and would accord with criterion (c) of policy HOU5 as well as TR3a, TRA5 and TRA6.

(h) Ecology and Biodiversity

99. The proposed development offers ecological enhancements and the retention of the existing boundary treatments. Further, additional landscaping would help to provide enhanced habitats and wildlife corridors throughout the site.
100. Following consultation with KCC Ecology and Biodiversity, I consider that ecological and biodiversity issues can be subsequently mitigated through the use of planning conditions.
101. Further, the Planning Inspector considered the issue of biodiversity in dealing with the recent appeal at this site and concluded that the proposed development would not have a harmful effect on biodiversity and would not be contrary to policies HOU5 (e), (f) vi) or ENV5 which, in part seek to protect important rural features, wildlife habitats and the natural environment and enhance biodiversity interests on the site.
102. The proposed development would result in the loss of 7 trees, 2 groups, 1 hedge and 1 area of scrub. 8 groups, 1 hedge, and 1 scrub area will require partial removal. In addition to this, the development will incur into the RPA of the 5 Individual trees, 5 groups and 1 hedge.
103. While there are several tree removals proposed, and several partial removals to facilitate the proposed development, most of the trees to be removed have been categorised as grade C. Of the remaining trees to be removed only 1 individual tree and 1 group to be removed are categorised as grade B. In addition, the removals are limited to trees/groups/hedges that are located generally within the interior of the site, with only a few instances of partial removal on the boundaries. Compensatory planting is proposed throughout the development which is appropriate.

(i) Flooding, drainage and contamination

104. The site is located within flood zone 1 which is the lowest possible flood risk zone. The submitted site specific flood risk assessment demonstrates that there is no significant risk of fluvial flooding. In addition the risk from surface water runoff, sewer flooding, and groundwater flooding is also considered to be low.
105. The proposed SuDS and drainage strategy demonstrates that appropriate surface water management arrangements can be incorporated within the proposed development so that there would not be any increase in flood risk either on or off site for a range of storm events up to the 1 in 100 year event (1% annual probability) including an allowance of 40% for climate change.

106. The proposed system has been subject to consultation with KCC Flood and Water Management and the Council's Project Delivery Engineer neither of whom have raised any objection to the proposals. Whilst a detailed drainage strategy has not been provided at this stage (and would be secured by planning condition), it is considered that appropriate mitigation and SuDs would be able to be achieved. I therefore consider that the proposals would meet the requirements of policies ENV6 and ENV9 as well as the requirements of the NPPF and its Planning Practice guidance and would therefore be acceptable in terms of flood risk.

107. In respect of contamination, a phase 1 Desk Top study has been completed and recommends further investigation to be secured by planning condition. This view is endorsed by the Council's Environmental Health Officer who recommends that conditions are attached to any grant of planning permission with respect of the investigating and reporting of contamination, a code of construction practice, light pollution and the provision of electrical charging points. I consider such conditions to be reasonable to mitigate any concerns.

(j) Housing Mix, Affordable Housing & Self Build

108. The tenure mix across the southern part of the development would comprise x 5 two-bedroom dwellings, x 8 three-bedroom dwellings, x 6 four-bedroom dwellings and x 2 five-bedroom dwellings. This represents a reasonable housing mix for this location and I consider it meets the requirements of policy HOU18.

109. Policy HOU1 of that Plan seeks the provision of 30% affordable housing within the Ashford Hinterlands and 40% within the rest of the Borough (with the exception of the town centre). The boundary that denotes whether the site falls within the hinterland or the rural area essentially cuts through the application site so the southern side requires 40% affordable and the northern part 30%. Notwithstanding this the applicant has confirmed that affordable housing would be provided at 40% across the whole site. Should planning permission be granted affordable housing would be secured through a s.106 agreement.

110. Policy HOU6 requires all developments within and on the edge of Ashford delivering more than 40 dwellings to supply no less than 5% of serviced plots for sale to self or custom builders. No self build plots are proposed and as such the proposals fail to comply with policy HOU6.

(k) The effect on the Stodmarsh European designated site

111. The Council received advice from Natural England (NE) during the course of 2020 that increasing levels of nitrates and phosphates at the nationally and internationally-designated protected sites at Stodmarsh lakes, east of Canterbury, are having an adverse effect on the integrity of the habitat of those lakes.
112. In consequence, NE advised, in line with the well-established precautionary principle, that applications for certain types of development – including housing – within the Stour river catchment, and/or which discharge to particular Waste Water Treatment Works within the catchment, should be the subject of an Appropriate Assessment prior to any decision to grant planning permission, because it is not presently possible to conclude that such types of development would not have a likely significant effect on the designated sites.
113. Regulation 63(5) of those Regulations provides that: “In the light of the conclusions of the assessment, and subject to regulation 64 [which does not apply], the competent authority may agree to the plan or project [i.e. grant planning permission] only after having ascertained that it will not adversely affect the integrity of the European site ....”
114. The Council must therefore need to be satisfied that there is no adverse effect on integrity on the designated sites, and that the mitigation measures necessary to achieve that outcome have been robustly and fully secured.
115. At the time of writing this report, the applicant has not submitted a Habitat Regulations Assessment (HRA). As such, and in line with NE advice, I have to conclude that the proposed development would lead to a ‘likely significant (adverse) effect’ on the integrity of the habitat of the Stodmarsh Lakes. The proposals would therefore fail to comply with Policy ENV1.
- (l) The application proposals in relation to the Borough’s 5 year housing land supply
116. The Council can currently demonstrate a 4.8 years supply of land for housing, which includes a 5% buffer.
117. Given that a five year supply of housing land cannot be demonstrated and is therefore a material consideration, ordinarily the tilted balance in paragraph 11(d) of the NPPF applies.
118. This states that for decision taking,

*..where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this*



*includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer), granting permission unless:*

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) 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.*

119. However, in the circumstances of this particular case at the current time in fact the ‘tilted balance’ does not apply due to the effect of Reg. 63(5) (detailed in the preceding section of this report).
120. NPPF footnote 7 and para. 181 provide, collectively, that the tilted balance only applies if and when an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the protected site in question – in this case, Stodmarsh lakes. At present, this is not the case – and thus, under Reg. 63(5), it would not currently be lawful to grant permission in any event.
121. Only when, an appropriate assessment is carried out, and if the Council as the competent authority then concludes that the proposal will not adversely affect the integrity of Stodmarsh in the light of that Assessment, would the tilted balance apply. As identified further above, the applicant has not submitted an HRA for consideration.
122. Even when circumstances trigger the tilted balance, Development Plan policies are relevant to the balancing exercise to be carried out under para. 11(d) - see the Court of Appeal judgment in *Gladman Developments v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 1047 at [39]-[42].
123. The fact that policies may be deemed out of date under para. 11(d) does not dictate the weight to be applied to those policies, nor the weight to be given to any conflicts with those policies – those are matters of planning judgment for the decision-maker (*Gladman* at [38]).
124. In coming to a conclusion on the weight to be given to Development Plan policies, there is nothing in NPPF footnote 8 or paragraph 11(d) that dictates the issue of weight - it is a matter for the decision-maker (*Gladman* at [40]). If the relevant policy remains consistent with national policy, then there is little reason to give anything but full weight to the policy. There is no dispute that

policies SP1, SP2, SP6, ENV1, ENV3a, HOU5, HOU6, BAE NP1 & BAE NP3 remain consistent with national policy and so in my opinion they should be given great weight in any event.

125. In conclusion, I do not consider that the harms arising from this proposal would be outweighed by the fact that the proposal would make a contribution towards the small shortfall of 0.2 years in the supply of land for housing.

### **Planning Obligations**

126. 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
127. Whilst my recommendation is that planning permission should be refused and therefore it is my view that planning obligations would not be sufficient to overcome the harm already identified, should an appeal be lodged against a refusal of planning permission the Council would need to be set out what mitigation would need to be secured.
128. I recommend the planning obligations set out in Table 1 be required in the event of an appeal (or should Members reach a contrary view to my Recommendation set out further below). It should be noted that the figures used in Table 1 are derived from the last consultation responses and so would need to be revisited if a s.106 agreement was to be taken forward to secure development impact mitigation.
129. Notwithstanding this, in the absence of a unilateral undertaking at the time of drafting this report, the proposal would fail to secure the mitigation that would be necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development and, therefore, the proposal is contrary to Policies COM1, COM2, COM3, HOU1, IMP1 and IMP4 of the ALP 2030 although I am confident that this could be overcome in the event of an appeal.

**Table 1**

**Heads of Terms for Section 106 Agreement/Undertaking**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Potentially applies to any size/scale of residential development</b>				
	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: On site provision in accordance with the adopted Public Green Spaces SPD</p>	<p>£362 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

<b>Applies to sites of 10 dwellings or more or 0.5ha or over</b>			
<p><b><u>Affordable Housing</u></b></p> <p>In accordance with Policy HOU1 to provide:</p> <p><b><u>Rest of Borough (Zone C)</u></b></p> <ul style="list-style-type: none"> <li>- 10% of the total dwellings made available for affordable or social rent</li> <li>- 30% of the total dwellings made available for home ownership including a minimum of 10% for shared ownership.</li> </ul> <p>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. Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>	<p>40%</p> <p>In accordance with the table in policy HOU1</p>	<p>Affordable units to be constructed and transferred to a registered provider before occupation of 75% of the general market housing units.</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
<p><b><u>Accessibility Standards</u></b></p>			<p><b>Necessary</b> to ensure the provision of housing for people</p>

	At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.	Provide on site 20% of all units	N/A	<p>with specific housing needs pursuant to SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as the accessible housing would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
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**Applies to sites of 11 dwellings or more**

<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>	
<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards the community wellbeing hub upgrade at Braethorpe.</p>	<p>£47.06 per dwelling</p> <p>To be index linked</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community facilities and assistive technology services and the facilities and services to be</p>

				<p>funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b>                  considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Youth</u></b>                  Project: Towards additional youth sessions and staff.</p>	<p>£27.91 per dwelling                  Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan policies SP1, COM1, IMP1, KCC document 'Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably</b></p>

				<p><b>related in scale and kind</b>                  considering the extent of the development because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Allotments</u></b>                   Capital contribution towards existing allotments and/or community garden within the Parish, to provide a qualitative improvement, and/or provision of new allotments.</p>	<p>£258 per dwelling for capital costs                   £66 per dwelling for maintenance                   Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b>                  considering the extent of the development and</p>

				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><b><u>Children's and Young People's Play Space</u></b></p> <p>Off site project to be confirmed.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and</p>



				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><b><u>Community Learning</u></b></p> <p>Project: Ashford Gateway to facilitate additional learners.</p>	<p>£34.45 per dwelling</p> <p>Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>

	<p><b><u>Health Care</u></b></p> <p>Project: Towards refurbishment, reconfiguration and/or extension to primary care premises within Ashford Stour PCN.</p>	<p>£ to be confirmed.</p> <p>Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p>£48.02 per dwelling</p> <p>Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

				<p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><b><u>Indoor Sports Pitches</u></b></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030</p>	<p>£543.51 per dwelling for capital costs                  No maintenance cost</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as additional indoor sports facilities are required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use indoor sports provision and the buildings provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of</p>

				occupiers and the extent of the facilities.
	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030</p>	<p>£872.00 per dwelling for capital costs</p> <p>£518.86 per dwelling for maintenance</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	<p><b><u>Primary Schools</u></b></p> <p>Project: To be confirmed.</p>	<p>£1134 per applicable flat</p> <p>£4535 per applicable house</p> <p>Plus indexation</p> <p>'Applicable' excludes 1 bed units of less than 56 sqm GIA</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><b><u>Secondary Schools</u></b></p> <p>Project: To be</p>	<p>£1172 per</p>	<p>Half the contribution</p>	<p><b>Necessary</b> as no spare capacity at any secondary</p>

	<p>confirmed.</p>	<p>applicable flat</p> <p>£4687 per applicable house</p> <p>Plus indexation</p> <p>'Applicable' excludes 1 bed units of less than 56 sqm GIA</p>	<p>upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation</p>
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				specifically for the elderly.
	<p><b><u>Strategic Parks</u></b></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>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Voluntary Sector</u></b></p> <p>The contribution will be</p>	<p>£87per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as enhanced voluntary sector</p>

	<p>for aspects of volunteering in Ashford town centre which relate to the arts and culture sector.</p>	<p>Plus indexation</p>		<p>services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	<p><b><u>Arts sector</u></b>                  Project to be confirmed.</p>	<p>£338.40 per dwelling for capital costs                  Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale</b></p>



				<b>and kind</b> considering the extent of the development.
	<p><b><u>Local Highways</u></b></p> <p>Completion and maintenance of the emergency access shown on drawing 2722-1000G (To adoptable standard – S38 agreement)</p> <p>To enter into a S278 agreement with KH&amp;T and works to be completed to widen the Sandyhurst Lane arm of the Sandyhurst Lane/Faversham Road - shown on drawing 17-0343-C21101 REV D.</p> <p>MOVA mitigation scheme at junction of Trinity Road/Faversham Road.</p>	<p>£35,000</p> <p>Plus indexation</p>	<p>Prior to the occupation of the 50<sup>th</sup> dwelling.</p> <p>Prior to the occupation of the 22<sup>nd</sup> dwelling</p> <p>Prior to the occupation of the 22<sup>nd</sup> dwelling.</p>	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1 (and any relevant site policies), KCC Highways guidance and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> as would be site specific requirement to enable site delivery.</p>
	<p><b><u>Public Footpath</u></b></p> <p>Upgrade of the surface of existing footpath AE207 to an appropriate standard for 150m from Lenacre Street to a width of 2m.</p>	<p>£15,000</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as the proposal will generate an increase in use of movement paths and Public Rights of Way. Ashford Local Plan 2030 policies S2, COM1 and IMP1 in order to meet the needs of the occupiers. Meeting everyday</p>

				<p>movement needs in a manner that offers sustainable benefits and reduces the need for car travel is in accordance with the NPPF.</p> <p><b>Directly related</b> as occupiers of the proposed homes at the development site, will use the footpath.</p>
	<p><b><u>Custom/Self Build</u></b></p> <p>Applies to sites of more than 40 dwellings within and on the edge of Ashford and Tenterden</p>	<p>5% as serviced dwelling plots</p>	<p>NA</p>	<p><b>Necessary</b> as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to <b>HOU6</b> of Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p><b>Directly related</b> as the plots would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>
	<p><b><u>Governance of</u></b></p>			

	<p><b><u>informal green space onsite</u></b></p> <p>Scheme for ongoing management to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>	<p>NA</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Scheme to be implemented for each dwelling before its occupation.</p> <p>Areas to be transferred to approved management entity and funding/endowment secured, before occupation of more than 50% of the dwellings.</p>	<p><b>Necessary</b> as onsite public or community space is needed to meet site-specific requirements generated from the development and needs to be effectively and sustainably managed pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use this space and the space to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking into account the number of users and is based on good practice stewardship arrangements.</p>

	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years.</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

130. 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

131. 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

132. The site is not allocated for development in the adopted development plan.
133. I have no objection to the proposal in terms of the ability to meet criterion HOU5(a) the current scale of existing services provision in Ashford would be suitable to meet the needs arising from the proposal. The site would be within easy walking distance of basic day to day services and so would satisfy criterion (b) of Policy HOU5 of the ALP 2030.
134. The scheme would not give rise to any unacceptable harm to residential amenity for existing or future occupiers and would provide a policy compliant number of parking spaces and cycle storage with EV charging points available for electric vehicles. Additional traffic movements would be mitigated through highway improvements that would be secured through an agreement pursuant to s.106 of the Act if planning permission were to be granted.
135. I conclude that the proposals would be contrary to policies HOU5, SP1, SP6 and ENV3a of the ALP 2030 as well as policies BAE NP1 and BAE NP3 of the newly adopted Boughton Aluph and Eastwell Neighbourhood Plan in that the proposals would involve a large scale residential development on undeveloped land forming part of a strong rural edge that, in its undeveloped state, contributes positively to the landscape setting. The proposals, by virtue of their scale, form and intensity would not sit sympathetically within the wider landscape, would not preserve or enhance the setting of the settlement or be consistent with local character and would result in harm to the character and appearance of the surrounding area. Landscape setting and edge character is an important element of the Neighbourhood Plan that has only recently been adopted.
136. The development would have a negligible impact upon the setting of the nearby listed building (Lenacre Hall Farm). I am therefore satisfied that the scheme accords with policies ENV13 of the Local Plan. Archaeology could also be appropriately dealt with by condition.
137. There would be no material harm to neighbouring or future occupiers' amenities, or adverse impacts on highway safety. Ecological mitigation and enhancements on site are considered to be acceptable, the development would also require some small-scale removal of trees however the development would include the planting of new trees and areas of mixed native shrubs, compensating for the this loss and further aiding biodiversity.

138. In terms of flooding, drainage and contamination, I am satisfied that subject to conditions, the site could be developed in an acceptable way. I am therefore satisfied that the proposal accords with policies ENV6 and ENV9 of the Local Plan.
139. There are no self or custom build plots proposed and therefore the proposals fail to comply with policy HOU6.
140. The development does not propose any mitigation against the further deterioration of the water quality of the Stodmarsh European designated sites and would therefore fail to comply with policy ENV1 of the Local Plan which deals with issues of biodiversity.
141. Although the Council cannot demonstrate a current 5 year housing land supply only when an appropriate assessment has been carried out under the Habitat Regulations, and if the Council as the competent authority then concludes that the proposal would not adversely affect the integrity of Stodmarsh, would the tilted balance would apply and as I have identified above, the proposal would give rise to planning harm in terms of impacts on the landscape and character of the edge to this part of Ashford and I do not consider that that these would be outweighed by the benefits of housing development taking into account the extent of the housing land supply shortfall.

## **Recommendation**

### **(B) Refuse**

on the following grounds:

(a) The proposal is contrary to policies SP1, SP2, SP6, HOU5, HOU6, IMP1, IMP4, COM1, COM2, COM3, ENV1, ENV3a and ENV8 of the Ashford Local Plan 2030, policies BAE NP1 & BAE NP3 of the Boughton Aluph and Eastwell Parishes Neighbourhood Plan 2021 and to central government guidance contained in the NPPF and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

(a) The location of development proposed lying outside the established settlement edge together with its scale would have a significant adverse urbanising impact on the open countryside, out of character with the adjoining rural settlement character. The development would therefore be unacceptably harmful to the visual amenity of the area.

(b) Insufficient information has been submitted to allow a full assessment of the implications of the proposed development upon the Stodmarsh water environment, a European Designated Nature Conservation Habitat. In the absence of this information the Local Planning Authority is unable to determine the impact of the development upon the water quality and its impact upon the Stodmarsh designated site's protected habitats and species, as required by the Conservation of Habitats and Species Regulations (2017 as amended). The proposal would therefore be harmful to matters of national and international ecological importance. The scheme would therefore be contrary to the provisions of Policy ENV1 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.

(c) The proposed scheme makes no provision for housing for self or custom builders and is therefore contrary to the provisions of Policy HOU6 of the Ashford Local Plan 2030 and the National Planning Policy Framework.

(d) The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:

- Affordable housing
- Primary school education
- Secondary school education
- Libraries
- Sports – outdoor pitches
- Sports – indoor
- Informal/natural space project
- Children's and young people's play project
- Allotments provision
- Strategic parks project
- Healthcare improvements
- Highways improvements
- Improvements to the public right of way network
- Voluntary sector
- Arts
- Community learning
- Youth services
- Social Care
- Self and custom build development
- Monitoring fee

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 was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

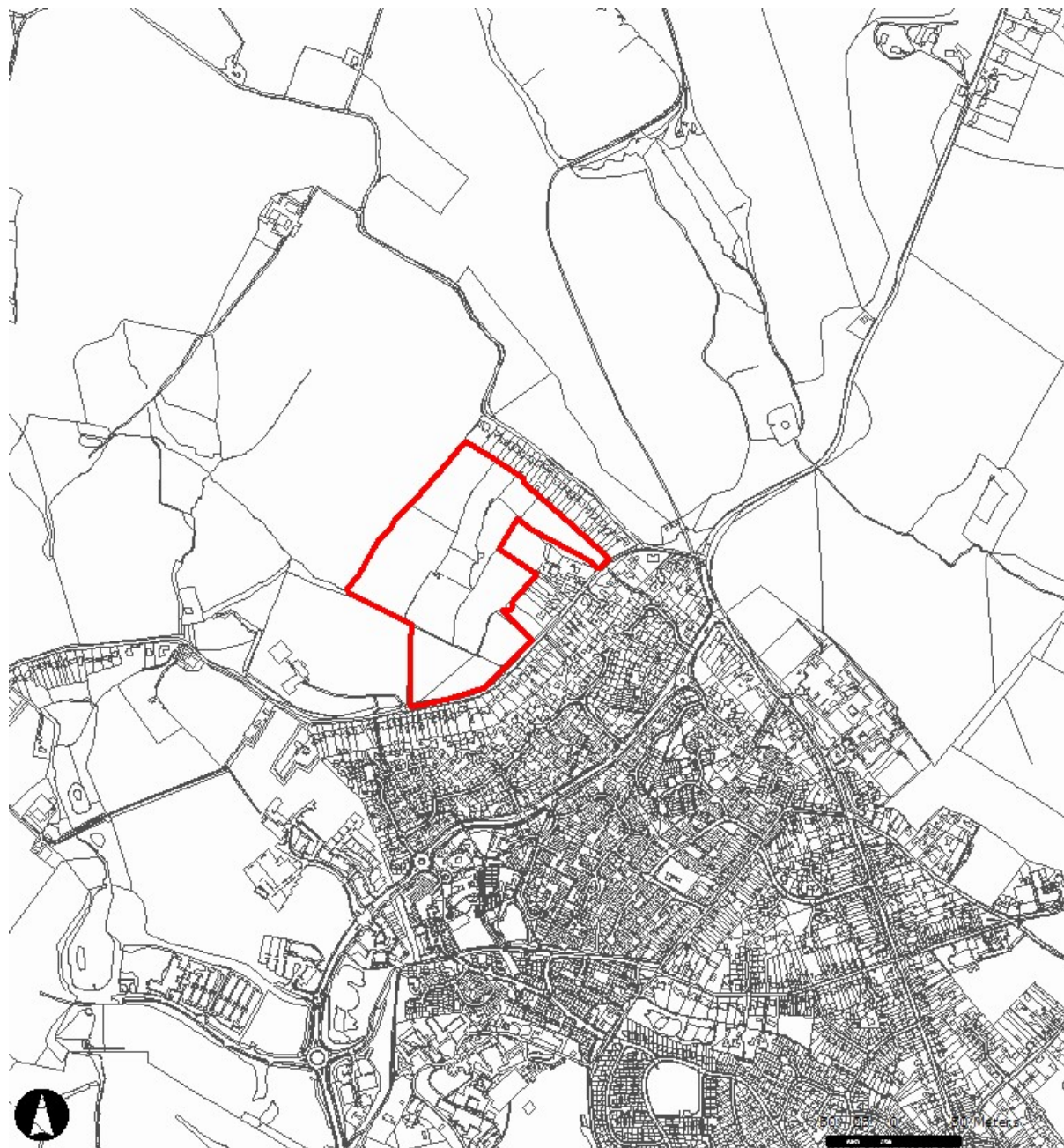
## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01613/AS)

**Contact Officer:** Alex Stafford  
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Annex 1



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<b>Application Number</b>	19/00483/AS
<b>Location</b>	Harvest House, Branch Road, Chilham, CT4 8DR
<b>Parish Council</b>	Chilham
<b>Ward</b>	Downs North west
<b>Application Description</b>	Full planning application for the erection of 10 2-storey dwellings with associated access, parking, private amenity space and landscaping and provision of 5 no. additional parking bays for use in association with existing surgery
<b>Applicant</b>	Caroline Jackson and Philippa Salmon
<b>Agent</b>	Lee Evans Planning
<b>Site Area</b>	0.8ha

First consultation

(a) 30/8R;2C;1S Chilham Parish Recreation Ground Trust R St. Marys C of E Primary School R	(b) PC R	(c) SW X EA + KCCH&T - KCC Bio - Kent Police - ABC street scene X
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Second consultation

(a) 30/8R	(b) PC R	(c) EA + KCCH&T X KCC Bio X KCC Infrastructure -
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Third consultation

(a) 30/30R	(b) PC R	(c) SW X EA + KCCH&T X KCC Bio X KCC F & WM X KCC Infrastructure – KD AONB Unit Kent Fire and Rescue X Refuse X
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## Introduction

1. This application was initially reported to the Planning Committee on 15<sup>th</sup> July 2020 because it involved the erection of more than 9 dwellings and therefore is classified as a major development that required determination by the Planning Committee under the scheme of delegation. The application was deferred by members for the following reasons:
  - **To relook at traffic management measures and the possibility of providing a footpath link from the site to Bagham Road;**
  - **Seek an alteration to the layout in order to provide roadside planting and screening;**
  - **Relook at density in respect of the amount of built development and the size of the units to create a more spacious layout with more generous gardens. The number of dwellings should remain at 10;**
  - **Relook at the design of the dwellings so that they are more in keeping with the immediate surroundings and appropriate for an edge of village location.**
2. The application was subsequently reported to the Planning Committee of 15<sup>th</sup> September 2021 to address the above reasons for deferral. Whilst members were satisfied that these reasons had in the main been addressed, the application was deferred again for the following reasons:
  - **Improve the design of the scheme;**
  - **Improve the Carbon neutrality of the buildings.**

## Site and Surroundings

3. The site is an allocated site in the Ashford Local Plan 2030 for residential development. Policy S56 – Chiffham, Branch Road - gives an indicative capacity of 10 residential units.

4. Please refer to 15<sup>th</sup> July 2020 committee report and 15<sup>th</sup> September 2021 committee report both of which are appended to this report as Annex 1 and Annex 2 respectively.

## **Proposal**

5. Please refer to 15<sup>th</sup> July 2020 committee report which is appended to this report as annex 1 and to 15<sup>th</sup> September 2021 committee report which is appended to this report as annex 2.
6. The proposal is for a 10 unit housing scheme but it has been amended in order to seek to address the reasons for deferral made by Members of the Committee of 15<sup>th</sup> September. As per the scheme originally submitted, it continues to provide 4 units of affordable housing (as required under Policy HOU1) and an ecological area of a similar area in the south west corner of the site as mitigation. Five additional parking bays for use by the surgery continue to be provided. The additional supporting information / justification is set out below:

### **Improve the design of the scheme – Reason 1 for deferral**

7. To address members' concerns about the design of the scheme, the applicants have provided greater detail regarding the application of materials and made some material substitutions to alter the colour palette so that it provides softer 'more local' colouring. The 'grey' elements of the proposed dwellings have been removed: tiles are now red/orange and doors/windows are a traditional white. These changes are proposed across unit types to ensure a consistent approach.
8. With respect to the cottage terrace of four (affordable housing), additional drawings are provided to show the dentil course (beneath the eaves), band course (protruding brickwork band between ground and first floor) and special brickwork under window cills (cant brickwork) and above windows (headers), which are positioned within the facing brickwork. It is maintained that these details will add richness to the dwellings – see Figures 1 and 2 below.
9. Figure 3 below shows the new colour pallet for the 'barn like' building form where the grey hanging tile has been replaced with a red/orange hanging tile and the grey framed windows with a composite Aluminium/timber window /door in white. There are also areas cement board panelling, previously grey, where a lighter colour is intended.
10. Figure 4 below highlights design details in the 'cottage' form, comprising dentil course brickwork; protruding band, and cant brickwork/headers to windows. These details 'follow through' to all elevations of the dwelling.



**Figure 1: Terrace of four**

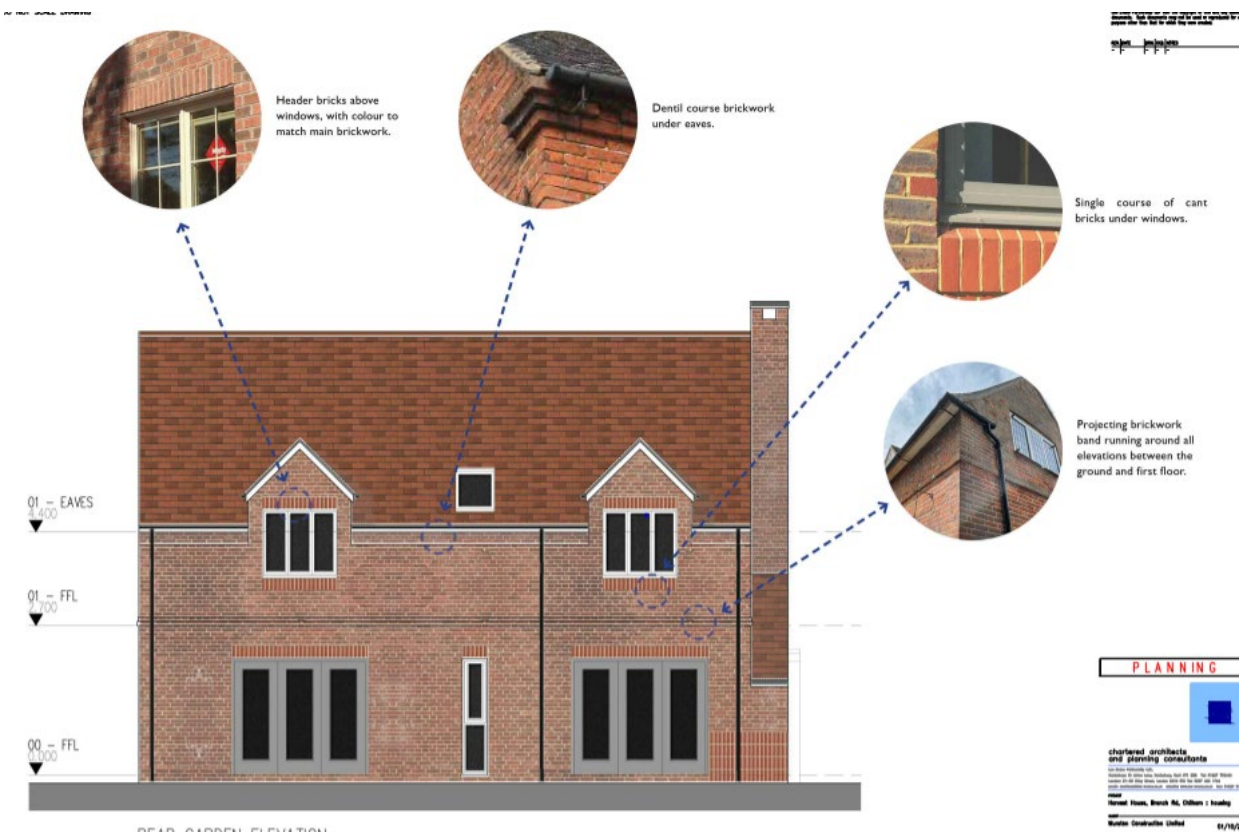


**Figure 2: Terrace of four showing dentil course to eaves; projecting band course and cant brickwork under windows and leaders above windows.**





**Figure 3: Barn like building form to show softer more local colouring: Blend of red/orange stock facing bricks and plain clay vertical hanging tiles. Powder coated white composite aluminium /timber windows.**



**Figure 4: Cottage building form showing header and cant brickworks to windows; dentil course under eaves and projecting band brickwork**

**Improve the Carbon neutrality of dwellings - Reason 2 for deferral**

11. The applicants have set out in a paper their approach to Zero Carbon which is summarised below. This includes the provision of the 'added' technologies that members were looking to see incorporated, in this case, in the form of air source heat pumps to units 5, 6, 7 and 10. PVCs and solar panels are not considered appropriate on this site due to its location within the village conservation area and Area of Outstanding Natural Beauty.

Ethos and Approach

1. Harvest House will be retained rather than demolished thereby preserving the embodied energy of an existing building.
2. The doctor's surgery has been retained – far fewer car journeys for village residents and preserves the embodied energy within that building;
3. A new footpath has been added at the goodwill of the developer – this will reduce car use within the village;
4. Trees and hedgerows will be retained where possible;
5. Ecological quality will be preserved and enhanced, including additional planting to southern boundary and the provision of gardens which exceed the minimum standard;
6. Air source heat pumps included as the primary heating source for plots 5, 6, 7 and 10 – these larger properties work better for this system as it requires additional space, Plots 8 and 9 are being evaluated;
7. Triple glazing to all windows;
8. Insulating qualities of building fabric designed above and beyond those required by the Building Regulations. Fabric first energy saving will reduce required heating;
9. Selection of timber frame as this construction method emits less carbon;
10. LED low energy bulbs and technology will be included within the home;
11. Water butts to private dwellings;
12. Cost neutral and zero embodied energy principles have been applied before additional technology. This includes:
  - a. Orientation of homes to maximise natural light and ventilation;
  - b. Increased window sizes for daylighting to reduce the need for artificial light;
  - c. Double height spaces to larger dwellings to naturally ventilate south facing spaces to prevent overheating;
  - d. Shading of the southern elevation of the main house to prevent overheating;
  - e. Minimal embodied energy in materials (limited use of concrete and cement based products);
  - f. Sourcing of bricks from local suppliers rather than Europe or further afield in the UK;
13. Additional visible 'green washing' avoided, such as PVs as not considered appropriate in this sensitive location;
14. Permeable paving and gravel included;
15. Cycle storage included to reduce car use;
16. Electric car charging points.



## Consultations

12. Please refer to the 15<sup>th</sup> July 2020 and 15<sup>th</sup> September committee reports appended to this report.

## Planning Policy

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

### **Ashford Borough Local Plan 2000**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

S56 – Chilham, Branch Road

HOU1 – Affordable Housing

HOU5 – Residential Windfall Development in the Countryside

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

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

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

ENV14 – Conservation areas

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

IMP4 – Governance of public community space and facilities

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

### **Village Design Statements**

Chilham Village Design Statement

### **Other Guidance**

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

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

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

Kent Downs AONB Management Plan 2015 – 2019

### **Government Advice**

National Planning Policy Framework (NPPF) 2018

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

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG) / Ministerial Statement on First Time Homes

18. In accordance with the NPPG and Ministerial Statement of 24<sup>th</sup> May 2021, the first 25% of affordable housing could be for first time homes, followed by social rented (as per Policy HOU1) and the remainder to be split in line with affordable housing provision as set out in Policy HOU1. Local plans and Neighbourhood Plans that have been adopted or have reached an advanced stage will not at this stage be subject to the First Homes Requirement (Transitional Stage). The Ashford Local Plan was adopted in February 2019 and therefore meets this requirement.

Technical housing standards – nationally described space standard

## Assessment

19. This development for 10 residential units is on an allocated local plan site. As such, the principle of development has already been established and the majority of other material planning considerations have been assessed at the Planning Committees of 31<sup>st</sup> July 2020 and 15<sup>th</sup> September 2021 (see appended reports). The issues for consideration here are those that resulted in the deferral of the application at the committee of 15<sup>th</sup> September 2021 and these are analysed below.

Improve the design of the scheme

20. Policy SP6 promotes high quality design.
21. Since this proposal was considered by members at the 15<sup>th</sup> September 2021 planning committee, the applicants have provided greater detail regarding the application of materials as well as made some material substitutions to alter the colour palette so that it provides softer, more local colouring.
22. There is extensive use of facing brickwork in some of the house types in this development, due to the deliberate decision to avoid boarding on these units or render. This is especially the case with the ‘terraced cottage’ house type and ‘cottage’ house type. Whilst such units could lack richness that is not the case in this instance as the elevations benefit from brick detailing: brickwork dentils beneath the eaves; protruding bands across elevations and cant brick work and headers to windows. These details are applied to all elevations, not

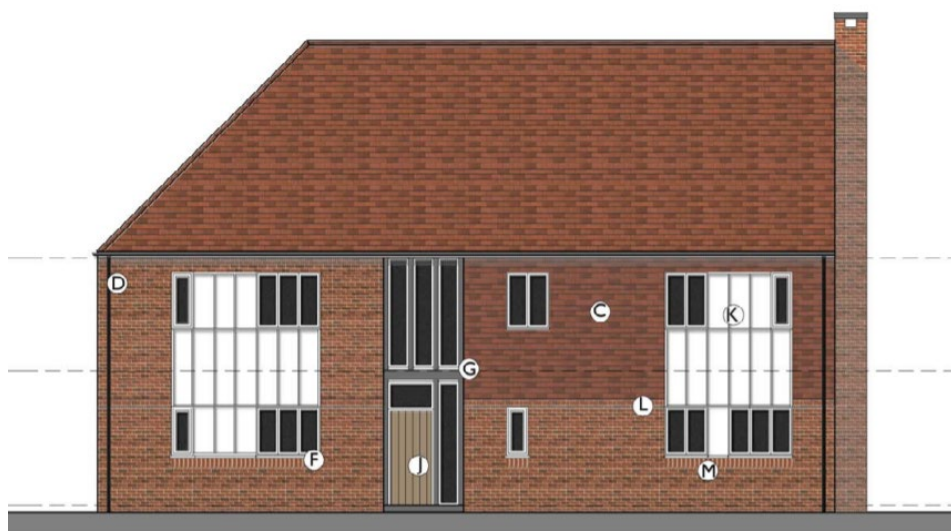
just the frontages to ensure a quality finish to the units. These design details can be secured through a planning condition and provide richness of detail.

23. At the last planning committee, members raised concerns about the use of grey coloured design elements (windows; tile hanging) and how this did not respect the local colour pallet. To address this concern, the grey tile hanging has been replaced by tiles that are red/orange in colour and the grey doors/windows are now in a traditional white. The 'before' and 'after' images below demonstrate this change.



SOUTH EAST ELEVATION  
PLOT 5

BEFORE



SOUTH EAST ELEVATION  
PLOT 5

AFTER

**Figure 5:** Demonstrating new colour pallet to make dwellings more respectful of context.

24. This change to the colour of the materials palette is reflected across units.  
See also figure 6 below.



BEFORE



AFTER

**Figure 6:** Showing how colours have changed to provide a softer look.

25. I consider that the proposed amendments address Members' concerns about the design of the units by demonstrating the richness of the elevations and providing a softer and more contextual materials palette.

Improve the Carbon neutrality of the buildings

26. The scheme that was considered by members on 15<sup>th</sup> September 2021 did not incorporate any low or zero carbon technologies. It relied primarily on the fabric first approach (which is the starting point) and electric vehicle charging points.
27. It was reported at this committee that:
28. *"The ALP2030 notes the demise of Eco-Homes and Code for Sustainable Homes and the updated Building Regulations effectively superseding these initiatives aimed at securing more sustainable methods of design and construction. The Council's adopted position is to rely on the Building*

*Regulations to reduce energy emissions. Whilst it is open to debate whether the minima set out in the Regulations are stringent enough given the aspirations for the UK to achieve Net Zero by 2050 there is no development plan policy basis to object to the proposal.”*

29. Whilst the developer is not required to provide low or zero carbon technologies by virtue of the Development Plan, it is now proposed that a number of units (the larger units) will have air source heat pumps.
30. The Ethos and Approach paper provided by the applicants sets out the wider context for the addition of these technologies: The aim should be to reduce energy needs through the orientation and design of buildings together with the fabric first approach to make the dwellings as air tight as possible – note triple glazing. The use of PVs on this build is not considered the right approach in this sensitive location where they would be visible on approaching the village from the south. The applicant also makes the case that it is better environmentally to purchase electricity from a sustainable supplier with a large bank of existing PVs than it is to commit to additional embodied energy to purchase PVs for an individual home.
31. I conclude that the applicants have responded to this reason for deferral. They have gone well above what is required by the current building regulations to provide dwellings with greater energy efficiency, and which incorporate low/zero carbon technologies through the use of air source heat pumps etc.

### **Highway and Refuse Issues**

32. The proposed changes will not impact on the layout. There are no new issues arising from the amendments in respect of highways or refuse collection.

### **Habitat Regulations**

33. Since the application was first considered by Members at the planning committee of 15<sup>th</sup> July 2020, 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 and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve ‘nutrient neutrality’ as explained in NE’s advice, in order for the Council to lawfully grant planning permission
35. Under the Council’s Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under

the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.

36. As matters stand, an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
37. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
38. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and the approach to be taken to s.106 obligations), any resolution to grant planning permission would need to be subject to the adoption by the Head of Planning and Development, having consulted NE, of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that assessment. This approach is included as part of my Recommendation further below in this report.

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

39. There are no changes to the housing mix or tenure as a result of the amendments now under consideration.

### **Housing Land Supply**

40. The Council can currently demonstrate a 4.8 year supply of housing land. 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 the Framework taken as a whole."*
41. I have weighed the scale of the Borough's housing supply deficit in the balance and in my view, as the development would not result in any demonstrable harm it adds extra weight in favour of this development by making an acceptable contribution to the supply of housing in the Borough.



## Planning Obligations

42. 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
43. A contribution is required for enhancement or maintenance of public open space and equipped play at the Village recreation ground in accordance with Policy S56 (g).
44. As a development of 10 units, there is a requirement for the proposal to provide affordable housing in accordance with the recent Ministerial Statement on First Time Homes and Policy HOU1 (see section above). There is also a request in relation to the governance of the ecological area, under policy IMP4.
45. The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Contributions are requested in respect of secondary schools, community learning, libraries, youth and adult social services. There is currently no primary school requirement.
46. Since the final quarter of 2020, the position in respect of Stodmarsh lakes is such that a number of development sites in the Stour catchment area will be reliant on an off-site mitigation strategy being put in place and delivered in order to be able to proceed without giving rise to harm to that sensitive habitat. The application subject of this report falls into that category. The extent of that financial contribution relative to the development applied for is an unknown factor at present but, clearly, the ABC s.106 mitigation sub-total could increase from the figure quoted in the previous paragraph.
47. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

## Heads of Terms for Section 106 Agreement/Undertaking

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Page 112	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: Enhancement/maintenance of public open space and equipped play at the Village recreation ground.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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 S56, SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than <b>40%</b> of the units as affordable housing, comprising 10% affordable rent units and 30%</p>	<p>1 affordable rent unit</p>	<p>Affordable units to be constructed and transferred to a registered provider</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p>

	<p>shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>3 shared ownership units</p>	<p>upon occupation of 75% of the open market dwellings.</p>	<p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
	<p><b><u>Governance of public or community space and facilities onsite</u></b></p> <ul style="list-style-type: none"> <li>• Ecological area</li> </ul> <p>Scheme for ongoing management to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the space and that the entity is accountable to the owners for the</p>	<p>N/A</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Scheme to be implemented for each dwelling before its occupation.</p> <p>Areas to be transferred to approved management entity</p>	<p><b>Necessary</b> as onsite public or community space is needed to meet site-specific requirements generated from the development and needs to be effectively and sustainably managed pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use this space and the space to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking into account the number of users and is based on good practice stewardship arrangements.</p>

	management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.		and funding/endowment secured, before occupation of more than 50% of the dwellings.	
	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	Provide on-site 20% of all units.	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p>	<p><b>Necessary</b> as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably</b> related in scale and kind as based on a proportion of the total number of housing units to be provided</p>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional resources and bookstock for the mobile library service attending Chilham for the new net borrowers generated by this</p>	£55.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

	development		and balance on occupation of 50% of the dwellings	<p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><b><u>Community Learning</u></b></p> <p>Project: Additional resources and equipment for additional learners form development at Ashford Adult Education Centre</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Secondary Schools</u></b></p> <p>Project: Towards Norton Knatchbull expansion</p>	£4540.00 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50%	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. .</p>

			of the dwellings	<p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources for the Ashford Youth Service</p>	£65.50 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly</p>

	<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards Extra care Accommodation Ashford</p>	<p>£146.88 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> 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><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Long-term availability of parking facilities and surrounding land for use of Chilham Surgery</u></b></p> <p>Scheme to secure that the parking facilities and surrounding land are completed, inspected and made available for the exclusive use of Chilham Surgery and its doctors, staff, patients and visitors. Scheme to include details of long-term management and maintenance responsibilities, and tenure to be offered to the Surgery (as</p>	<p>N/A</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Approved scheme to be implemented before occupation</p>	<p><b>Necessary</b> as the parking spaces are needed to meet a site-specific policy requirement and need to be effectively secured for the long term use of the Surgery, pursuant to Local Plan 2030 policies SP1, S56, TRA3(a) and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as the spaces are to be provided by the development of this allocated site.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking</p>

	appropriate).		of more than 25% of the dwellings.	into account the site allocation policy and good practice.
	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£500 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				



## Human Rights Issues

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

## Working with the applicant

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

## Conclusion

50. The site lies within the AONB and Chilham Conservation Area and comprises land allocated for residential development under policy S56 of the Local Plan 2030. The stated allocation evidences the fact that subject to meeting the criteria identified in policy S56, the Council considers the principle of residential development on this site to be acceptable and also sustainable.
51. The site, being an allocated site, will make an important contribution to the Council boosting the supply of housing which is a requirement of the NPPF and achieving a 5 year housing land supply.
52. The application site is located immediately adjacent to an established rural settlement and within easy walking distance of the centre of the village where there are a range of local services and facilities including a shop/post office, village hall, public houses, primary school, village hall and recreation ground/open space including a children’s play area. There are bus stops located within walking distance of the site.
53. The proposals would result in a visual change from a rear garden to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and softened by the existing and enhanced landscaping. As such the wider landscape impacts are not considered to be significant. The development has been assessed as preserving the setting of the listed buildings and not being harmful to the character and appearance of the conservation area. The housing designs, the layout and building materials combine to create a distinctly rural and varied edge of settlement development. The amendments that are being considered under this report demonstrate the richness of the detailing and provide a considered material palette with softer

colouring to the materials to respect the local context. Furthermore, it has been demonstrated that the dwellings are energy efficient in their design, incorporating low/zero carbon technologies in the form of air source heat pumps. Overall, it is considered that the proposals will represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB; would preserve the setting of the listed buildings and would not be unacceptably harmful to the character and appearance of the conservation area.

54. There would be no demonstrable adverse impacts on the residential amenity of neighbouring or future occupiers.
55. Subject to conditions, the development can be accommodated without any adverse impact upon matters of ecological importance.
56. In terms of flooding and drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
57. The application has been subject to consultation with Kent Highways and Transportation who have stated that the development does not cause concern with regard to capacity or highway safety on the surrounding network and that the accesses onto Branch Road are sufficient in size and have adequate visibility. The proposal is also acceptable in terms of its parking arrangements.
58. It is proposed that the development will provide a housing mix of 2, 3, 4 & 5 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan. The proposal would lead to additional housing supply in the borough at a time when a five year supply of housing land cannot be demonstrated, which lends more weight in favour of the development.
59. The proposed development would provide 40% affordable housing (4 units) comprising one First Time Buyer, 1 affordable rent and 2 affordable home ownership products to comply with the Ministerial Statement and policy HOU1 of the Local Plan 2030. In accordance with policy S56 of the Local Plan 2030, the development shall provide a contribution towards the enhancement or maintenance of public open space and equipped play at the village recreation ground. Together with the affordable housing, these can be secured by a S106 agreement along with the other contributions as requested by KCC.
60. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. Therefore, the recommendation to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary additional obligation(s) and/or planning conditions deemed necessary to achieve that end.

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

## **Recommendation**

### **Permit**

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

**(B) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in her view, having consulted the and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation;**

**(C) Resolve to 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. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details (dentils; protruding bands, cant brickwork and headers, window reveals, sections through eaves, entrance porches/canopies etc).
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Air Source heat pumps.
7. Landscaping scheme to include proposed new tree planting to southern site boundary with open countryside.
8. Planting plans required to accompany the landscaping scheme.

9. Retention of existing hedgerows.
10. Tree protection measures.
11. Tree protection for new trees.
12. Details of boundary treatments.
13. Landscape management plan.
14. Removal of permitted development rights – extensions, alterations and boundary treatments.
15. Occupation as a single dwelling house only.
16. Reptile mitigation implementation / reptile mitigation and management report
17. Bat Sensitive Lighting Design / No additional External Lighting
18. Ecological enhancements.
19. Construction Management Plan/Hours of working.
20. Completion and maintenance of access.
21. Provision and maintenance of visibility splays.
22. Provision of footpath to Branch Road and traffic calming.
23. Use of bound surface for first 5m.
24. Provision of measures to prevent discharge of surface water onto public highway.
25. Provision and retention of parking and turning.
26. Provision and retention of parking spaces/garaging.
27. Provision and Retention of Bicycle Storage.
28. Electrical charging points.
29. Provision of parking bays for surgery and their permanent retention.
30. Detailed drawings of traffic calming features in accordance with plan 08696 – A-L-(00)-X-0104 G
31. Sustainable surface water drainage scheme.
32. Verification report.
33. Details of the sewage treatment system.
34. Provision and retention of refuse collection facilities.
35. FTTP
36. Unexpected contamination.
37. Enforcement condition.

1. S106
2. Refuse collection indemnity

### **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/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00483/AS)

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Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15<sup>th</sup> July 2020

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<b>Application Number</b>	19/00483/AS		
<b>Location</b>	Harvest House, Branch Road, Chilham, CT4 8DR		
<b>Parish Council</b>	Chilham		
<b>Ward</b>	Downs North west		
<b>Application Description</b>	Full planning application for the erection of 10 2-storey dwellings with associated access, parking, private amenity space and landscaping and provision of 5 no. additional parking bays for use in association with existing surgery		
<b>Applicant</b>	Caroline Jackson and Philippa Salmon		
<b>Agent</b>	Lee Evans Planning		
<b>Site Area</b>	0.8ha		
First consultation			
(a) 30/8R;2C;1S Chilham Parish Recreation Ground Trust R St. Marys C of E Primary School R	(b) PC R	(c)	SW X EA + KCCH&T - KCC Bio - Kent Police - ABC street scene X
Second consultation			
(a) 30/8R	(b) PC R	(c)	EA + KCCH&T X KCC Bio X KCC Infrastructure -

## Introduction

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

## Site and Surroundings

2. The site is an allocated housing site at the southern edge of the village. It forms the greater part of the garden area of Harvest House, a substantial property, with access off Branch Road. The site is broadly rectangular in shape and laid to lawn. The boundaries are well planted with trees, although there are some gaps in the vegetation along the southern boundary. There are a string of trees in the south west corner of the site and a clump of trees to the west of Harvest House, There is also an apple tree (category B) within the centre of the lawn. The site slopes gently downwards towards the open countryside to the south.
3. Immediately to the north of the site is a small village surgery which shares the same vehicular access off Branch Road as Harvest House. Beyond the surgery to the north and north-west is existing residential development, including the semi-detached properties to the north-west, known as Hatfield House and Hatfield Lodge, which are Grade II listed. These properties front onto Hambrook Lane and back onto the application site. The area to the north east, known as Arden Grange, is a small C20th housing estate with mature landscaping.
4. To the west of the site are the large residential gardens of properties fronting Hambrook Lane and to the east are playing fields/ recreation ground. Open countryside is to the south.
5. The site is located within the Chilham Conservation Area. The village of Chilham and surrounding area are within the North Downs Area of Outstanding Beauty.
6. A location plan is shown in figure 1a and b below.



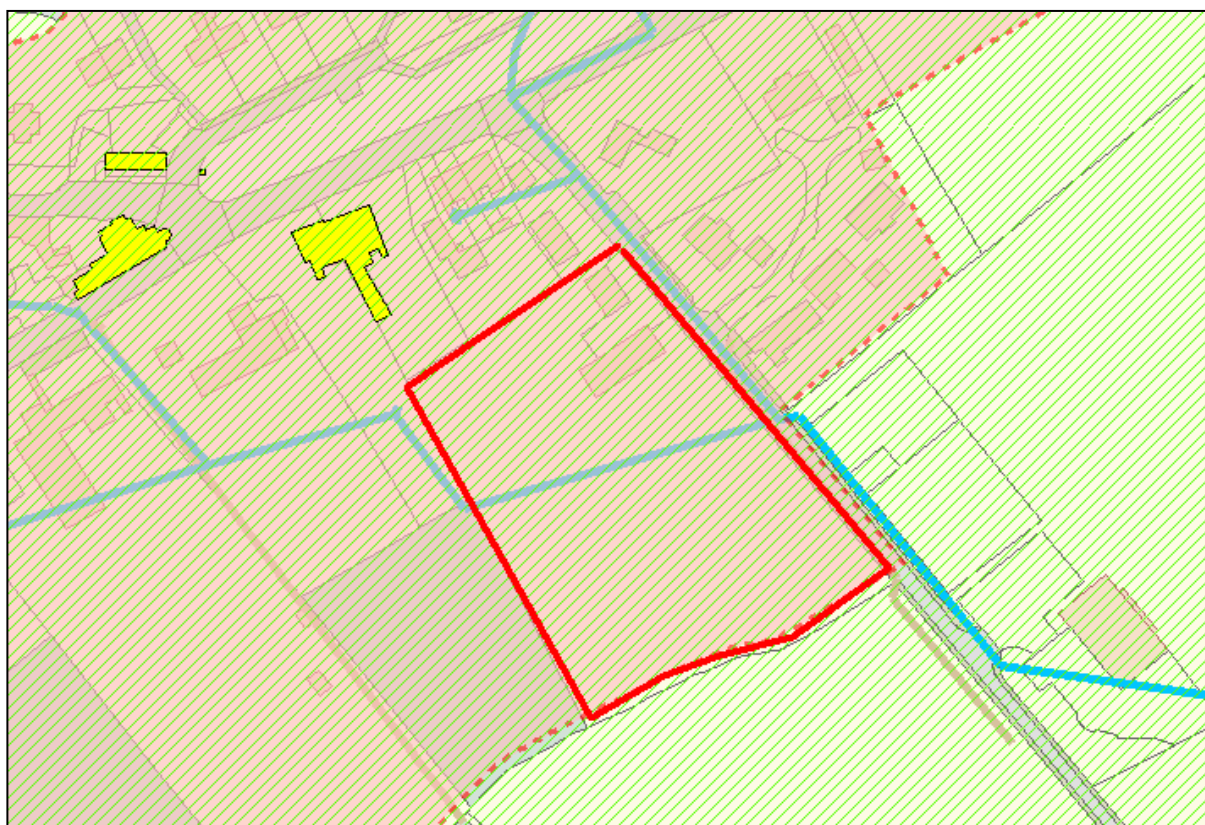
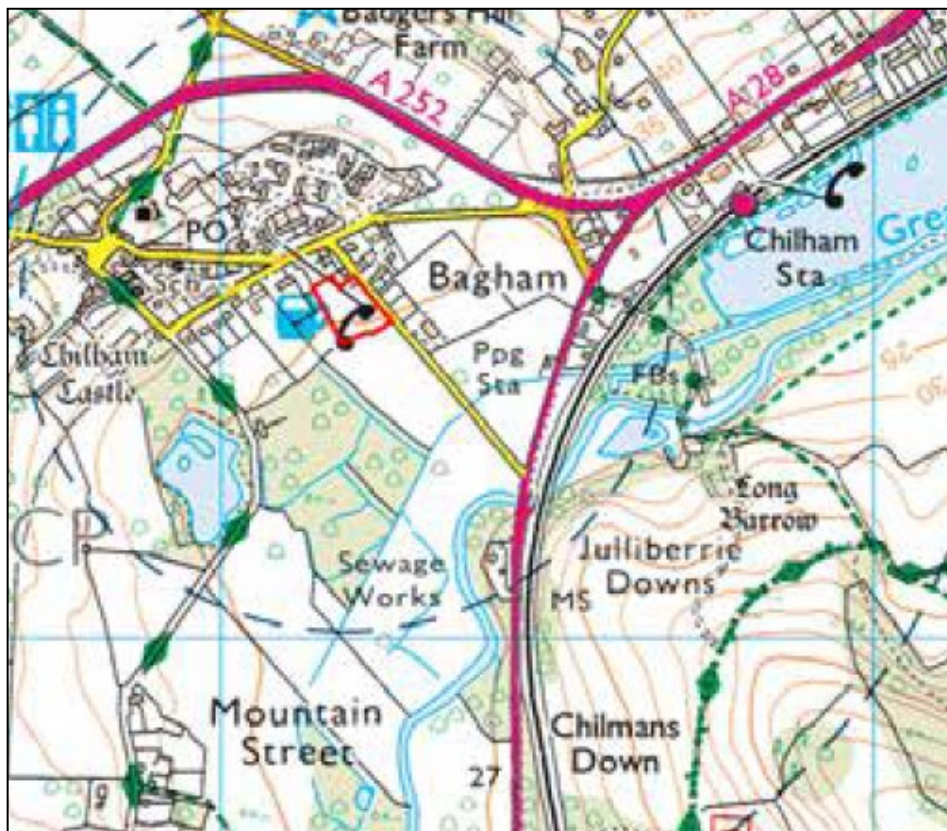
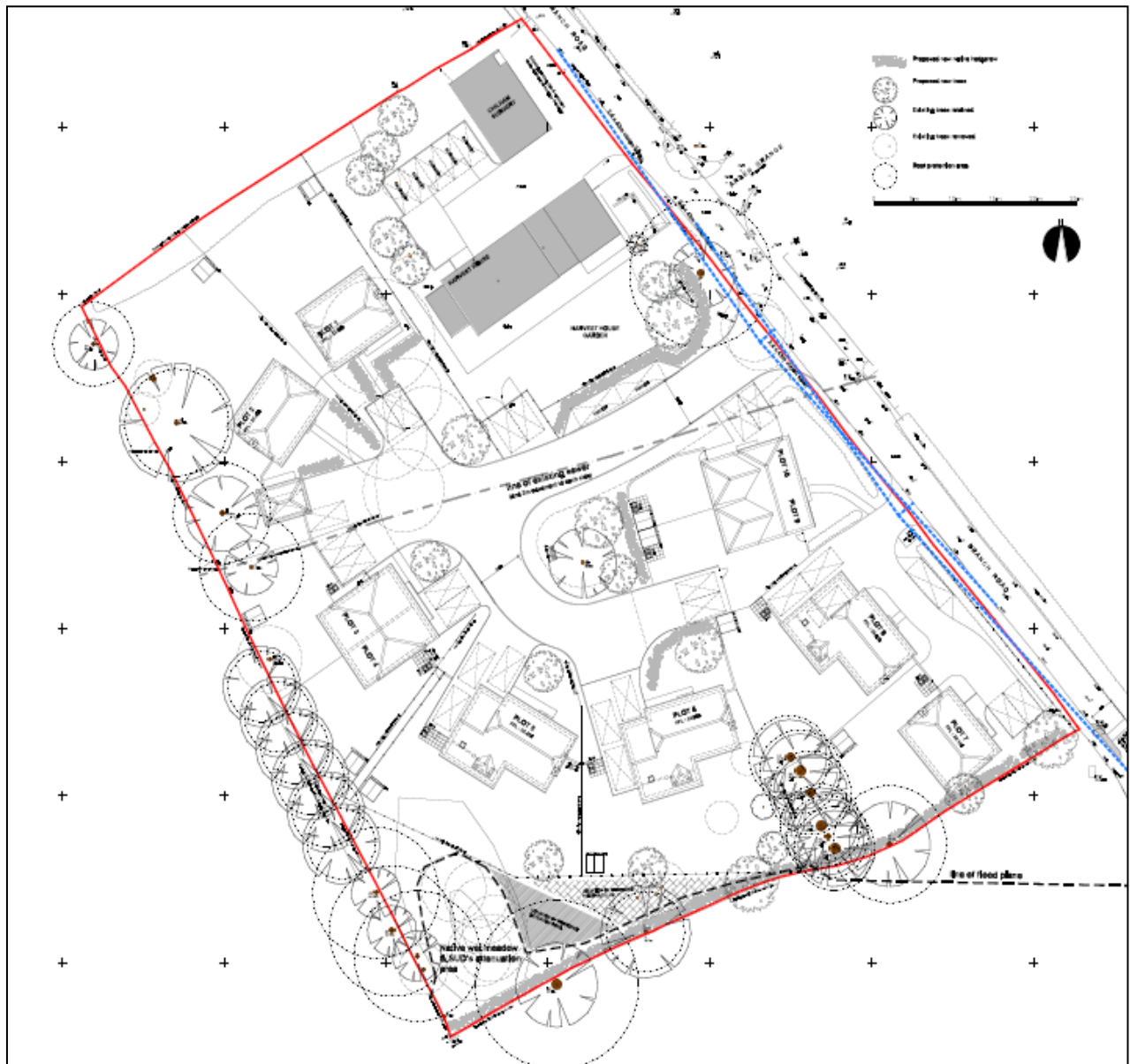


Figure 1a and b: Site location plans

## Proposal

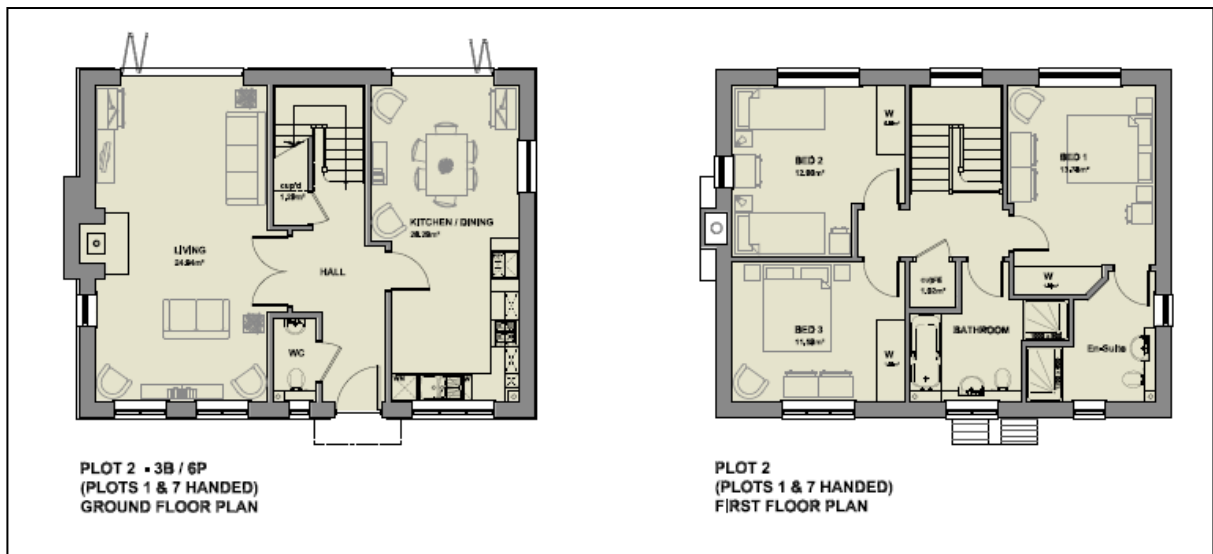
7. This proposal is for 10 residential units comprising 6 detached and 4 semi-detached in the garden of Harvest House. Eight of the units would be arranged around a short cul-de-sac off Branch Road with two detached properties directly fronting Branch Road. It also provides for 5 additional car parking spaces for use by the surgery.
8. The original plans showed a development of 11 units with a unit very close to Harvest House and the 4 semi-detached units positioned together in the northern corner of the site. Officers considered this layout to be too intensive. The plans were subsequently amended to delete the unit close to Harvest House and to intersperse the semi-detached units across the site; with one semi-detached unit within the cul-de-sac and one at the entrance into the development.
9. The layout has been configured around a mains sewer that runs east to west across the site and requires a 3m easement to either side within which there should be no built development or tree planting.
10. Most of the trees would be retained by the development, but there would be some removal of trees at the access and in the north-west corner of the site. The tree group within the south west corner of the site would be retained. The proposals include new planting, especially to the southern boundary where there are currently gaps within the tree line and within the central open space, where the apple tree (which has potential for roosting bats) would also be retained. This space includes a bench for people to meet.
11. A small ecology area (the reptile translocation area and SUDs) would be provided within the south west corner of the site. This can be accessed, for maintenance purposes only, via a path which extends between units 4 and 5.
12. The layout also facilitates vehicular access to the rear of Harvest House, where replacement parking is proposed for this property.
13. The layout is shown in figure 2, which also shows the alignment of the mains sewer.



**Figure 2: Proposed layout plan**

14. The properties would provide a mix of 2, 3 and 4-bed accommodation as follows: 1 x 2-bed; 6 x 3-bed and 3 x 4-bed. The two bed unit and three of the three bed units are semi-detached and would be provided as affordable housing.
15. The dwellings would have a two storey, traditional design with clay plain tile roofs and a mix of brick/plain clay hanging tiles to the walls. The windows would be white painted timber. The detached units would have real working chimneys. Typical plans and elevations are shown in figures 3, 4 and 5.





**Figure 3: 3-bed unit**



Figure 4: Corner turning 3-bed semi-detached units



Figure 5: 4-bed unit

16. In support of the application the following have been submitted and summarised below.

### **Arboricultural Survey and Constraints**

The report surveys 28 site trees mostly around the boundaries of the site and makes recommendations. These are made up of 1 'A' category tree; 1 'A/B' category tree; 10 'B' category trees and 16 'C' category trees. The layout plan shows that as most trees are to boundaries they would be retained. It shows the removal of a pair of category C trees at the access and the removal of a small group of three trees to the west of Harvest House, comprising a category B Cherry; Category A Birch and Category B Maple.

### **Planning, Design and Access Statement**

Overall, this report concludes that the proposed development is policy compliant and that it would have an acceptable landscape impact. It identifies mitigation to offset the visual effects of the development, including traditional building styles and materials and landscape enhancements. It concludes that the proposal would provide a high quality of design and layout.

### **Landscape and Visual Impact Assessment**

The report identifies anticipated effects on visual amenity and recommends mitigation. It acknowledges that the proposal would be evident from viewpoints in the Kent Downs AONB and also from within Chilham Conservation Area and that the site is located near to Grade II listed buildings.

- The elevated viewpoints in Herons Close provide some views into the site in the context of a listed building (Hatfield House). These views are only likely to be gained by a small number of pedestrians using the footpath, with a similar effect possibly experienced by residents in Herons Close during the dormant season of large trees lining the footpath.
- Parts of the roofs of about two proposed dwellings are likely to be seen in views from Bagham Road.
- There are views of the proposal from Branch Road approaching the site. The landscape proposal includes native planting along the southern site boundary.
- Views from Ashford Road are limited, and the significance of effect on these views assessed as minor.
- Long distance views from the direction of Julliberrie's Grave, Long Barrow and the Stour Valley Walk would not be adversely effected.

The primary mitigation recommended in the report to offset visual effects includes the use of traditional building styles and materials for proposed dwellings, and landscape enhancements in and around the landscape curtilage.

### **Preliminary Ecological Appraisal**

The report identifies the need for further survey work for reptiles, badgers and bats. It also identifies ecological enhancements.

### Great Crested Newts

Due to the paucity of ponds in the general area and distance to nearest pond, it is judged unlikely that GCN would be present on site.

### Reptiles

The likelihood of viviparous lizard and slow worm is considered to be high; grass snake and adder possible within the areas of nettles.

### Birds

There is high potential to support breeding birds within the trees and hedges.

### Hazel Dormouse

No potential.

### Badger

Whilst there is no evidence, it is considered that a survey is required.

### Bats

One fruit tree within the centre of the site is considered moderately suitable for roosting bats due to a cavity within the tree. An Oak on the southern boundary is also considered suitable for roosting bats.

### **Reptile Survey and Mitigation Strategy**

The survey recorded slow worm and common lizard restricted to the edges of the site where the vegetation does not get mown. Due to the loss of some reptile habitat an area has been set aside in the south east corner of the site. This would be enhanced and suitable management put in place as mitigation. It is proposed that a translocation exercise takes place prior to any ground works commencing.

### **Badger Survey**

The report confirms there is no evidence of badger.

### **Flood Risk Assessment**

The report concludes that the development will not increase the risk of flooding at the site or elsewhere. It identifies a number of mitigation measures that will need to be incorporated into the design if it is to meet the requirements of the NPPF.

### **Heritage Impact Statement**

This document concludes that whilst new houses will have some impacts on the setting of the village, this is mitigated by the choices of materials, forms and



proposed landscaping. The location of the housing is surrounded by relatively modern buildings such as at Arden Grove and the Village Hall, this also mitigates the impact of the new development on the village's significance.

## Consultations

**Ward Members:** No comments have been received.

### **First Consultation (11 unit scheme; 4 surgery parking spaces)**

**Parish Council:** No objection in principle but raises the following objections:

- The quality of the scheme falls below what council would expect and it would like to work with the developer to address this matter and the other concerns it has regarding the proposed development.
- Not enough has been proposed to address highway safety issues concerning access to and from the site with Branch Road.
- Not enough has been proposed to ensure safe passage of children and pedestrians using Branch Road in the vicinity of the site.
- The design articulated in the Design Statement is not in character with this part of the village of Chilham and the conservation area in which it is sited.
- The density of housing is excessive.
- The possibility of using s106 monies to address highway and pedestrian safety issues on Branch Road which would be materially impacted by this development should be considered.

**Environment Agency:** No comment.

**UK Power Networks Electricity:** Provides details of the electricity supply in the vicinity of the site.

**Southern Water:** Provides details of the public sewer running across the site and advice in terms of its easement.

**KCC Ecology:** The submitted ecological report has confirmed the presence of common lizards and slow worms and highlighted that there is potential for breeding birds and roosting bats to be present. They advise that additional ecological information is required prior to the determination of the planning application.

**KCC Flood and Water Management:** No objection subject to a condition.

**KCC Highways and Transportation:** Additional information required.

KCC Highways are satisfied with the proposal as it relates to refuse tracking; bicycle storage and visibility at the main access. Based on the findings of a traffic survey that the applicants had carried out at its request, they are also satisfied with the proposal to provide 4 extra car parking spaces for the surgery. However, the applicant is required to demonstrate that the necessary site lines can be achieved for those plots with separate access from Branch Road. It also requests full details to be submitted in respect of traffic calming in Branch Road. Additional parking is required for some units to make them policy compliant.

**Kent Police:** Makes the following comments:

- Parking needs better surveillance opportunity from ground floor “active” windows.
  
- Visitor parking needs to be signposted and managed to ensure that it is not used solely by the nearest dwelling, especially if it is closer to their front door and in has better surveillance than the “on plot” parking spaces.
  
- Hedgerows can be strengthened with native prickly species to help with perimeter security.
  
- The gates to the rear garden areas should be 1.8m min to match the fencing and lockable from both sides.
  
- Door sets to meet PAS 24: 2016 certified standards.
  
- Windows to ground floor and any vulnerable i.e. above flat roofs to meet PAS 24: 2016 certified standards.
  
- The more natural surveillance achieved in the plan, the better.

**ABC Refuse:** Comment as follows:

The tracking needs revising for an 11.4m refuse vehicle and the visibility splays at the entrance need to reflect the size of the vehicle and the swing needed off the narrow access road.

**(Officer comment:** This has been done and the plans amended).

The developer needs to be aware of the requirement to pay for provision of new services (full sets of wheeled bins) to these premises when completed. Roadway within the development will need to be adopted or if it is to remain private, then an indemnity must be signed off prior to commencement of any waste collection.

**Chilham Parish Recreational Ground Trust:** has long raised concerns about the dangers of the traffic on Branch Road and the speed limits. Many parents with children as well as two local schools use the Recreation Ground and Sports Hall on a regular basis. This is an ideal opportunity as part of this proposed development to include a footpath along Branch Road to the entrance to the Recreation Ground. As

a further safety measure perhaps now is the time to make the A28 end of Branch Road one way to reduce traffic.

**St Mary's CE Primary School:** The head teacher has highlighted that children regularly walk down Branch Road to the Recreation Ground where PE lessons and after-school sports clubs take place. The annual sports day and various other sporting competitions and events are also held there throughout the year. This involves large numbers of young children having to walk along Branch Road which can be a very hazardous walk as it is a narrow lane with no pavement or adequate speed restrictions. The head teacher would like to see a maximum speed limit of 20mph and the addition of a paved pathway.

**GP Practise and Patient Participatory Group:** Insufficient parking bays provided for the surgery.

**Neighbours:** 30 neighbours consulted; 8 objections; 2 general comments and 1 letter of support received raising the following

Objections

:

- Overdevelopment of site. The site is only suitable for 10 units;
- Character and adverse impact on conservation area. The site should take its cue from Arden Grange – low density, detached units – which are more appropriate in a conservation area;
- Distribution of development - Units 8, 9, 10 and 11 are too close to the boundary with Hatfield House – noise and disturbance to these properties;
- amenity of adjoining residents;
- Highway safety concerns due to increase traffic in Branch Road – Branch Road should be made one-way;
- Adverse highway safety impact of cars from the two units in Branch Road reversing into street;
- Insufficient visitor parking;
- The black weatherboard is totally out of keeping in this context;
- Loss of trees;
- No mention of sustainable energy;
- Mitigation in the form of enhanced planting is not sufficient. Adverse impact on Julie Berries Grave; Long Barrow and the Stour Valley Walk;
- Adverse impact of development on AONB;
- Impact on sewerage capacity.

The comments on the scheme are as follows:

- A footpath should be provided on Branch Road between the surgery and entrance to the recreation ground due to the number of parents/young children that use this route;
- The additional 4 spaces for the surgery are too few.

One letter of general support has been received although no reasons are given.

### **Second Consultation (10 unit scheme; 5 surgery parking spaces)**

**Parish Council:** Recognition that the developers had made some improvements to their proposals, but not sufficient to meet their concerns.

- Significant concerns remain about road safety and traffic on Branch Road, with the traffic survey considered to be inadequate;
- A better traffic management scheme for Branch Road is needed (fully funded by the developer) and would like to work with the developer, the community and Kent CC to agree a scheme before planning permission is finalised;
- The application does not appear to recognise the full range of uses at the surgery in that it is used by nurses and as a dispensary as well as the base for the GP;
- Any planning permission should require the developers not to provide gas heating and hot water but to rely on heat exchange or similar technology;
- The Parish Council repeats its offer to meet with the applicant to address these concerns.

**Environment Agency:** No further comments.

**KCC Biodiversity:** No objections subject to conditions.

**KCC Highways and Transportation:** The amended plans have addressed concerns. It is pointed out that KCC will not adopt this road as it would not be in the public interest to do so, as only 8 houses are accessed off the new road.

**KCC Infrastructure** has requested contributions in respect of secondary schools, community learning, libraries, youth, social care, and waste based on a reassessment of a 10-unit scheme on a site of over 0.5ha. It also suggests a condition for broadband.

### **Neighbours; 30/8R**

A total of 8 representations have been received raising objections to the proposal. Many objectors feel the scheme has not gone far enough in addressing neighbours' original concerns. Concerns remain about the density of development; that there is too much development for such a small site and about highway safety on Branch Road and in particular the failure to provide a dedicated footway. Whilst some of the improvements are supported, such as, the substitution of the black weatherboarding for clay tile hanging, these are considered a minor concession.

Additional issues:

- Branch Road should be completely closed off to vehicular traffic;
- There is concern about a decision being taken now in this time of Covid 19.

## Planning Policy

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

### **Ashford Borough Local Plan 2000**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

S56 – Chilham, Branch Road

HOU1 – Affordable Housing

HOU5 – Residential Windfall Development in the Countryside

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

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

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

ENV14 – Conservation areas

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

**Village Design Statements**

Chilham Village Design Statement

### **Other Guidance**

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

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

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

Kent Downs AONB Management Plan 2015 – 2019

### **Government Advice**

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

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

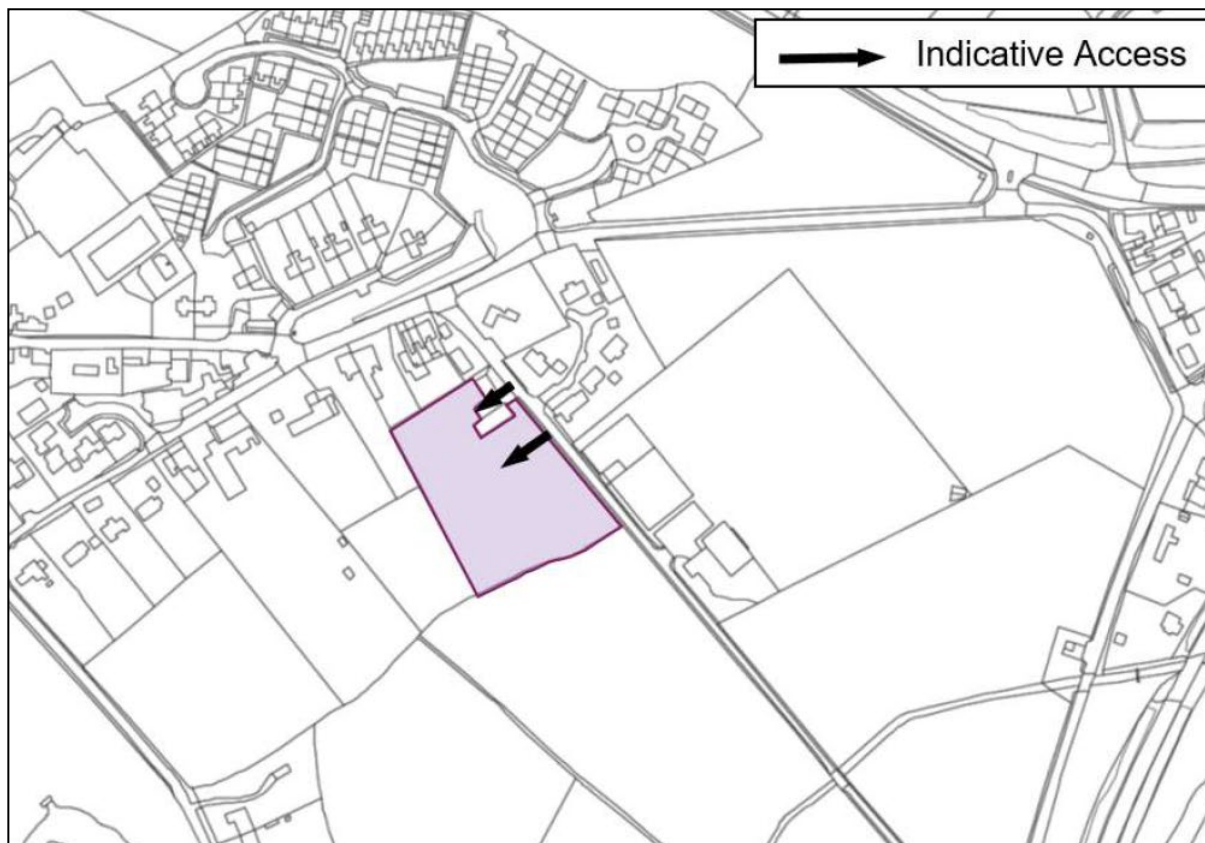
National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

## Assessment

22. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
23. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified.
24. In the rural areas, larger scale development (in a rural context) is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb new housing. This is reflected in the Council's strategic objectives set out in policy SP1 which indicates that in order to deliver the Council's 'Vision' development should be focussed at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible. Chilham is an existing defined settlement that can provide a range of services to meet daily needs. Chilham is identified in both policies HOU3a and HOU5 as being a settlement that is capable of accommodating residential development and infilling within its built up confines and also adjoining/close to its built up confines.
25. The Plan allocates a number of housing allocations at medium sized rural settlements such as Chilham in order to spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. The site the subject of this application is one such allocation and is identified under policy S56 of the Ashford Local Plan 2030 as being suitable for residential development.
26. The land to which the site allocation applies under policy S56 is identified in figure 6 below.





**Figure 6: Site allocation.**

27. The criteria set out in policy S56 against which the development will be assessed states:

**Policy S56 - Chilham, Branch Road**

**Land at Branch Road is proposed for residential development with an indicative capacity of 10 dwellings. Development proposals for this site shall:**

- a) Provide a car park of a minimum of 5 additional spaces for the use of the GP surgery;**
- b) Be designed and laid out in such a way as to conserve or enhance the character and setting of the village Conservation Area and nearby listed buildings, the residential amenity of neighbouring dwellings, taking into account the guidance in the Chilham Village Design Statement and be a maximum of two storeys in height;**
- c) Provide primary vehicle access to the residential area on Branch Road, as shown on the policies map and retain the current access for the GP surgery and associated parking;**
- d) Include the provision of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB and the Chilham Conservation Area in accordance with the recommendations of Kent County Council Highways and Transportation;**
- e) Retain and enhance the hedge and tree boundaries within and around the site wherever possible, and make enhancements to the southern boundary ensuring the character of the Kent Downs AONB is conserved and enhanced and the development is well screened from the wider area;**
- f) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider; and,**
- g) Provide contributions towards the enhancement or maintenance of public open space and equipped play at the village recreation ground in accordance with Policy COM2.**

28. Although the indicative capacity for this site is 10 dwellings, the exact amount of dwellings that will be appropriate will depend on an acceptable design/layout being demonstrated. The fact that the policy sets out an indicative capacity means that it is not an absolute. The figure is indicative to give a guide to the quantum of development that may be forthcoming when allocating sites in the development plan to ensure that the Council can demonstrate a 5 year supply of deliverable housing to meet its housing needs. Ultimately, the final number of dwellings provided will be derived through the proper planning of the site which may mean that a slightly higher or lower number of units is ultimately achieved. The original proposal on this site was for 11 units but following concerns raised by officers about the density and overall layout and form of the development, it has been amended and reduced to 10 units.

29. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist speculative inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The criteria of the policy is tested in subsequent sections of this report but subject to compliance with these the development proposed is considered to be acceptable in principle. Indeed the Local Plan has been through its Examination in Public (including this site) and deemed to be sound.
30. Further benefits associated with the scheme include the provision of 40% affordable housing, its sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

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

31. The site, whilst outside of the built confines of Chilham is not in an isolated location and is allocated for residential development in the local plan. The application site is located immediately adjacent to the built up confines of an established rural settlement and within easy walking distance of the centre of the village.
32. There are a range of local services and facilities within Chilham including a shop/post office, village hall, 2 x public houses, primary school, church and recreation ground/open space including a children's play area. There are bus stops located within walking distance of the site.
33. For the reasons above, the site is not regarded as being physically isolated from services/facilities and is sustainably located hence the Inspectors acceptance of this site allocation and subsequent adoption of the policy in the local plan.

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

34. Policy SP1 of the adopted Ashford Local Plan 2030 sets out core principles for development within the Borough. Amongst other things, policy SP1 seeks to conserve the borough's natural environment including designated landscapes and biodiversity; as well as creating high quality designed places that are sustainably sited; meet the housing needs / mix for the Borough and ensure development is resilient to and mitigates climate change.

35. The Council has a statutory duty under the Countryside and Rights of Way Act (2000) to conserve and enhance the natural beauty of designated landscapes including AONBs.
36. The site lies within a protected landscape (AONB). The NPPF would advise refusal of major applications in such locations unless an overriding public benefit can be demonstrated. The NPPF affords the highest level of protection in such locations. Although it is considered that the development is not a major development within the meaning of the NPPF the development must demonstrate the conservation or enhancement of the AONB's landscape and scenic beauty, wildlife and cultural heritage.

37. Policy ENV3b of the Local Plan states:

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

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

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

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

38. Housing allocation policy S56 states that development on this site shall include the provision of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB ...in accordance with the recommendations of KCC Highways and Transportation. It also requires the retention and enhancement of the hedge and tree boundaries within and around the site wherever possible and the provision of enhancements to the southern boundary ensuring the character of the

AONB is conserved and enhanced and that the development is well screened from the wider landscape.

39. Protecting the landscape and scenic value of the countryside is consistent with the NPPF, including in particular the environmental considerations as specified in the NPPF (and section 15 - Conserving and Enhancing the Natural Environment).
40. The site is a residential garden. The proposed development would not require any significant alterations to the landform or topography. Trees and hedgerows are located around the perimeter of the site to the North, West and East. The southern boundary has some trees but less hedgerows. With the exception of the existing planting to the perimeters there are few landscape features within the site. As such, the boundary trees/hedgerows are the most distinctive landscape feature on the site and they make a valuable contribution to visual amenity. Consequently, these should be retained in accordance with the requirements of policies ENV3b and S56 and the southern boundary should be enhanced in accordance with Policy S56. The proposed plans show the retention of these landscaped boundaries and the enhancement of the southern boundary. Some hedgerow is removed along the eastern boundary of the site to provide access into the development. The protection of hedgerow can be secured by condition, together with a condition which requires the existing planting to be protected during the construction phase as well as compensatory planting.
41. A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. It acknowledges that the proposal would be evident from viewpoints in the Kent Downs AONB and also from within Chilham Conservation Area and that the site is located near to Grade II listed buildings. It identifies elevated viewpoints in Herons Close which provide some views into the site in the context of a listed building (Hatfield House). The report comments that these views are only likely to be gained by a small number of pedestrians using the footpath, with a similar effect possibly experienced by residents in Herons Close during the dormant season of large trees lining the footpath. The LVIA also identifies that parts of the roofs of about two proposed dwellings are likely to be seen in views from Bagham Road. I consider these views to be limited and obscured by other buildings/planting.
42. There are views of the proposal from Branch Road approaching the site. The landscape proposal includes native planting along the southern site boundary to help screen the development in this view. Views from Ashford Road are limited, and the significance of effect on these views assessed as minor. I am satisfied that the proposed native hedgerow planting on the boundaries will help mitigate the impact of development in these views.

43. The report does not consider that long distance views from the direction of Julliberrie's Grave, Long Barrow and the Stour Valley Walk on higher ground to the east of the site would be adversely effected.
44. The applicant maintains that the visual effects of the development can be offset using traditional building styles and materials for the proposed dwellings, and landscape enhancements in and around the site. I agree with this view. I also consider that the provision of the some green open space within the site, whilst small in size, would help soften the impacts of development further. This space allows for the retention of an apple tree that has been identified as suitable for bat roosting (see later section of this report). It would also allow some further tree planting within the site which benefits from being outside of residential gardens. I consider that the proposed development would be acceptable in terms of its landscape impacts.
45. In terms of the surrounding pattern of development, there is no strong established pattern. Instead, the area immediately surrounding the site comprises a mix of layouts including both a cul-de-sac (Arden Grange); more historic linear frontage development and open fields. Overall, the predominant landscape characteristics are rural.
46. The Design, Access and Planning Statement submitted with the original application states that the scheme has been designed to respond to its context though using traditional building styles, materials and landscape enhancements.
47. It was considered that the originally submitted scheme for 11 units was overly engineered and too intensive, particularly in the north of the site where both semi-detached units had been located. As a consequence it was considered that 11 dwellings was too much for the site. The layout as first submitted is shown in figure 7 below for comparison.



**Figure 7: Scheme as originally submitted.**

48. In the scheme now to be considered, the layout has been substantially amended to include a better distribution of densities across the site and a reduction in the amount of hardstanding through the deletion of the parking court. Amongst other things, these amendments have resulted in a reduction in the number of units on the site to 10 units. A bespoke corner turning semi-detached unit has been introduced to help provide frontage onto both Branch Road and the access into the site.
49. The properties themselves would be two storey. The traditional form, scale and appearance of the development would respond to the form and scale of development at Harvest House and Arden Grange. Consequently, the proposal would not appear at odds in its contextual setting.
50. The proposed dwellings would include a number of contextual features, such as, chimneys, half hipped roofs, porches, bay windows and exposed



eaves. Given the rural location within the AONB, high quality natural materials are proposed such as red brick, clay plain tile hanging and white painted timber windows and doors with clay plain roof tiles.

51. The positioning and design of boundary treatments has been carefully considered. The use of close boarded fencing has been restricted to parts of the site that are not visually prominent from the public domain. Boundary enclosures that are prominent will be constructed using post and rail which are more sympathetic to the rural setting.
52. Although the proposals would result in a visual change from a garden to a developed housing scheme, the visual impacts associated with this would be relatively localised and have been kept to a minimum.
53. The architectural designs and driveway together with the landscaping and small central green space combine to create an interesting and varied streetscene and add visual richness to the scheme to create a distinctive 'Kentish' rural character with a strong sense of place.
54. In conclusion, for the reasons set out above, the proposals represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB.

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

55. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty to have special regard to the desirability of preservation or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
56. Policy ENV13 states that proposals which protect, conserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
57. Policy ENV14 permits development within conservation areas providing such proposals preserve or enhance the character and appearance of the area and its setting. It requires development to meet a number of detailed criteria, including a requirement for the scale and detailed design of development to respect the historical and architectural character of the area. Also, the proposed materials should be appropriate to the locality and complement those of the existing buildings.
58. The large rear gardens of two listed buildings adjoin the northern site boundary and the site is within the Ham Conservation Area.



59. The original plans showed 2 x 2 semi-detached properties in the corner of the site that adjoins the curtilage of the two listed semi-detached buildings. This was considered too intensive in this context. The layout has been amended and this corner of the development now has a much lower density with just two detached dwellings backing onto the residential curtilages with the listed buildings. Given also the separation distances and boundary planting, I do not consider the amended layout to adversely affect the setting of the listed buildings or obstruct any important views of them.
60. This part of the Chilham Conservation Area forms the rural approach into the village from the south. It is characterised by open land uses and the built edge of the village, which is varied, with the more historic development taking a linear form along established routes with some more recent development off these routes in the form of low density cul-de-sacs where landscaping makes an important contribution to character.
61. The shape of the site, together with its road frontage with Branch Lane, lends itself to a form of development that both fronts the street and provides reasonably low density development behind the main building line. The maintenance and enhancement of landscaping to the site boundaries and within the site will be important to preserving the character and appearance of the conservation area. The proposed development whilst preserving site boundaries and enhancing them where required also provides space within the site for planting. The units are all two storey as per policy S56. They have a traditional form and design and use high quality materials found in his context.
62. In light of the above, the proposed development would preserve the character and appearance of the conservation area as a whole.
63. Any less than substantial harm arising from the development would be offset by the public benefit of delivering this allocated housing site.

#### **Impact on residential amenity**

64. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
65. The proposed layout plan demonstrates that satisfactory distances can be maintained between the proposed and adjacent dwellings.
66. I am satisfied that the development of the site can be achieved without causing demonstrable harm to neighbours amenity or to each other through loss of light, immediate outlook or by having an overbearing presence. Further there would not be any unacceptable levels of overlooking. In addition to the distances maintained robust landscaping will help mitigate

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

67. The internal and external accommodation proposed would comply with the Council's Space Standards and policies HOU12 & HOU15.
68. Given the above, I do not consider that the development would result in harm to the residential amenity of neighbouring residents or future occupiers of this development.

### **Ecology**

69. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. Policy ENV1 of the Local Plan is consistent with the guidance contained within the NPPF.
70. The Conservation of Habitats and Species Regulations 2018 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:
  - Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
  - Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
  - Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

71. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest.
72. Considering the development against the second criteria, given that this is an allocated site, there is not considered to be any satisfactory alternative to the development in this location. In respect of the third criteria this is assessed below.
73. The proposed development has been subject to consultation with KCC Ecology. The Preliminary Ecological Appraisal concluded that surveys for reptiles and bats should be carried out due to the presence of habitat that indicates the potential for these species groups to be present and affected by the proposed development.
74. Populations of reptiles were recorded during the surveys and reported in the Reptile Survey Report. KCC has commented that the proposed mitigation area within the south-west corner of the site is significantly smaller than the development site. However, as the reptiles are predominantly recorded within the site boundaries and the receptor site has good connectivity to the wider area they accept that the mitigation area is appropriate.
75. The apple tree within centre of the site (which is retained within the central space) contains suitable features to be used by roosting bats. Bat surveys have been carried out and concluded that bats are unlikely to be roosting within the tree. At least 5 species of bats have been recorded foraging/commuting within the site and therefore an increase in lighting may negatively impact on bats. Therefore KCC have advised that there is a need for a bat sensitive lighting plan to be implemented. Due to the size of the site they do not recommend that a specific bat lighting condition is included but instead any lighting condition refers to the requirement that it must be bat sensitive.
76. KCC advise that if permission is granted, it should be granted subject to a condition requiring the submission of an Ecological Design Strategy for the proposed development site, including specifications for the buffer zone and ecological enhancements for the site. Additionally, KCC recommend a further condition requiring details of the management of the buffer zone to be detailed within a Landscape and Ecological Management Plan.
77. On the basis of the information submitted and for the reasons above, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2018. If approved, subject to conditions, the proposed

development is not considered to result in any adverse impacts to matters of ecological importance.

## **Drainage**

### Surface Water Drainage

78. Amongst other things, Policy ENV9 of the Local Plan 2030 states that all development should include appropriate sustainable drainage systems for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to minimise the drainage from the pre-developed site.
79. A number of SUDS features are proposed to restrict the discharge of surface water run off to green field run off rates. This excludes infiltration at this stage.- the applicants have taken a precautionary approach that assumes no infiltration is available due to the clay and silt deposits in the area, noting also that the site is in a Ground Water Protection Zone where there is a risk of groundwater contamination if infiltration is specified. Whilst this is something that will be looked at more closely as part of the detailed drainage strategy, the report identifies measures that demonstrate that an NPPF compliant scheme can be achieved. This includes the use of water butts; permeable paving to driveways and parking areas; highway permeable paving and the provision of a detention pond in the south west corner of the site. During storm events, runoff from the permeable paving systems would collect in the pond.
80. The application has been subject to consultation with KCC Flood and Water Management as Lead Local Flood Authority. They have reviewed the drainage strategy and have no objections to the proposed development. Within the drainage strategy report by Herrington Consulting, it mentions the possibility of utilising shallow infiltration should ground conditions prove favourable. KCC therefore recommend ground investigations are undertaken to determine if infiltration is an option for this site.
81. KCC notes from the indicative drainage layout drawing that the detention basin will be located at the southern boundary of the site with access provided alongside of a property boundary. They recommend that the built development has sufficient setback from the basin and space for access is provided to ensure that maintenance activities can be undertaken to keep the basin operating as intended. This has been achieved in the amended layout.
82. In addition, KCC require detailed drawings of the proposed drainage layout including an exceedance plan that demonstrates where the flooded volume be stored on site. These additional details can be provided as part of the detailed design by way of conditions.

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

#### Foul Sewage Disposal

84. Criteria F of policy S56 requires development to provide a connection to the nearest point of adequate capacity in the sewerage network. Southern Water has confirmed that there is a public sewer running across the site. They have provided a plan of the approximate position of this sewer and requested that the exact position must be determined before the layout of the proposed development is finalised. They have indicated that no development or new tree planting should be located within 3 m either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be within 5m of the public sewer.
85. The proposed layout has been designed in accordance with the above requirements with the position of the sewer and its easements shown on the proposed plan.

#### **Highway Impacts**

86. Policy TRA7 of the adopted Ashford Local Plan 2030 relates to transport impacts, and amongst other things states that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
87. Policy S56 of the Local Plan states that primary vehicle access to the residential area should be as shown on the proposals map and that the current access for the GP Surgery and associated parking should be retained. The policy also states that a car park of a minimum of 5 additional spaces for the use of the GP surgery should be provided and that traffic management measures should be provided in Branch Road Policy S56 further states that the proposal should include the provision of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB and the Chilham Conservation Area.
88. The application has been subject to consultation with Kent Highways and Transportation. KCC have stated that the addition of the proposed units does not cause concern with regard to capacity or highway safety on the surrounding network and that the proposed access and drives onto Branch

Road are sufficient in size and have adequate visibility splays in both directions.

89. The original plans showed just 4 additional spaces for the GP surgery contrary to the local plan site policy, however, the amended plans show 5 spaces. I am satisfied that the proposal is now acceptable in this respect and a condition is proposed to secure the provision of this bays and there retention.
90. The traffic management measures are shown in Figure 8 below and comprise a build out. KCC are happy with these measures subject to the details being provided by way of a planning condition. I consider this 'light touch' approach to be acceptable in this sensitive location.
91. Policy TRA3a sets out the requirements with respect to residential parking and is accompanied by the layout guidelines in the Council's Residential Parking SPD. Policy TRA3a sets out the following requirements: 1 bed: 1 parking space, 2 or 3 bed: 2 parking spaces and 4 bed: 3 parking spaces. The SPD indicates that spaces within garages cannot be counted towards parking provision. I am satisfied that the proposal is policy compliant and I therefore have no objections to the proposed parking arrangements.
92. In conclusion, based upon the number of dwellings proposed and parking provision accommodated within the site, I do not consider that the proposal would result in any demonstrable adverse highway impacts. Therefore, in terms of highway safety, the proposed development would comply with the relevant policies in the development plan.



94. ABC Street scene have advised that if the roads are not to be adopted by KCC (which is the case here) then the developer needs to be aware that collections will not occur until an indemnity is in place. This can be added as an informative note to any subsequent grant of planning permission.

#### Accessibility Standards

95. Local Planning Authorities are required by the NPPF to plan to create safe, accessible environments and promote inclusion and community cohesion, to take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.
96. In response to this, policy HOU14 of the Local Plan 2030 requires at least 20% of all 'new build' homes to be built in compliance with building regulations part M4(2) as a minimum standard. In the case of this application, this equates to 2 dwellings. The requirement for at least 2 of the 10 dwellings proposed to meet part M4(2) can be secured through the S106 agreement.

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

97. It is proposed that the development will provide a housing mix of 2, 3 and 4 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan.
98. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
99. The scheme includes 4 units of affordable housing in accordance with the policy. This is made up of 1 x 2 bed unit and 3 x 3-bed units. The affordable housing element will be secured through the S106 Agreement.
100. In light of the above I consider that the amended proposals comprise an acceptable housing mix and affordable housing element that is compliant with the above mentioned development plan policies.

#### **Planning Obligations**

101. 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
102. A contribution is required for enhancement or maintenance of public open space and equipped play at the Village recreation ground in accordance with Policy S56 (g). As a development of 10 units, there is a requirement for the proposal to provide affordable housing in accordance with Policy HOU1 (see section above).
103. Following the amendment of this proposal from 11 dwellings to now 10 new households on a site of more than 0.5ha and the removal of CIL Reg 123 restriction in September 2019 (pooling restrictions), KCC service providers have reviewed their requirements upon the proposed residential development. The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Contributions are requested in respect of secondary schools, community learning, libraries, youth and adult social services. There is currently no primary school requirement.
104. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

## Heads of Terms for Section 106 Agreement/Undertaking

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Page 160	<p><b><u>Informal/Natural Green Space</u></b></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Project: Enhancement/maintenance of public open space and equipped play at the Village recreation ground.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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 S56, SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than <b>40%</b> of the units as affordable housing, comprising 10% affordable rent units and 30%</p>	<p>1 affordable rent units</p> <p>3 shared</p>	<p>Affordable units to be constructed and transferred to a registered provider</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 161</p>	<p>shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>ownership units</p>	<p>upon occupation of 75% of the open market dwellings.</p>	<p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 161</p>	<p><b><u>Governance of public or community space and facilities onsite</u></b></p> <ul style="list-style-type: none"> <li>• Central Open space</li> <li>• Ecological area</li> </ul> <p>Scheme for ongoing management to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the space and that the entity is accountable to the owners for the</p>	<p>N/A</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Scheme to be implemented for each dwelling before its occupation.</p> <p>Areas to be transferred to approved management entity</p>	<p><b>Necessary</b> as onsite public or community space is needed to meet site-specific requirements generated from the development and needs to be effectively and sustainably managed pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use this space and the space to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking into account the number of users and is based on good practice stewardship arrangements.</p>

	management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.		and funding/endowment secured, before occupation of more than 50% of the dwellings.	
Page 162	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	Provide on-site 20% of all units.	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p>	<p><b>Necessary</b> as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably</b> related in scale and kind as based on a proportion of the total number of housing units to be provided</p>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional resources and bookstock for the mobile library service attending Chilham for the new net borrowers generated by this</p>	£55.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

	development		and balance on occupation of 50% of the dwellings	<p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
Page 163	<p><b><u>Community Learning</u></b></p> <p>Project: Additional resources and equipment for additional learners form development at Ashford Adult Education Centre</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Secondary Schools</u></b></p> <p>Project: Towards Norton Knatchbull expansion</p>	£4540.00 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and</p>

Page 164			<p>occupation of 50% of the dwellings</p>	<p>guidance in the NPPF. .</p> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources for the Ashford Youth Service</p>	<p>£65.50 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered</p>

				accommodation specifically for the elderly
Page 165	<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards Extra care Accommodation Ashford</p>	£146.88 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> 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><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£500 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>

[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.

**If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.**



## Human Rights Issues

105. 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

106. 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

107. The site lies within the AONB and Chilham Conservation Area and comprises land allocated for residential development under policy S56 of the Local Plan 2030. The stated allocation evidences the fact that subject to meeting the criteria identified in policy S56, the Council considers the principle of residential development on this site to be acceptable and also sustainable.
108. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and will help to boost the supply of housing which is a requirement of the NPPF.
109. The application site is located immediately adjacent to an established rural settlement and within easy walking distance of the centre of the village where there are a range of local services and facilities including a shop/post office, village hall, public houses, primary school, village hall and recreation ground/open space including a children’s play area. There are bus stops located within walking distance of the site.
110. The proposals would result in a visual change from a rear garden to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and softened by the existing and enhanced landscaping. As such the wider landscape impacts are not considered to be significant. The development has been assessed as preserving the setting of the listed buildings and not being harmful to the character and appearance of the conservation area. The housing designs, the layout, the landscaping, small area of green space and building materials combine to create an interesting and varied streetscape development. Overall, it is considered that

the proposals will represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB; would preserve the setting of the listed buildings and would not be harmful to the character and appearance of the conservation area.

111. There would be no demonstrable adverse impacts on the residential amenity of neighbouring or future occupiers.
112. Subject to conditions, the development can be accommodated without any adverse impact upon matters of ecological importance.
113. In terms of flooding and drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
114. The application has been subject to consultation with Kent Highways and Transportation who have stated that the development does not cause concern with regard to capacity or highway safety on the surrounding network and that the accesses onto Branch Road are sufficient in size and have adequate visibility. The proposal is also acceptable in terms of its parking arrangements.
115. It is proposed that the development will provide a housing mix of 2, 3 & 4 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan.
116. The proposed development would provide 40% affordable housing (4 units) comprising one affordable rent and 3 affordable home ownership products to comply with policy HOU1 of the Local Plan 2030. In accordance with policies S56 and COM2 of the Local Plan 2030, the development shall provide a contribution towards the enhancement or maintenance of public open space and equipped play at the village recreation ground. Together with the affordable housing, these can be secured by a S106 agreement along with the other contributions as requested by KCC.
117. Overall, for the reasons set out above, the proposed development is considered to comply with the requirements of the development plan and it is therefore recommended that planning permission is granted.

## **Recommendation**

### **Permit**

**(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Planning and Development, the Development Management Manager or the**

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

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

1. Standard time condition
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Landscaping scheme.
7. Details required to accompany the landscaping scheme.
8. Retention of existing hedgerows.
9. Tree protection measures.
10. Tree protection for new trees.
11. Details of boundary treatments.
12. Landscape management plan
13. Removal of permitted development rights – extensions, alterations and boundary treatments.
14. Occupation as a single dwelling house only.
15. Reptile mitigation implementation / reptile mitigation and management report
16. Bat Sensitive Lighting Design / No additional External Lighting
17. Ecological enhancements.
18. Construction Management Plan/Hours of working.
19. Completion and maintenance of access.
20. Provision and maintenance of visibility splays.
21. Use of bound surface for first 5m.
22. Provision of measures to prevent discharge of surface water onto public highway.

23. Provision and retention of parking and turning.
24. Provision and retention of parking spaces/garaging.
25. Provision and Retention of Bicycle Storage.
26. Electrical charging points.
27. Provision of parking bays for surgery and their permanent retention.
28. Detailed drawings in accordance with plan 07895-00-199 Rev M relating to traffic calming measures.
29. Sustainable surface water drainage scheme.
30. Verification report.
31. Details of the sewage treatment system.
32. Provision and retention of refuse collection facilities.
33. Broadband.
34. Unexpected contamination.
35. Enforcement condition.

#### Informatives

1. S106
2. Refuse collection indemnity

#### **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

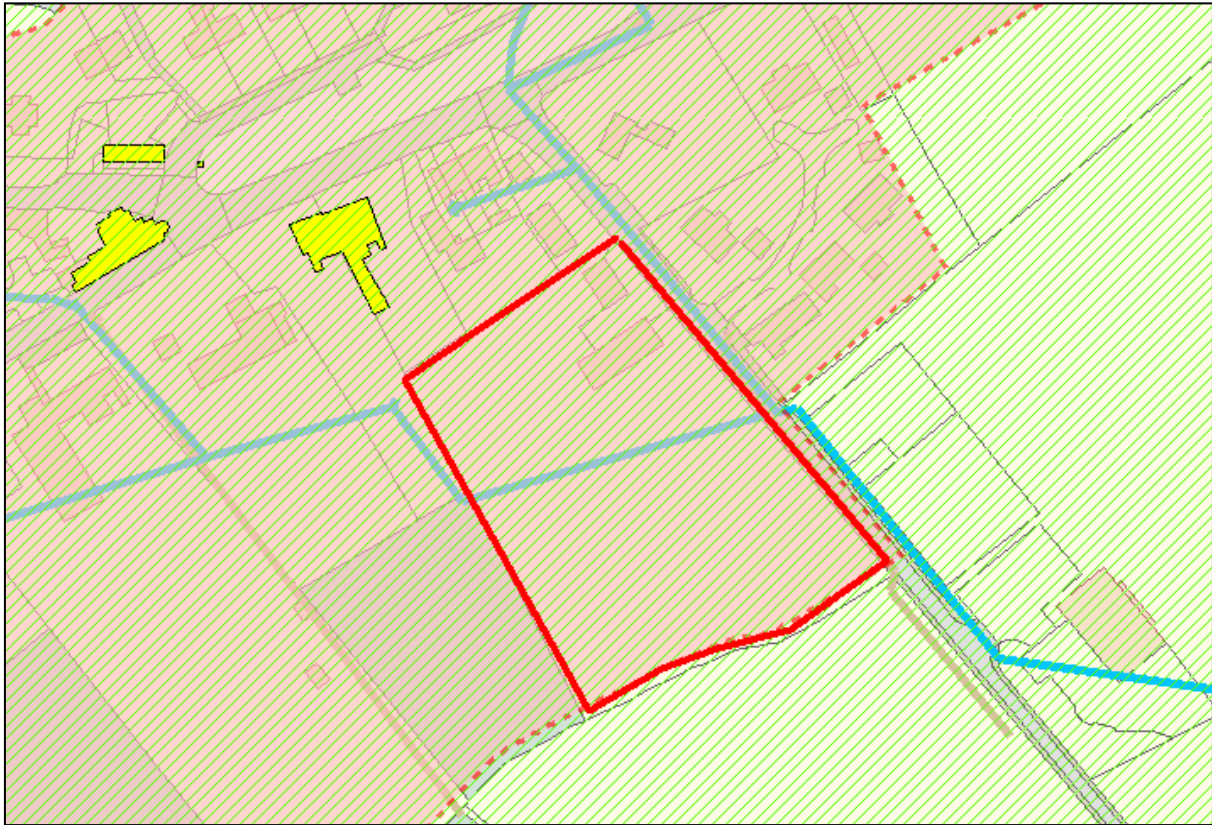
- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00483/AS)

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Annex 1



Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 15<sup>th</sup> September 2021

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<b>Application Number</b>	19/00483/AS		
<b>Location</b>	Harvest House, Branch Road, Chilham, CT4 8DR		
<b>Parish Council</b>	Chilham		
<b>Ward</b>	Downs North west		
<b>Application Description</b>	Full planning application for the erection of 10 2-storey dwellings with associated access, parking, private amenity space and landscaping and provision of 5 no. additional parking bays for use in association with existing surgery		
<b>Applicant</b>	Caroline Jackson and Philippa Salmon		
<b>Agent</b>	Lee Evans Planning		
<b>Site Area</b>	0.8ha		
First consultation			
(a) 30/8R;2C;1S Chilham Parish Recreation Ground Trust R St. Marys C of E Primary School R	(b) PC R	(c)	SW X EA + KCCH&T - KCC Bio - Kent Police - ABC street scene X
Second consultation			
(a) 30/8R	(b) PC R	(c)	EA + KCCH&T X KCC Bio X KCC Infrastructure -
Third consultation			

(a)	30/30R	(b)	PC R	(c)	SW X EA + KCCH&T X KCC Bio X KCC F & WM X KCC Infrastructure – KD AONB Unit Kent Fire and Rescue X Refuse X
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## Introduction

1. This application was initially reported to the Planning Committee on 15<sup>th</sup> July 2020 because it involved the erection of more than 9 dwellings and therefore is classified as a major development that required determination by the Planning Committee under the scheme of delegation. The application was deferred by members for the following reasons:
  - **To relook at traffic management measures and the possibility of providing a footpath link from the site to Bagham Road;**
  - **Seek an alteration to the layout in order to provide roadside planting and screening;**
  - **Relook at density in respect of the amount of built development and the size of the units to create a more spacious layout with more generous gardens. The number of dwellings should remain at 10;**
  - **Relook at the design of the dwellings so that they are more in keeping with the immediate surroundings and appropriate for an edge of village location.**

## Site and Surroundings

2. Please refer to 15<sup>th</sup> July 2020 committee report which is appended to this reports as Annex 1.

## Proposal

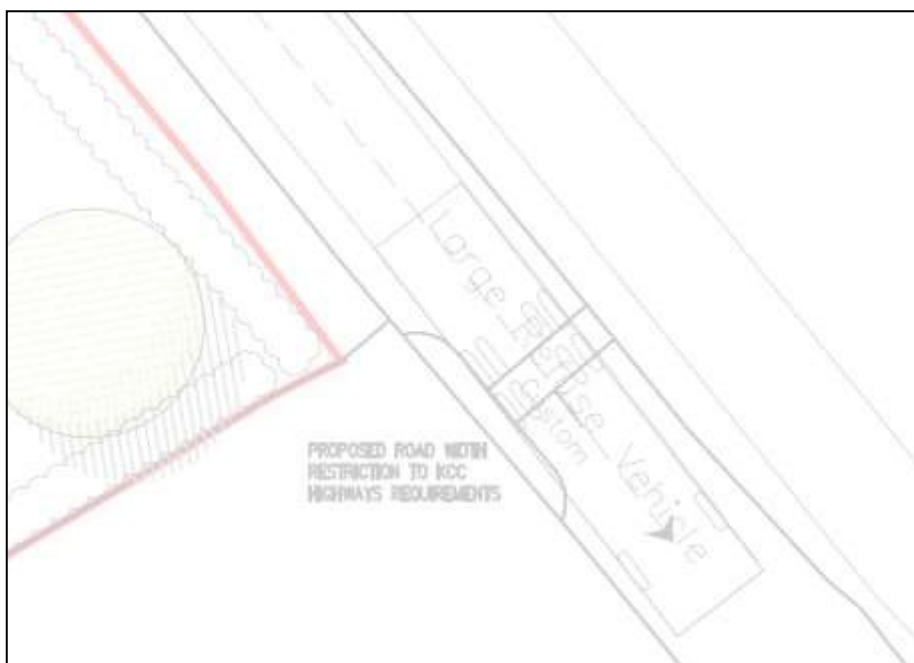
3. Please refer to 15<sup>th</sup> July 2020 committee report which is appended to this report as annex 1.
4. The proposal is for a 10 unit housing scheme but it has been amended in order to seek to address the reasons for deferral made by Members of that Committee. As per the scheme originally submitted, it continues to provide 4



units of affordable housing (as required under Policy HOU1) and an ecological area of a similar area in the south west corner of the site as mitigation. Five additional parking bays for use by the surgery continue to be provided. The additional supporting information / justification is set out below:

To relook at traffic management measures and the possibility of providing a footpath link from the site to Bagham Road – Reason 1 for deferral

5. To address members' concerns around traffic safety in Branch Road, the applicants have worked with KCC Highways and Transportation to develop a traffic calming scheme and provide a footpath on a section of the road across much of the site frontage (see dark shaded strip on Figure 2 below).
6. The traffic calming measures seek to slow traffic approaching the village from the south. They are intended to be 'light touch' so as not to unduly harm the character of this approach into the village but they meet KCC's specification and have been drawn up with their input (see Figure1). They involve a simple narrowing of the carriageway, sufficient in width to allow a refuse vehicle to pass through unobstructed.



**Figure 1:** Traffic calming

7. In terms of the footpath, it has not been possible to introduce a footpath from the site to Bagham Road due to space constraints within the carriageway (KCC Highways and Transportation has confirmed this position). Where there is space – for much of the site frontage – a 1.5m wide footpath has been introduced on the SW side of the lane. Where the footpath has to terminate (due to the narrowing of the carriageway) it is fortunately possible to cross

Branch Road and enter the play space opposite. This approach is acceptable to KCC and has the support of the Parish Council.

8. The provision of this footpath would make the route less like a lane in terms of its appearance which in design terms is regrettable. However, it would potentially improve pedestrian safety or at least pedestrian's perception of safety (it is not a requirement of KCC) and it helps to address members' first reason for deferral. The dark grey strip in the drawing below – footpath and crossovers – will be adopted by KCC.



**Figure 2:** Footpath and crossovers (dark grey strip)

Seek an alteration to the layout in order to provide roadside planting and screening – Reason 2 for deferral

9. The amended layout provides a largely green edge to the frontage with Branch Road through the provision of a new native hedge which is set back to provide the necessary visibility splays. (The existing hedge is removed to make way for the accesses and visibility splays which are a requirement of

KCC Highways and Transportation). Figure 3 below shows the new layout where it abuts Branch Road. To create the new access it has been necessary to remove existing hedge planting. Figure 4 shows an image of the new hedge planting at the access.



**Figure 3:** Branch Road frontage



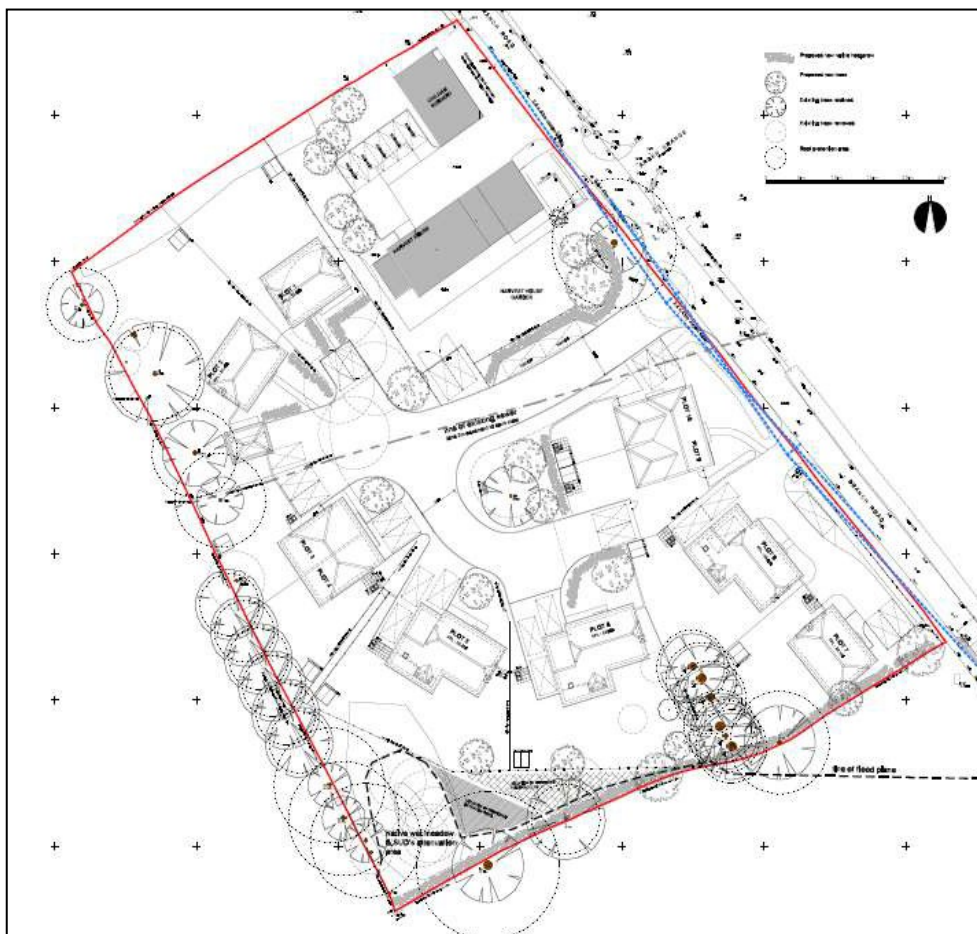
**Figure 4:** New hedge planting at new site access

Relook at density in respect of the amount of built development and the size of the units to create a more spacious layout with more generous gardens. The number of dwellings should remain at 10 – Reason 3 for deferral

10. Figure 5 shows the amended layout. It is different to the previous one (shown in figure 6 for easy comparison) but at 10 units the number of dwellings remains the same and both schemes have an ecological mitigation area in the south west corner of the site and five dedicated additional parking bays for use by the surgery.
11. The continued provision of 10 units is key as this is the Council's threshold for the provision of affordable housing. The four affordable housing units are provided in the NW corner of the site, accessed via the existing access adjacent to Harvest House and the surgery. Two of the units have frontage onto Branch Road, one with its own access drive, with the remainder of the units provided to the rear, largely around a courtyard. The intention is to create a scattering of rural buildings, as opposed to a suburban housing layout.







**Figure 6:** Superseded layout

Relook at the design of the dwellings so that they are more in keeping with the immediate surroundings and appropriate for an edge of village location - Reason 4 for deferral

12. The amended plans show a number of distinctive rural building forms which are quite different to the traditional but rather suburban looking building forms that formed part of the original submission. The applicant has sought to respond to the village context by introducing lower ridge building typologies into the mix to introduce a variation in building height and roof form across the development. This, taken together with the variation in materials and detailing, creates a variety not usually seen in such a small developments that mimics the variety in building forms and heights seen in a village context.
13. The development seeks to provide a mix of distinctive rural building forms in the form of a 'cottage style terrace', 'cottage style house' and 'barn like house' to provide variety across the development. The cottage forms would be characterised by their low eaves and through eaves dormer window. Brick would be the dominant material with brick detailing to add interest. The 'barn style buildings' would be larger with a standard ridge height and simple roof form, hipped to one side. They would have some large areas of glazing (as

found in barn conversions) and red brick chimneys. Again the dominant material would be brick but with some clay tile hanging and panelling. In all cases the windows would be powder coated composite aluminium / timber.

14. Typical plans and elevations of the amended building forms are shown in figures 7 – 10 below.



**Figure 7:** Cottage terrace form: low eaves (and ridge) with through-eaves windows and brick detailing; powder coated composite aluminium / timber windows



**Figure 8:** 'Barn-like form': Hipped roof to one side with chimney. Mostly brick with hanging tiles and fibre cement panels with plain clay tiles to roof. Powder coated composite aluminium / timber windows





**Figure 9:** Cottage form: Low eaves (and ridge) with through-eaves windows; brick with brick detailing and clay plain tiles to roof. Powder coated composite aluminium / timber windows.



**Figure 10:** Main house form: Brick and tile hanging with clay plain tiles to roof. Powder coated composite aluminium / timber windows

## Consultations

15. Please refer to the 15<sup>th</sup> July 2020 committee report appended to this report.

**Chilham Parish Council (CPC)** has submitted three further letters of objection raising the following additional points:

Letter 1:

- Whilst recognising that the developer has made some improvements, they are insufficient to meet their concerns;
- Significant concerns remain about road safety and traffic on Branch Road, with the original traffic survey seen as inadequate. A better traffic management scheme is needed for Branch Road;
- The application does not seem to recognise the full range of uses at the surgery in that it is used by nurses and as a dispensary as well as the base for the GP (Officer comment: This comment presumably relates to the amount of parking bays provided for use by the GP Practise – 5 bays are proposed in accordance with Policy S56);
- The developers should be required to provide heat exchange of similar technology rather than gas heating; (Officer Comment: The Local planning authority does not have the powers to require this).

Letter 2:

- That the density should be revisited – but keep at 10 units – to create a less crowded development, greater garden space and a more spacious feel in keeping with a rural development;
- Provide a footpath to link the site to Bagham Road and create a safe passage way for pedestrians to the GP surgery and sports facilities and look at the traffic management;
- Revisit the layout, design and materials so that it is more in keeping with the existing vernacular and rural area;
- Urge committee members to carry out a site visit;
- If the committee are minded to approve this application then a number of conditions are requested; 1) that the affordable housing to be provided as 4 units for social rent (Officer Comment: This would not be in accordance with the Ministerial Statement or Policy HOU1);

- 2) Section 106 commitment to limit the use of the surgery land and prevent the sale of the surgery for housing and a commitment to keep the building as a GP practise;
- 3) Condition requiring the existing surgery parking and the five additional spaces to be delivered (Officer comment: This is written into the S106 – see Table 1 of this report)
- 4) Submission of a flood risk assessment together with a mitigation plan.

Letter 3:

- The layout has slightly changed but the materials are not in accordance with the wishes of CPC members.
- It is difficult to comprehend the reptile relocation plan as the proposed 'dry basin' appears to have been sited in the flood plain.
- The D&A Statement makes no reference to the ABC zero carbon policy. There is no consideration for photovoltaics on the southern boundary which would save 40 MWh of electrical energy. No consideration towards zero carbon on heating, namely ground source heat pumps.

**Patient Participation Group:** The group has commented that any increase in movements of vehicles behind the surgery, in the vicinity of the allocated parking spaces would increase the possibility of accidents between patients walking to and from their vehicles and residents of the 4 units. The surgery would not be able to operate safely under these plans. There is also concern about the lack of parking for the surgery. (Officer comment: The layout is acceptable in highway terms. The proposal provides an additional 5 parking bays for the specific use of the surgery. The existing informal parking to the front of the surgery would be formalised with the provision of three bays. The surgery would therefore benefit from this proposal in terms of the amount of parking available).

**Neighbours:** In addition to the above, 37 additional letters of objection have been received since the application was reported to planning committee. These reiterate comments as set out in the original report and those raised by the CPC above plus the following:

- There is concern that the development would put the local surgery and dispensary at risk (Officer comment: The surgery and dispensary are not affected by this proposal);
- Procedural concerns - Inadequacies of post-committee consultation with the CPC and timing of consultation on amended plans;
- The new layout introduces too many access onto Branch Road impacting upon road safety;
- The details of the footpath are not clear;

- No details on 'Stodmarsh effect' and making the development nutrient neutral. (Officer comment: See relevant sections of this report);
- Whilst improvements to the design have been made the development still appears over developed and likely to stand out visually when viewed from the A28;
- Still too dense compared to Arden Grange;
- Materials not in keeping – slate tiled rooves and dark fibre cement cladding - out of character (Officer comment: The materials have been changed – now mostly brick elevations with some areas of clay hanging tiles and clay plain tiles to rooves. The amount of cladding is significantly reduced and limited to small areas on the larger units to the rear of the site.);
- Loss of established hedgerows in Branch Road and insufficient road side planting and screening especially to front of plots 9 and 10 (Officer comment: Some loss of hedgerow will result from the creation of the new access and installation of new footway. The new hedge planting to the front of plots 9 and 10 has been extended);
- Rural pastiche with barn style cladding does not work – for this to work it should look like a barn rather than a half clad house;
- Choice of brick important (Officer comment: Materials will be subject to a condition)
- Plot 9 siting close to street is characteristic of historic core and not a rural lane;
- The development does not take into account the 18<sup>th</sup> July 2019 Council Resolution (dated before the Design and Access Statement) which has the aim of becoming Carbon neutral by 2030 and 80% Carbon neutral by 2025. (Officer comment: These figures relate to the Council itself – its C footprint as an organisation - and not to development where C reduction will need to be achieved through other means, such as central and local planning policy, which is still being developed).

**Environment Agency:** Comments that this application has been assessed as having low environmental risk and therefore has no further comments to make.

**AONB Unit** initially objected to the scheme due to the lack of landscaping on the southern boundary which fails to comply with criterion (e) of Policy S56. It also raised concerns about materials - the dark grey fibre cement cladding is wholly inappropriate given the sensitive setting – and suggested it be replaced with a natural black stained or charred timber weatherboard. (Officer' comment: Following a review of materials the fibre cement cladding has been replaced with brick and clay hanging tiles.) It also commented that the development appears to be dominated by car parking due to the provision of the majority of parking space to the front of the proposed houses, especially the parking provision to the front of plots 1 – 4 which incorporates a long run of end-on front of plot parking which is not a traditional

parking layout in the Kent Downs. It suggested an alternative - such as parallel roadside parking or appropriately located parking court yards. Lastly, it commented that hedging would be a more appropriate boundary treatment to Branch Road.

Following the submission of an amended plan showing additional planting including additional hedge planting to this boundary, the AONB unit remained of the view that the proposal does not go far enough in respect of landscaping along the southern boundary. It advises that a further three trees are planted along the boundary to help filter views and integrate the development into the landscape. (Officer comment: An appropriate condition is proposed to secure this additional planting.) The revised materials are considered more appropriate – although it is suggested that the grey tile hanging should be substituted with a traditional red/orange clay tile – commenting that with contemporary designs in the Kent Downs it is essential that traditional materials are used to help reflect local distinctiveness. (Officer comment: A materials condition is proposed to control this).

**Southern Water:** Provides details of the public sewer running across the site and advice in terms of its easement.

**KCC Ecology:** Notes that the submitted ecological report confirms the presence of common lizards and slow worms and highlights the potential for breeding birds and roosting bats. They initially requested additional ecological information due to the time that has lapsed since they first considered this application. Following the submission of this, no objections have been raised subject to conditions.

**KCC Flood and Water Management:** No further comment to make on this application. It refers to its previous comment where no objection was raised subject to a condition.

**KCC Highways and Transportation:** Raises no objections to the proposal subject to a number of conditions. In addition to standard conditions around construction, highway safety and electrical charging points, there is a condition requiring a detailed drawing of the traffic calming feature on Branch Road to be submitted and approved prior to first occupation.

**KCC Economic Development:** has requested contributions in respect of secondary education, community learning, libraries, youth, social care and waste. There is currently no primary education requirement. It has also requested a condition to secure broadband.

**Kent Fire and Rescue:** Has confirmed that the amendments are not detrimental to off-site access requirements of the Fire and Rescue Service.

**Refuse:** Has commented that RCVs must enter and exit in a forward gear so the turning head needs to be sufficient to accommodate for this and ensure this is not obstructed by parked cars;  
Where bin collection is from one location for two or more properties this must be no more than 10m pull out for the crew to the vehicle;  
Roadway will need to be adopted or if it is to remain private an indemnity must be signed off prior to commencement of any waste collections;  
Developer to pay for provision of full set of wheeled bins to the properties when completed.

## Planning Policy

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

### **Ashford Borough Local Plan 2000**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

S56 – Chilham, Branch Road

HOU1 – Affordable Housing

HOU5 – Residential Windfall Development in the Countryside

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

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

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

ENV14 – Conservation areas

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

IMP4 – Governance of public community space and facilities

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

**Village Design Statements**

Chilham Village Design Statement

### **Other Guidance**

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

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

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

Kent Downs AONB Management Plan 2015 – 2019

### **Government Advice**

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

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



National Planning Policy Guidance (NPPG) / Ministerial Statement on First Time Homes

21. In accordance with the NPPG and Ministerial Statement of 24<sup>th</sup> May 2021, the first 25% of affordable housing would be for first time homes, followed by social rented (as per Policy HOU1) and the remainder to be split in line with affordable housing provision as set out in Policy HOU1. Local plans and Neighbourhood Plans that have been adopted or have reached an advanced stage will not at this stage be subject to the First Homes Requirement (Transitional Stage). The Ashford Local Plan was adopted in February 2019 and therefore meets this requirement.

Technical housing standards – nationally described space standard

## Assessment

22. The main issues for consideration are those that resulted in the deferral of the application and these are analysed below. All other material considerations which the planning committee considered on 31<sup>st</sup> July 2020 are as per the appended report.

To relook at traffic management measures and the possibility of providing a footpath link from the site to Bagham Road

23. Policy S56 includes at (d) that the development should include ‘the provision of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB and the Chilham Conservation Area in accordance with the recommendations of KCC Highways and Transportation’.
24. It is proposed that this will take the form of a simple build out into the carriageway (details to be provided by condition) as a light touch approach appropriate to this sensitive location. KCC is satisfied that this is workable and has requested details to be submitted by way of a planning condition.
25. There is no requirement to provide a footpath within Branch Road and indeed KCC have consistently said that there is insufficient space to put in a connecting footpath between the site and Bagham Lane. It has been established however that there is scope to put in a 1.5m footpath across much of the site frontage and such a footpath is shown in the amended plans. KCC would adopt the footpath. The Parish Council are supportive of this approach.
26. From a design perspective the footpath will make this part of Branch Road more urban in character and less like a rural lane which is regrettable. The Kent Downs AONB Unit has also raised this as a concern noting that the

traffic calming is intended to preclude the need for a footpath in Branch Road. However, officers acknowledge the strength of local feeling about the need for a footpath to make the route feel safer, especially as it is used by local school children to get to the playing field.

27. I consider that the proposed amendments address Members' concerns as far as is possible about traffic calming and the introduction of a footpath in Branch Road.

Seek an alteration to the layout in order to provide roadside planting and screening

28. The amended layout provides a largely green edge to the frontage with Branch Road through a combination of new and retained planting, whilst also providing dwellings (Plots 9 and 10) that address Branch Road in a positive way. Clearly, planting has had to be removed to create the new access into the site and provide appropriate visibility splays but new hedge planting is proposed to either side of the new access.
29. The garden to the retained Harvest House has a side boundary with the street currently with hedge planting. Much of this existing planting will go (to allow for the introduction of the footpath) and the amended plans show a garden wall as its new boundary with the street. This is a deliberate design decision to preclude the possibility of any future occupier of Harvest House deciding to put up close boarded fencing along the Branch Road frontage to provide privacy to the rear garden from the street. The provision of an attractive garden wall, as can be found in rural lanes, is therefore a way of future proofing the development to prevent this from taking place. It is not out of character to have walls in rural lanes and the area of verge to the front of the wall will allow for some low level planting to help soften the edge with the road.
30. Whilst units 9 and 10 are closer to Branch Road than the three units on this boundary in the original plans, the access route to these frontage properties has been 'designed out' thereby removing a large area of hardstanding on the Branch Road frontage. Unit 10 now has its own private drive and unit 9 is accessed to the side off the new access road. It does need to be acknowledged also that the development of this site will inevitably change the character of Branch Road from 'garden behind hedge' to 'new village housing'. The amended layout, with its more direct street interface, with Branch Road would in my view integrate better into this village context. It would also provide 'eyes-on the street', and a feeling of safety for pedestrians.
31. Whilst not a reason for deferral from the 15<sup>th</sup> July 2020 Planning Committee, the North Downs AONB Unit has expressed concern that the requirement for landscaping along the southern boundary has not been met – criterion e of

Policy S56. It adds that the requirement for planting along this boundary is considered essential due to the relative openness of the landscape in this location. It has specified that an indigenous species hedge is needed to this boundary which incorporates several 'in hedge' trees in order to avoid a harsh edge to the village and help integrate the development into the surrounding rural landscaping. It should be noted that the built development in the amended scheme has been set back further from this boundary than was the case in the original layout creating more space for planting. A landscaping condition will need to be added to ensure that the boundary is treated to the AONB unit's specification.

32. Overall, I consider that the changes to the layout will create a more robust rural boundary with the street with sufficient greenery and landscaping to embed it in its rural context. I therefore consider that the amended layout does address member's second reason for deferral.

Relook at density in respect of the amount of built development and the size of the units to create a more spacious layout with more generous gardens. The number of dwellings should remain at 10

33. Members indicated at the 15<sup>th</sup> July 2020 committee that they did not want to see a reduction in the number of units on the site as a scheme with less than 10 units would not generate any affordable housing. The amended plans continue to show 10 units of which 4 units would be affordable housing, arranged in a terrace as 2 x 2 bed and 2 x 3-bed homes. The homes for private sale would provide a mix of 4 and 5 bed units.
34. The amended scheme is no less dense than the previous one, but it does provide a simpler and better structured layout with less 'left-over' space. The development will not necessarily feel more spacious, but it will feel more distinctly rural.
35. The amended plans show a scattered arrangement of buildings reminiscent of a farm holding/rural settlement to respond to the rural edge context. In common with the previous layout, the amended layout has had to take account of a mains sewer, running east-west across the site with a 3m easement to either site (see layout plan). No built development or tree planting can be provided within the easement. This is quite a major constraint on such a small site.
36. The previous layout as can be seen from figure 5, was more suburban in character. The amended layout, by introducing a courtyard, framed by barn style buildings is more rural in character. In common with the previous layout, it still provides the necessary frontage onto Branch Road, but this too is more rural in appearance as the looping shared drive has been designed out. The terrace form encloses the end of the existing access to Harvest House and

the surgery. This has the potential to create an attractive enclosed mews space but care will need to be taken in its detailed treatment that the hardstanding is broken up with planting. This is something that can be controlled by condition.

37. Whilst the gardens are not necessarily bigger, they all meet or exceed the Council's minimum space standards and are more regularly shaped and arguably more usable.
38. Whilst I don't think this layout is a 'more spacious layout' (as per member's reason for deferral) per se, I do think it is a better layout in that it is more responsive to its rural situation. To introduce more green space in my view would mean reducing units, and forgoing affordable housing. However, given the deliberate farmstead / courtyard style of the development, I do not think it would necessarily benefit from 'more space'. It is deliberately 'tight' in places (eg. around the courtyard) to achieve enclosure. The amended layout in my view is spacious enough for the form of development and provides an attractive development on this edge of village site which is an improvement to the original suburban layout.

Relook at the design of the dwellings so that they are more in keeping with the immediate surroundings and appropriate for an edge of village location

39. The original plans (see original report in Appendix 1) showed a mix of detached and semi-detached units typical of new development. They had similar building forms to each other – same ridge and eaves height – with variety achieved through changes to their materials treatment, rather than their form.
40. The applicants have looked again at the design of the units to provide a number of different rural building forms as might be found in a village setting where places have evolved over time. Each form has its own detailing and materials treatment to add further variety across the development.
41. Central to their approach is the decision to provide units with different building heights to vary the massing across the development. This is reflected in the 'terraced cottage form' and 'detached cottage form', which both have lower eaves (and ridge) heights to the other building forms on the site. These units have through-eaves windows, reflecting the fact that the upper floor accommodation is partly in the roof space. They are brick, with clay plain tiles to the roof and brick detailing. The cottages have substantial chimney stacks which add architectural interest as well as serving functioning fire-places.
42. The three units to the rear of the site have a 'barn like building form' with some contemporary detailing. The roof forms to these units have been amended since first submitted to provide a hip to one side to reduce their

bulk. Their materials have also been amended. Originally conceived with boarding, the appropriateness of this material was a cause for concern by a number of residents, given especially the site's location within the village conservation area where boarding, timber or otherwise, is deemed inappropriate. The Village Design Statement is clear that boarding is not an appropriate material in the CA.

43. These barn like forms are now proposed to be mostly red stock brick with plain clay hanging tiles and clay plain tiles to the roof. The AONB Unit have indicated that they would like to see a red/orange hanging tile rather than the grey proposed and a materials condition is proposed. There remains a small amount of dark boarding as infill panels around the windows to give the illusion of larger window openings, which helps break up the elevations and adds richness. These units include some distinct features, such as the contemporary bay on the rear elevation and substantial brick chimney stacks /slit windows that add interest and lift the design.
44. Unit 10 is different again and appears as a 'main house' on the street with its direct frontage to Branch Road. This is the largest unit: it has a standard ridge and eaves height for the most part with lower elements to help break up the massing. It has a balcony and bay on its rear elevation, both of a contemporary design with a frameless glass balustrade to the balcony. A variety of materials are proposed: brick with clay tile hanging; a small amount of boarding and a clay plain tiled roof. A brick dental course has been added where the hanging tiles meet the brickwork to add richness.
45. In all cases, the fascias and soffits are dark grey to help lift the design and the windows are a powder coated grey composite Aluminium/timber.
46. I consider that the changes in building form and height across the development, together with changes in detailing and high quality materials will create a more distinctive development that sits better in this rural edge context in the village conservation area. I consider that the applicants have addressed the fourth reason for deferral raised by members.

### **Highway and Refuse Issues**

47. KCC highways has raised no objections to the amended layout subject to conditions. They are satisfied with the proposed traffic calming measures subject to a condition requesting details of these. The proposed footpath to Branch Road also meets with their approval. This would be adopted by KCC, together with the three accesses into the site from Branch Road. The new access roads themselves would not be adopted – as they each serve less than 8 units KCC has indicated that it is not in the wider public interest to adopt these routes.

48. The applicant has submitted a refuse vehicle tracking plan to show how the site would be serviced by a refuse vehicle. This meets the specification laid down by the Council's refuse department. As the roads are to remain private, an indemnity must be signed off prior to commencement of any waste collections as specified by the Council's refuse department.

### **Responding to climate Change**

49. A number of objections have been received, including from the Parish Council about the absence of low and zero carbon technologies in this scheme. The proposal does not incorporate any low or zero carbon technologies. The ALP2030 notes the demise of Eco-Homes and Code for Sustainable Homes and the updated Building Regulations effectively superseding these initiatives aimed at securing more sustainable methods of design and construction. The Council's adopted position is to rely on the Building Regulations to reduce energy emissions. Whilst it is open to debate whether the minima set out in the Regulations are stringent enough given the aspirations for the UK to achieve Net Zero by 2050 there is no development plan policy basis to object to the proposal.

### **Habitat Regulations**

50. Since the application was last considered by Members at the planning committee of 15<sup>th</sup> July 2020, 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.
51. The importance of this advice is that the application site falls within the Stour catchment area and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission
52. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
53. As matters stand, an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or others) having been identified and

demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.

54. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
55. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and the approach to be taken to s.106 obligations), any resolution to grant planning permission would need to be subject to the adoption by the Head of Planning and Development, having consulted NE, of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that assessment. This approach is included as part of my Recommendation further below in this report.

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

56. It is proposed that the development will provide a housing mix of 2, 3, 4, and 5 bedroom houses which is different to the original scheme, which proposed a mix of 2, 3 and 4 bed houses. The amended mix would continue to accord with policy HOU18 of the adopted Local Plan.
57. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. In accordance with the NPPG and Ministerial Statement of 24<sup>th</sup> May 2021, the first 25% of affordable housing would be for first time homes (1 unit in this case), followed by social rented (as per Policy HOU1) (1 unit) and the remainder to be split in line with affordable housing provision as set out in Policy HOU1 (2 units of shared ownership housing).
58. The scheme includes 4 units of affordable housing in accordance with the policy. This is made up of 2 x 2 bed unit and 2 x 3-bed units. The affordable housing element will be secured through the S106 Agreement.
59. In light of the above I consider that the amended proposals comprise an acceptable housing mix and affordable housing element that is compliant with the above mentioned development plan policies.

### **Housing Land Supply**

60. The Council can currently demonstrate a 4.8 year supply of housing land. 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 the Framework taken as a whole.”*
61. I have weighed the scale of the Borough’s housing supply deficit in the balance and in my view, as the development would not result in any demonstrable harm it adds extra weight in favour of this development by making an acceptable contribution to the supply of housing in the Borough.

### **Planning Obligations**

62. 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
63. A contribution is required for enhancement or maintenance of public open space and equipped play at the Village recreation ground in accordance with Policy S56 (g).
64. As a development of 10 units, there is a requirement for the proposal to provide affordable housing in accordance with the recent Ministerial Statement on First Time Homes and Policy HOU1 (see section above). There is also a request in relation to the governance of the ecological area, under policy IMP4.
65. The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Contributions are requested in respect of secondary schools, community learning, libraries, youth and adult social services. There is currently no primary school requirement.
66. Since the final quarter of 2020, the position in respect of Stodmarsh lakes is such that a number of development sites in the Stour catchment area will be reliant on an off-site mitigation strategy being put in place and delivered in



order to be able to proceed without giving rise to harm to that sensitive habitat. The application subject of this report falls into that category. The extent of that financial contribution relative to the development applied for is an unknown factor at present but, clearly, the ABC s.106 mitigation sub-total could increase from the figure quoted in the previous paragraph. I deal with Stodmarsh issues further below.

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

## Heads of Terms for Section 106 Agreement/Undertaking

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Page 200	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: Enhancement/maintenance of public open space and equipped play at the Village recreation ground.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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 S56, SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than <b>40%</b> of the units as affordable housing, comprising 10% affordable rent units and 30%</p>	<p>1 affordable rent unit</p> <p>1 First Time</p>	<p>Affordable units to be constructed and transferred to a registered provider</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 201</p>	<p>shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>Home unit  2 shared ownership units</p>	<p>upon occupation of 75% of the open market dwellings.</p>	<p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 201</p>	<p><b><u>Governance of public or community space and facilities onsite</u></b></p> <ul style="list-style-type: none"> <li>• Ecological area</li> </ul> <p>Scheme for ongoing management to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the space and that the entity is accountable to the owners for the</p>	<p>N/A</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Scheme to be implemented for each dwelling before its occupation.</p> <p>Areas to be transferred to approved management entity</p>	<p><b>Necessary</b> as onsite public or community space is needed to meet site-specific requirements generated from the development and needs to be effectively and sustainably managed pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use this space and the space to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking into account the number of users and is based on good practice stewardship arrangements.</p>

	management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.		and funding/endowment secured, before occupation of more than 50% of the dwellings.	
Page 202	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	Provide on-site 20% of all units.	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p>	<p><b>Necessary</b> as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably</b> related in scale and kind as based on a proportion of the total number of housing units to be provided</p>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional resources and bookstock for the mobile library service attending Chilham for the new net borrowers generated by this</p>	£55.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

	development		and balance on occupation of 50% of the dwellings	<p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
Page 203	<p><b><u>Community Learning</u></b></p> <p>Project: Additional resources and equipment for additional learners form development at Ashford Adult Education Centre</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Secondary Schools</u></b></p> <p>Project: Towards Norton Knatchbull expansion</p>	£4540.00 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50%	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. .</p>

Page 204			of the dwellings	<p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
Page 204	<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources for the Ashford Youth Service</p>	£65.50 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly</p>

Page 205	<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards Extra care Accommodation Ashford</p>	<p>£146.88 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> 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><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Long-term availability of parking facilities and surrounding land for use of Chilham Surgery</u></b></p> <p>Scheme to secure that the parking facilities and surrounding land are completed, inspected and made available for the exclusive use of Chilham Surgery and its doctors, staff, patients and visitors. Scheme to include details of long-term management and maintenance responsibilities, and tenure to be offered to the Surgery (as</p>	<p>N/A</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Approved scheme to be implemented before occupation</p>	<p><b>Necessary</b> as the parking spaces are needed to meet a site-specific policy requirement and need to be effectively secured for the long term use of the Surgery, pursuant to Local Plan 2030 policies SP1, S56, TRA3(a) and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as the spaces are to be provided by the development of this allocated site.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking</p>

	appropriate).		of more than 25% of the dwellings.	into account the site allocation policy and good practice.
Page 206	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£500 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				



## Human Rights Issues

68. 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

69. 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

70. The site lies within the AONB and Chilham Conservation Area and comprises land allocated for residential development under policy S56 of the Local Plan 2030. The stated allocation evidences the fact that subject to meeting the criteria identified in policy S56, the Council considers the principle of residential development on this site to be acceptable and also sustainable.
71. The site, being an allocated site, will make an important contribution to the Council boosting the supply of housing which is a requirement of the NPPF and achieving a 5 year housing land supply.
72. The application site is located immediately adjacent to an established rural settlement and within easy walking distance of the centre of the village where there are a range of local services and facilities including a shop/post office, village hall, public houses, primary school, village hall and recreation ground/open space including a children’s play area. There are bus stops located within walking distance of the site.
73. The proposals would result in a visual change from a rear garden to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and softened by the existing and enhanced landscaping. As such the wider landscape impacts are not considered to be significant. The development has been assessed as preserving the setting of the listed buildings and not being harmful to the character and appearance of the conservation area. The housing designs, the layout and building materials combine to create a distinctly rural and varied edge of settlement development. Overall, it is considered that the proposals will represent an

appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB; would preserve the setting of the listed buildings and would not be unacceptably harmful to the character and appearance of the conservation area.

74. There would be no demonstrable adverse impacts on the residential amenity of neighbouring or future occupiers.
75. Subject to conditions, the development can be accommodated without any adverse impact upon matters of ecological importance.
76. In terms of flooding and drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
77. The application has been subject to consultation with Kent Highways and Transportation who have stated that the development does not cause concern with regard to capacity or highway safety on the surrounding network and that the accesses onto Branch Road are sufficient in size and have adequate visibility. The proposal is also acceptable in terms of its parking arrangements.
78. It is proposed that the development will provide a housing mix of 2, 3, 4 & 5 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan. The proposal would lead to additional housing supply in the borough at a time when a five year supply of housing land cannot be demonstrated, which lends more weight in favour of the development.
79. The proposed development would provide 40% affordable housing (4 units) comprising one First Time Buyer, 1 affordable rent and 2 affordable home ownership products to comply with the Ministerial Statement and policy HOU1 of the Local Plan 2030. In accordance with policy S56 of the Local Plan 2030, the development shall provide a contribution towards the enhancement or maintenance of public open space and equipped play at the village recreation ground. Together with the affordable housing, these can be secured by a S106 agreement along with the other contributions as requested by KCC.
80. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. Therefore, the recommendation to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary additional obligation(s) and/or planning conditions deemed necessary to achieve that end.

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

## **Recommendation**

### **Permit**

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

**(B) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in her view, having consulted the Director of Law and Governance and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation;**

**(C) Resolve to 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. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Landscaping scheme to include proposed new tree planting to southern site boundary with open countryside.

7. Planting plans required to accompany the landscaping scheme.
8. Retention of existing hedgerows.
9. Tree protection measures.
10. Tree protection for new trees.
11. Details of boundary treatments.
12. Landscape management plan.
13. Removal of permitted development rights – extensions, alterations and boundary treatments.
14. Occupation as a single dwelling house only.
15. Reptile mitigation implementation / reptile mitigation and management report
16. Bat Sensitive Lighting Design / No additional External Lighting
17. Ecological enhancements.
18. Construction Management Plan/Hours of working.
19. Completion and maintenance of access.
20. Provision and maintenance of visibility splays.
21. Provision of footpath to Branch Road and traffic calming.
22. Use of bound surface for first 5m.
23. Provision of measures to prevent discharge of surface water onto public highway.
24. Provision and retention of parking and turning.
25. Provision and retention of parking spaces/garaging.
26. Provision and Retention of Bicycle Storage.
27. Electrical charging points.
28. Provision of parking bays for surgery and their permanent retention.
29. Detailed drawings of traffic calming features in accordance with plan 08696 – A-L-(00)-X-0104 G
30. Sustainable surface water drainage scheme.
31. Verification report.
32. Details of the sewage treatment system.
33. Provision and retention of refuse collection facilities.
34. FTTP
35. Unexpected contamination.
36. Enforcement condition.

1. S106
2. Refuse collection indemnity

### **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

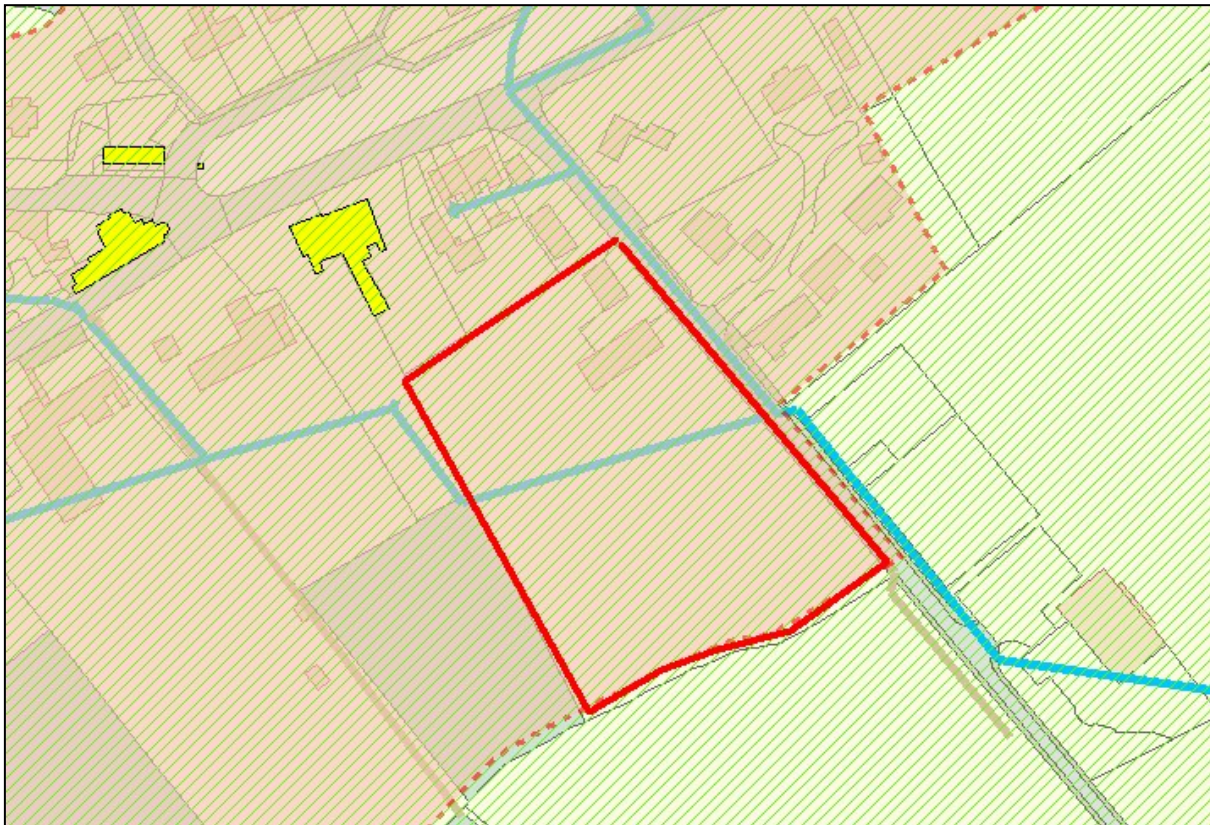
- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00483/AS)

**Contact Officer:** Katy Magnall  
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Annex 1



<b>Application Number</b>	21/01173/AS
<b>Location</b>	Land north of Stumble Holme, Kingsford Street, Mersham, Kent
<b>Grid Reference</b>	605029/140109
<b>Parish Council</b>	Mersham
<b>Ward</b>	Mersham, Sevington South with Finberry
<b>Application Description</b>	Erection of 5 no residential dwellings with associated access, parking, landscaping and amenity space.
<b>Applicant</b>	Mr Jonathan Mayes
<b>Agent</b>	DHA Planning Ltd
<b>Site Area</b>	0.33 ha

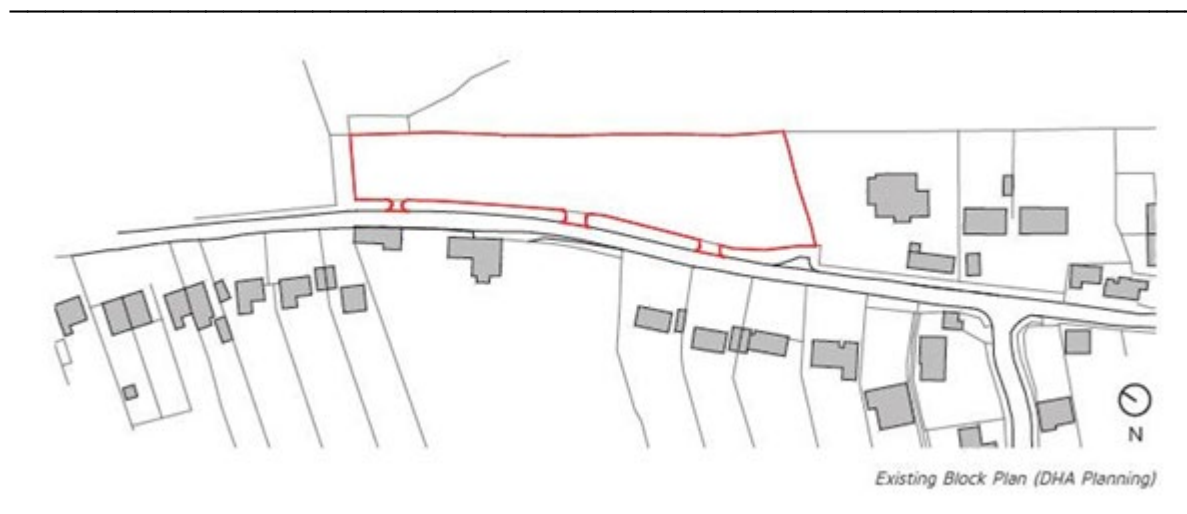
## Introduction

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

## Site and Surroundings

2. The application site is a vacant piece of grazing land on the northern side of Kingsford Street and adjacent to the defined village confines of Mersham. The site is bounded to the east by a recently completed with agricultural land to the north-east and north-west. The site lies outside the Mersham settlement confines. The site lies within countryside defined under the Mersham Farmland Landscape Character Area (LCA)
3. The site boundaries are well-defined by a mixture of post and wire fencing and established hedgerow. Two points of access currently exist into the site, via the south-east and north-western boundaries.





## The Proposal

4. Full planning permission is sought for the erection of 5 detached residential dwellings (2 x 3 beds and 3 x 4 beds) with associated access, parking, landscaping and amenity space.
5. An existing access is to be replaced with 3 new accesses. Plot 1 will benefit from a private access, whilst plots 2-5 will share dual access points. The new accesses will require the removal of 17m of hedgerow to the frontage of the site. This loss will be compensated for with the filling in of 2no. existing access points and proposed hedgerow planting along plot and site boundaries.
6. On-site parking is provided with 3no. parking spaces for all dwellings. Plots 1,3, 4 and 5 have 3no. independently accessible spaces whilst Plot 2 has a mix of tandem and independently accessible spaces.
7. The proposed dwellings vary in form (all including a feature gable element) and height, increasing from 1.5 storey to 2 storey north-south with a catslide roof form on plot 1 furthest to the east of the site to reflect the transition to the countryside. The maximum ridgeline height being 7.660m.
8. In terms of design there is a mix of full, half-hipped and catslide roofs as well as dormer windows in the eaves and feature gable frontages, indicative of Kentish vernacular design.
9. There is a palette of materials reflecting the local area, comprising orange/red brick, stone weatherboarding, vertical hanging tiles and clay roof tiles.
10. All existing mature trees on the site are to be retained, together with additional tree planting along the eastern boundary and infilling of gaps to strengthen the



boundary screening and to assist with assimilating the development into the landscape. 4no. new trees are proposed to the site frontage.





## Planning History

11. None.

## Consultations

**Ward Member:** Cllr Bartlett has not provided any comments on the proposal.

**Mersham Parish Council:** Object making the following comments:

*This application pertains to land that lies outside of that area designated as an integral part of the village as required by the Government's National Planning Policy Framework. Mersham PC does however recognise that one side of the development does abut to the edge of the village confines (as agreed by Ashford Borough Council) albeit the shortest side of the development and has for this reason approached the application on the basis that it could be considered under the terms of HOU3a. Mersham Parish Council would however urge Ashford Borough Council to separately consider exactly how much of the perimeter of a proposed developments needs to be adjacent to the designated area of a village to allow it to be considered as within that area.*

*That issue aside our objections to the proposed development follow:*

1) *Under HOU3a the application fails to meet the following criteria:*

*a) the layout, design and appearance are neither appropriate to nor compatible with the character and density of properties in the surrounding area;*

*b) it would have a substantial and significant impact on the amenities currently enjoyed by those currently residing in the area of the proposed development;*

*g) There is currently no safe lighting or pedestrian access on the street scene at present. Adding lighting would negatively impact the neighbours.*

*2) This application does not meet the requirements for certain facilities to be within 800 metres of the proposed development. The village shop, public house and primary school are outside of this “sustainable” catchment.*

*3) For the village and this area of Kingsford Street in particular any development is a sensitive issue as recent developments including the SIBF, J10A, the Hinxhill residential development and the M20 have had significant and detrimental impacts, some temporary and some ongoing.*

*4) Further development in this area also serves to undermine the potential mitigation of those developments identified at 3) above by the ongoing initiative to develop a green buffer on the Highfield site.*

*5) Parking in the village and in particular in Kingsford Street is already problematic and this development which offers only limited parking given that most family homes have at least two cars will only serve to exacerbate this issue.*

*6) The plan is considered to be an excessive level of development for a site of this size particularly in terms of property depth compared to properties opposite.*

*Finally, although not something that forms part of the planning consideration process, there is an extant covenant on this land intended, we would suggest, to protect the amenities enjoyed by existing properties in the area by prohibiting any development on the plot of land under consideration.*

**KCC Heritage:** Raise no objection subject to the imposition of a condition relating to safeguarding archaeological interest.

**KCC Biodiversity and Ecology:** Raise no objection and express satisfaction that biodiversity net-gain can be achieved. This can be controlled by way of the imposition of an informative and condition.

**Neighbours: 16** neighbours notified and **22 objections** received raising the following concerns and 1 letter of support.

- The proposal is in conflict with the adopted Local Plan;
- Undesirable impact on the amenity of neighbours;
- Detrimental to the character and appearance of the area;
- Impact on drainage;
- Loss of wildlife habitat;
- There are covenant issues in respect of this land;
- There are no affordable housing units in the proposal;
- The proposal would set an unwelcome precedent;
- The proposal would worsen road conditions;
- The proposed development is outside the village confines;
- This narrow country road cannot accommodate additional traffic;
- Undesirable impact on Stodmarsh Designated site;
- Inappropriate development detrimental to the visual amenity of the countryside;
- Inaccuracies in the accompanying documents;
- Inconsistent with the NPPF provisions.

## Planning Policy

12. 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).

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

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU5 – Residential Windfall Development in the Countryside

HOU12- Residential Space Standards Internal

HOU15 - Private External Open Space

TRA3a - Parking Standards for Residential Development

TRA6 - Provision for Cycling

TRA7 – The road network and development

EMP6 – Promotion of Fibre to the Premises

ENV1 - Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting important rural features

ENV7 – Water efficiency

ENV8 – Water Quality, Supply and Treatment

ENV9 – Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

Sustainable Drainage SPD 2010

Residential Parking & Design SPD 2010

Residential Space & Layout (External space standards) 2011

Landscape Character Assessment SPD 2011

Dark Skies SPD 2014  
Fibre to the Premises SPD

**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)

15. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states 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:
- 2. Achieving sustainable development
  - 4. Decision-making
  - 5. Delivering a sufficient supply of homes
  - 11. Making effective use of land
  - 12. Achieving well-designed places
  - 15. Conserving and enhancing the natural environment

### National Planning Practice Guidance (NPPG)

16. In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:
- Design
  - Determining a planning application

## **Assessment**

17. The main issues for consideration are:
- a) Principle of Development
  - b) Layout, Design, Character and Appearance
  - c) Residential Amenity and Standards
  - d) Access Arrangement, Parking Provision and Highway Safety
  - e) Foul Water Disposal, Biodiversity & Habitat Regulations

f) Other Matters

## 18. Principle of Development

Policy HOU5 of the Local Plan relates to residential windfall development in the countryside. The policy states that proposals for residential development adjoining or close to the existing built up confines of villages including Mersham will be acceptable providing the following criteria are met:

*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;*

*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;*

*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;*

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

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

*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 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

19. The application site is located to the north of Kingsford Street and adjacent to the defined village confines of Mersham, which contains a post office and store, two pubs village hall, sports club, a church, and a primary school. In response to criteria a), b) and d) the site is close to the built up confines of Mersham and consequently, it is within proximity of services/facilities. Criteria c), e) and f) are addressed below.

20. **Layout, Design, Character and Appearance**

Local Plan policies SP1 and SP6 also require good design and state that all development should seek to create a distinct character, with a strong sense of place and identity. These policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment and seeks to safeguard heritage assets.

21. Criterion f(iv) under policy HOU5 is particularly relevant to the proposal. Having regard to the site shape, size and configuration of the proposed 5 plots, especially in relation to the surrounding pattern of development, it is considered that the proposed development, of the size and scale proposed, can be erected on the site without harming the character and appearance of the area. The pattern of the surrounding development, particularly the site coverage and scale of the existing dwellings within the confines of their respective plots, implies that proposed 5 dwellings would sit comfortably within their respective plots.
22. In relation to design, there is no noticeable or coherent pattern in the appearance of the surrounding buildings. The proposed development is considered as a continuation of the existing context of Kingsford Street, in a linear pattern. The plot sizes and design have also been considered in the context of the area, which largely consists of a mix of one or two storey dwellings with detached garages and outbuildings, as such the proposed dwellings comprise a mix of 1.5 storey to 2 storey.
23. The appearance of the proposed dwellings responds to the architecture of the immediate setting, through the use of materials used locally. Notwithstanding, the imposition of a condition requiring the submission of full details of the external facing materials for approval is recommended.



24. The development includes the retention of existing mature planting as well as the reinforcement of existing planting particularly in the form of a new native hedgerow and tree planting to the rear boundary to assist with assimilating the development into the landscape.
25. The Council's Tree Officer confirms that in arboriculture terms, the layout meets the recommendations within BS5837:2012 in allowance for future growth and respecting the quality of the key tree on the site – the sycamore and that there are no further arboricultural conflicts on the site.
26. On balance no significant or unacceptable harm to the street scene or the surrounding area would be caused and the proposal complies with the relevant Local Plan policies in respect of visual impact and would not harm the character and appearance of the designated landscape. Subject to being acceptable on all other matters which are assessed below, the proposal is acceptable in this respect.

### **Residential Amenity and Standards**

27. Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 states among other things that planning policies and decisions should ensure that developments:  
  
*Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."*
28. Policy HOU5 reinforces the emphasis on the protection of amenity. It seeks to ensure that new residential development do not harm the living conditions of neighbouring occupiers.
29. In consideration of the siting of the proposed dwellings relative to the surrounding buildings and the disposition of the windows and other openings, the proposal would not harm the living conditions of the neighbouring occupiers. The nearest neighbouring property to the proposed development is approximately 30m to the south of the site and is screened by existing mature trees. This amenity safeguard will be further reinforced through new landscaping, particularly the boundary hedgerow planting. The dwellings have been oriented in a manner that would prevent mutual overlooking between the existing and proposed dwellings. The scheme would therefore comply with both national and local planning policies.
30. In accordance with policy HOU12 and the provisions in the national guidance, the internal layout and floorspace disposition for the 5 dwellings meet the set standards. The external amenity spaces are also satisfactory and in accordance with policy HOU15. On balance, there would be no significant or unacceptable harm to the living conditions of the adjacent neighbouring dwellings and the future occupiers of the proposed development.

### **Access Arrangement, Parking Provision and Highway Safety**

31. Access to the site is from Kingsford Street. The current access points would be removed as part of the proposal and replaced with 3 new access points to serve the new dwellings. Plot 1 would benefit from a private access, whilst plots 2-5 will share dual access points. As the road isn't a classified road then it does not fall within the remit of Kent Highways to make comments. The development relates to 5 dwellings and it isn't considered that the development would generate such an amount of traffic that couldn't be accommodated on the local road network.
32. Policy TRA3a states that dwellings of three bedrooms should be provided with 2 off road parking spaces and 3 spaces for 4 bedroom dwellings. The 5 plots could each accommodate at least 3 off-street car spaces and there would be sufficient turning spaces provided to allow vehicles to enter and exit in forward gear. The development is therefore acceptable in terms of highway safety and parking provision.
33. **Foul Water Disposal, Biodiversity & Habitat Regulations**

An Ecological Assessment (EA) was submitted in support of the application. The EA was undertaken on site to classify the habitats present, determine the potential for protected species to occur within the site, identify key ecological constraints to minimise ecological effects through the design of the scheme, and suggest any further surveys or suggest ways to maintain, enhance or mitigating measures for biodiversity.
34. The EA confirms several potential habitats for protected species, which are proposed to be retained. These include the hedgerow on the south-west boundary of the site is classified as 'Important' under the ecology criteria of the Hedgerows Regulations 1997.
35. The EA also considers that the site is capable of supporting "Low" quality bat habitat, however, a further ecological assessment found 1 tree on the site which showed evidence of a potential bat roosting features. The tree would be retained within the development proposal and therefore no further surveys for bats would be required.
36. Following receipt of further information KCC Biodiversity and Ecology is satisfied that biodiversity net gain can be achieved. This can be secured by way of planning conditions. There would therefore be no harm to protected species.
37. Surface water is to be disposed of by way of a soakaway and this can be dealt with by way of a condition.
38. The site falls within the 'Stour Lower' Operational Catchment Area. The Council has received Standing 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.

39. The effect of the advice implies that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh Lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to be able lawfully to grant planning permission.
40. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
41. As such, the applicant is required to carry out a Habitats Regulations Assessment (HRA), which generally includes an Appropriate Assessment (AA) carried out by the competent authority, in this case the LPA (NB: the second, more detailed stage of an HRA). The findings of the HRA need to be referred to Natural England and there is a duty to consider their response.
42. As matters stand, it is likely that an off-site package of mitigation measures could be required in order for this proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude that the scheme would be acceptable in respect of this issue now.
43. However, work commissioned by the Council is expected to commence shortly on identifying a package of strategic mitigation measures that it is hoped would enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
44. Therefore, aside from the issue highlighted above, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to conditions), it is recommended that a resolution to grant planning permission should be subject to the adoption by the Head of Planning and Development, having consulted NE, of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment. This approach is included as part of my Recommendation further below in this report.

## **Other Matters**

45. Many of the issues raised by the neighbours have been dealt with and addressed in this report. However, in many of the responses, references were made to covenants in respect of this site, but this is not a material planning consideration.

## **5 Year Housing Supply**

46. The Council can currently demonstrate a 4.8 year supply of housing land.
47. 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.”
48. 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. I have weighed the scale of the Borough’s housing supply deficit in the balance and in my view, as the development would not result in any demonstrable harm it adds extra weight in favour of this development by making an acceptable contribution to the supply of housing in the Borough.

## **Human Rights Issues**

49. 44. Human rights issues relevant to this application were taken into account in the assessment of this proposal. 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**

50. 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

51. In conclusion, the Development Plan supports residential development at the edge of rural settlements subject to compliance with policy HOU5 criteria, other relevant policies and adopted standards. This site lies on the edge of Mersham and it is considered that the proposed development, by virtue of its scale, design and layout would be in keeping with the character and the spatial pattern of the surrounding development.
52. No harm to residential amenity is envisaged and the proposed development is acceptable in terms of its visual impact and impact upon the highway.
53. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh Special Area of Conservation (SAC) Special Protection Area (SPA), and Ramsar Site under the Habitats Regulations. Therefore, the recommendation to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions deemed necessary to achieve that end.
54. Overall, for the reasons set out above, the proposed development is considered to comply with the requirements of the development plan and it is therefore recommended that planning permission is granted.

## Recommendation

### Permit

- (A) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation;**
- (B) Resolve to Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and**

**with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

### **Conditions**

1. Standard Time Condition
2. Compliance with The Approved Plans
3. Landscaping Scheme to include new hedgerow and tree planting
4. Planting plans required to accompany the landscaping scheme
5. Landscape management plan
6. Retention of existing hedgerows
7. Tree protection measures
8. Tree protection measures for new trees
9. Materials to be Approved
10. Provision and Retention of Vehicle Parking space
11. Provision and retention of bicycle storage
12. Enforcement Condition
13. Occupation as a single dwelling house only
14. Construction Management Plan/Hours of Working
15. Provision and maintenance of visibility splays?
16. Electric Vehicles Charging Points
17. Archaeological Field Evaluation
18. Biodiversity Enhancement
19. Sustainable surface water drainage scheme
20. FTTP

### **1. Working with the Applicant**

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

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

In this instance:

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

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st

March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/01173/AS)

**Contact Officer:** Olawale Duyile  
**Email:** [olawale.duyile@ashford.gov.uk](mailto:olawale.duyile@ashford.gov.uk)  
**Telephone:** (01233) 330380

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<b>Application Number</b>	21/01290/AS	
<b>Location</b>	6 Pondmore Way, Ashford, Kent, TN25 4LU	
<b>Grid Reference</b>	99789/43785	
<b>Parish Council</b>	Central Ashford	
<b>Ward</b>	Repton Ward	
<b>Application Description</b>	First floor extension to existing garage.	
<b>Applicant</b>	Mr L Roberts, 6 Pondmore Way, Ashford, Kent, TN25 4LU	
<b>Agent</b>	Mr C Brian, CB Planning Agent, Silverwood, Stone Street, Westenhanger, Hythe, CT21 4HT	
<b>Site Area</b>	0.06 ha	
(a) 5/1R	(b) N/A	(c) N/A

## Introduction

1. This application is reported to the Planning Committee because the applicant is a close relative to a staff member at the Council.

## Site and Surroundings

2. The application site comprises a two-storey detached property within a residential cul de sac located on Pondmore Way, within the modern housing development of Orchard Heights. The vehicle access to the site runs to the north east of the application site which is a shared access for 5 other properties. The rear elevation of the application site backs onto Pondmore Way. The site is not within any designated areas.
3. The nearest properties are to the south west of the application site and their front gardens face the application site.



Figure 1- Site Location Plan

## Proposal

4. The proposal seeks to extend the existing garage, which is located to the south west of the application site, in the form of a first floor extension to create home office space. The development includes the insertion of French doors into the west elevation as well as an internal staircase in the corner of the garage to access the new first floor area.
5. The brick work and roof tiles would closely match those of the existing garage.
6. During the course of assessing the application the development has been amended to address a concern raised by the case officer regarding the bulk and massing of the roof extension. A half hip has been introduced to both sides of the roof reducing the bulk and creating an improved visual relationship between the application site property and the properties to the south west of the site.



Figure 2- Existing East Elevation  
(Front Elevation) and South Elevation

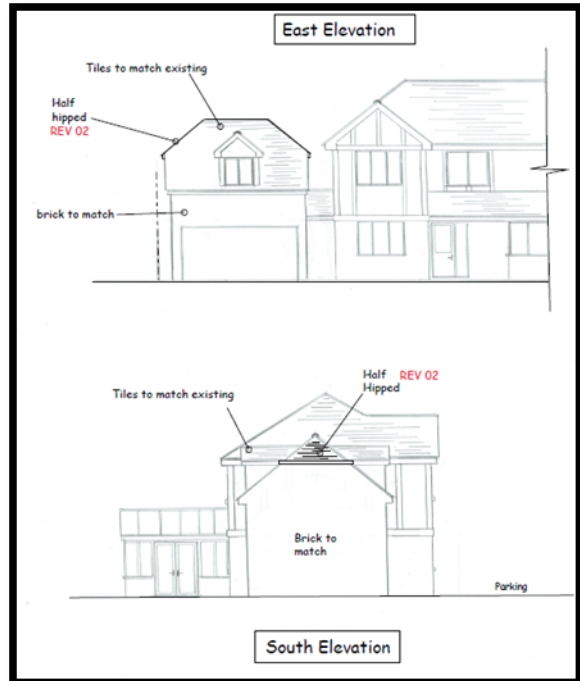


Figure 3- Proposed East Elevation  
(Front Elevation) and South Elevation

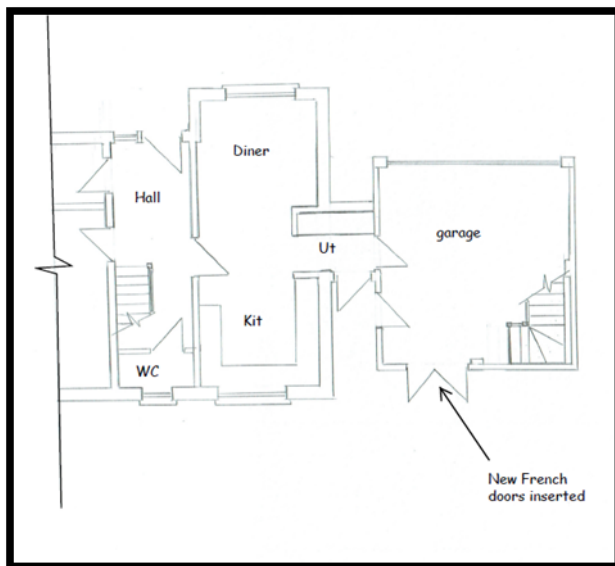


Figure 4- Proposed Ground Floor Plan

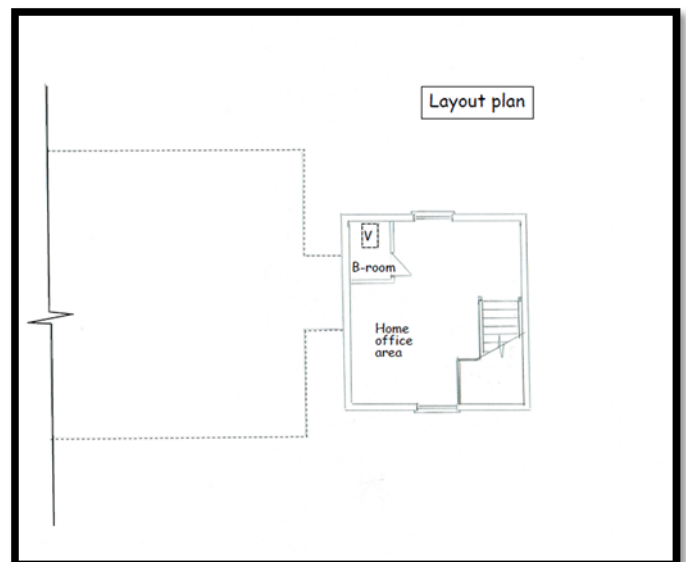


Figure 5- Proposed First Floor Plan

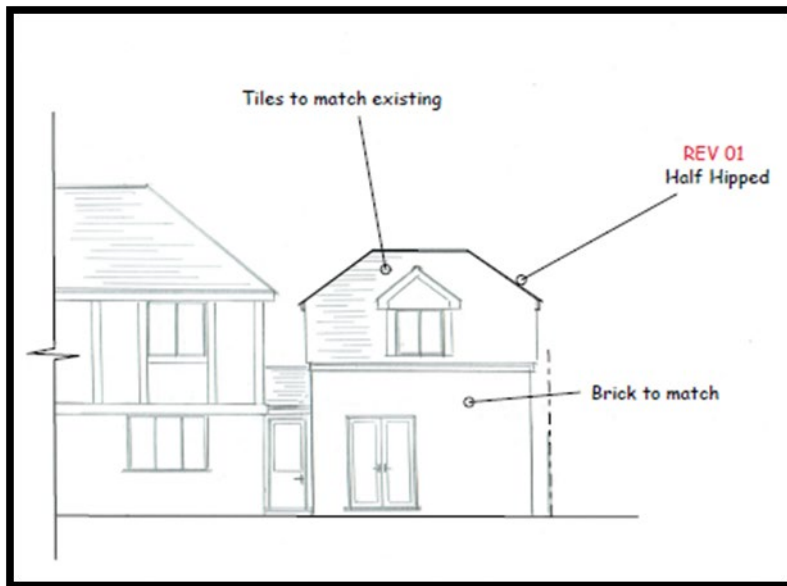


Figure 6- Proposed West Elevation



Figure 7- Proposed Block Plan

## Planning History

7. The following is relevant relating to the application;-

DC	FA	16/01560/AS	Construction of two storey side extension	PERM	26/01/2017
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## Consultations

**Ward Member(s):** Cllr Bernard Heyes and Cllr Matthew Forest; no comments received.

**Neighbours:** 5 neighbours consulted; one objection received making the following comment;

- The extension would severely cause a loss of all daylight to Nos. 7 & 8 Pondmore Way and it would encroach upon the properties.

**Parish Council:** N/A

## 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).

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

Ashford Local Plan 2030 (adopted February 2019)

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU8 – Residential Extensions

### TRA3a- Parking Standards for Residential Development

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

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

Supplementary Planning Guidance Note 10 (Domestic Extensions in Urban and Rural Areas)

Residential Parking and Design Guidance SPD

#### **Government Advice**

##### National Planning Policy Framework (NPPF) 2021

11. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states 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:-
12. Paragraph 130, *Planning policies and decisions should ensure that developments:*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*

## **Assessment**

13. The key issues for consideration are:

- Visual amenity
- Residential amenity
- Highway Safety

### **Visual amenity**

14. The first floor extension sits below the main ridgeline of the existing property and the garage is set back from the frontage of the property. The roof has been designed sensitively with a half hip at both sides which reduces its overall bulk when viewed from public vantage points. The dormer windows would sit comfortably within the roof slope given that there would be gaps around the dormer windows. There will be a gap between the property and the garage on the first floor level and sufficient space is retained in front and behind the property which prevents an overdevelopment of the plot. The materials would closely match those of the existing garage, which is in keeping with local character of the area.

### **Residential amenity**

15. One objection comment has been received from a neighbour about the loss of daylight and encroachment to No. 7 & 8 Pondmore Way. The front gardens at No. 7 & 8 are immediately adjacent to the existing garage which are not considered private amenity spaces. There would be approximately an 8 metre separation distance between the garage and the first floor windows at No. 7 which are the nearest neighbouring windows. Furthermore, the development would stand at 6 metres which is lower than the existing property, therefore there would not be any harm to the outlook from first floor windows at No. 7 and No. 8 nor overbearing development to any private amenity space.
16. There are no side windows to the side elevation and therefore I do not have any concerns about harmful overlooking. There would therefore be no harm to residential amenity.

### **Highway Safety**

17. The internal staircase will take up part of one of the car spaces, however, there is ample external parking to serve the dwelling. Therefore, there would be no harm to highway safety.

## **Human Rights Issues**

18. 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

19. 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

20. The development is acceptable in visual, residential amenity and highway safety terms. I therefore consider that the proposed development complies with the requirements of DP policy, Central Government guidance and the Council's SPG and therefore recommend the scheme for approval.

## Recommendation

### Permit

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

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

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

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



4. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

### **Working with the Applicant**

In accordance with 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 was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

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

**Contact Officer:**

Lewis Berry

**Email:** lewis.berry@ashford.gov.uk

**Telephone:** (01233) 330269

<b>Application Number</b>	21/01592/AS	
<b>Location</b>	Bennetts, 56 The Street, Appledore, Ashford, Kent, TN26 2AE	
<b>Grid Reference</b>	95593 / 29517	
<b>Parish Council</b>	Appledore	
<b>Ward</b>	Isle of Oxney Ward	
<b>Application Description</b>	Erection of 2-bay garage with log store; erection of greenhouse; erection of a gazebo.	
<b>Applicant</b>	Mrs E Mitchell. Bennetts, 56 The Street, Appledore, Kent, TN26 2AE	
<b>Agent</b>	N/A	
<b>Site Area</b>	0.35 Ha	
(a) 5/2S	(b) +	(c) KCC Archaeology Section - +

## Introduction

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

## Site and Surroundings

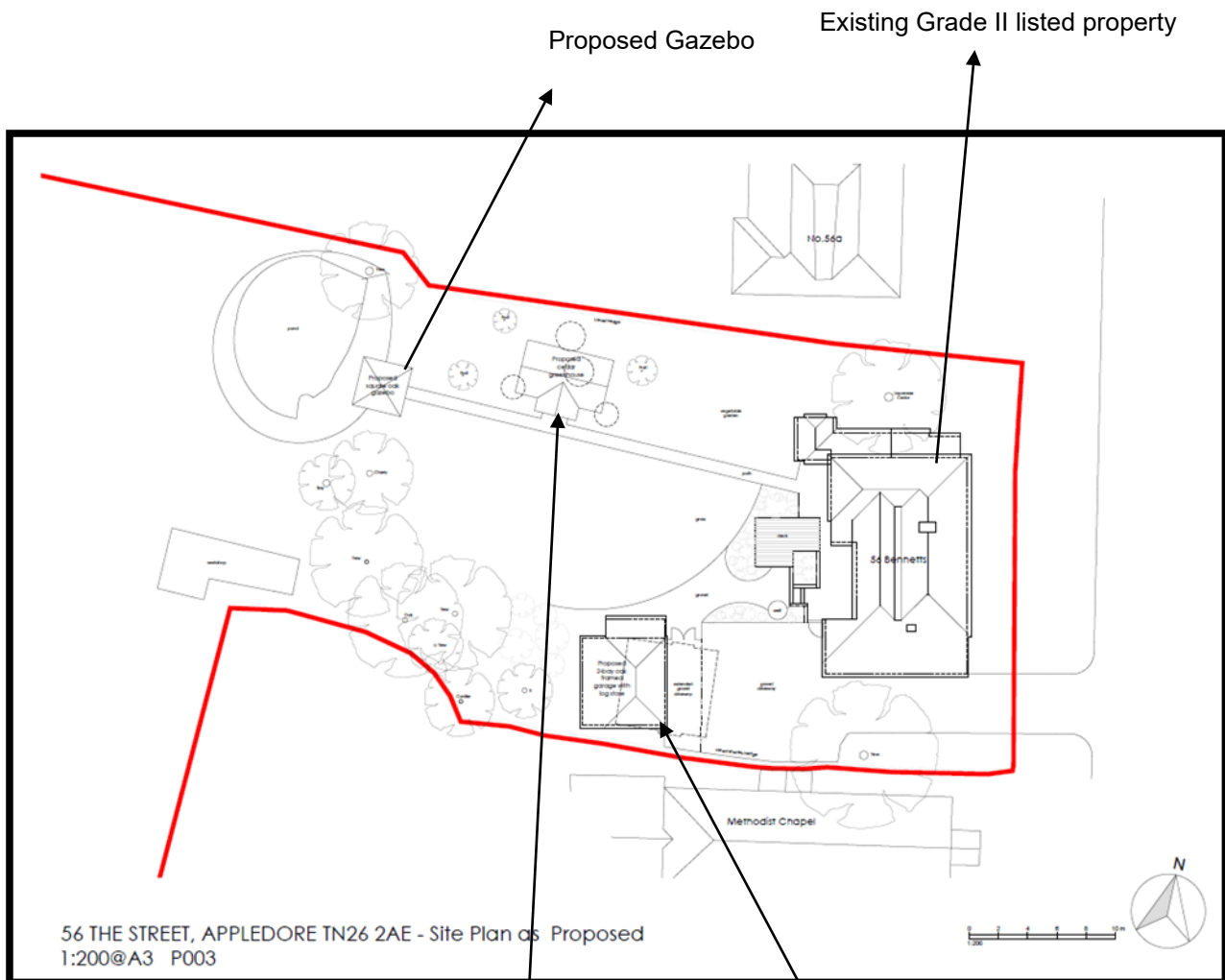
2. The application site comprises a detached Grade II listed property located within the parish of Appledore on the road known as 'The Street'. The site lies with the designated Appledore Conservation Area (CA) and within countryside that is defined as part of the Low Weald Landscape Character Area (LCA).

## Proposal

3. The application seeks permission for the following:
  - A 2 bay garage made of red brick and oak featheredge cladding with a handmade clay plain tile roof which will be set back in relation to the main property. 4m in height.
  - A pitched roof greenhouse comprising a red brick plinth and clear finished red cedar frame with slate grey powder coated aluminium capping to roof

timbers, which will be situated to the north western part of the garden. 4m in height;

- A square shaped gazebo made of oak with an untreated cedar shingle roof, which will be situated to the north west end of the garden adjacent to a pond. 3.5m in height.



**Figure 1- Proposed Block Plan**

Proposed Greenhouse

Proposed Garage

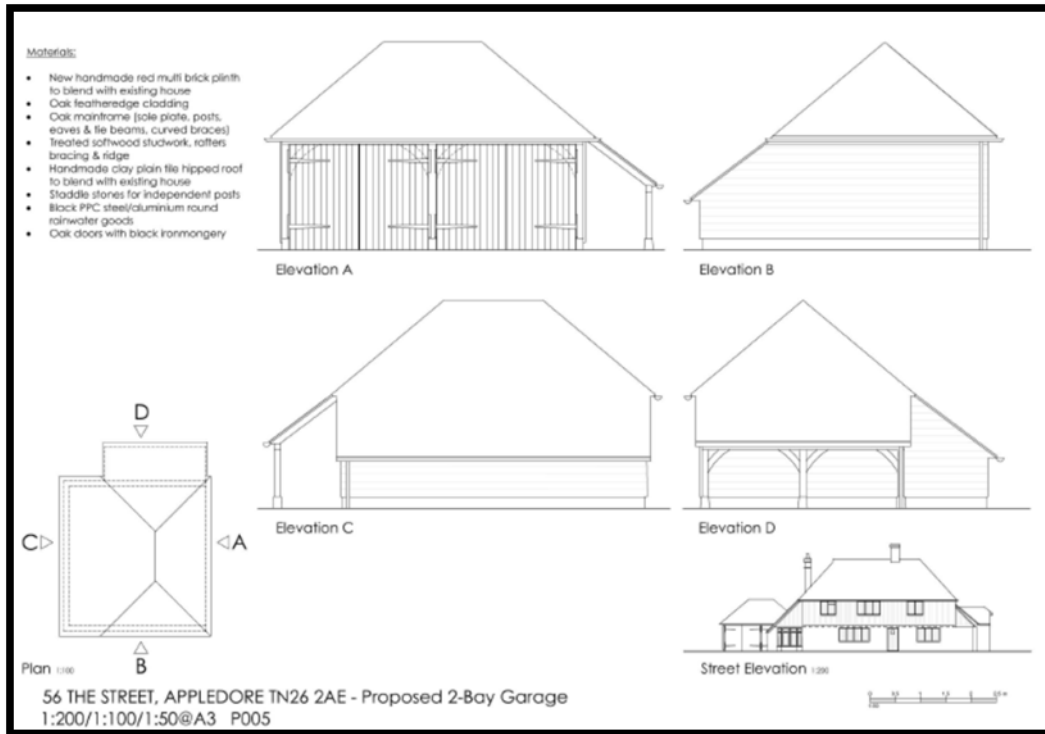


Figure 2- Garage Elevations

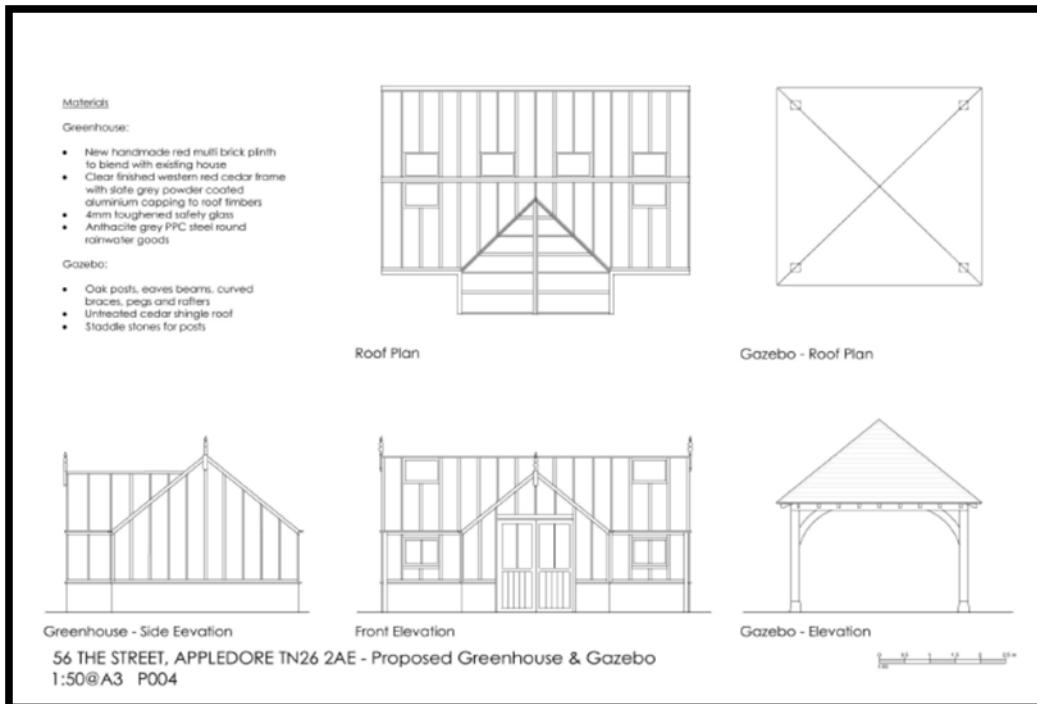


Figure 3- Greenhouse and Gazebo Elevations

## Planning History

No relevant history

## Consultations

**Ward Member(s):** Cllr. Mick Burgess; No representation received.

**Neighbours;** 5 neighbours notified; 2 support comments received.

**Appledore Parish Council** No comments received.

## Planning Policy

4. 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

5. 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.
6. The relevant policies from the Development Plan relating to this application are as follows:-

### Ashford Local Plan 2030 (adopted February 2019)

7. SP1 – Strategic Objectives  
SP6 – Promoting High Quality Design  
ENV3a- Landscape Character and Design  
ENV13– Conservation and Enhancement of Heritage Assets  
ENV14- Conservation Areas

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

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

Supplementary Planning Guidance Note 9 (Domestic Garages and Outbuildings in Urban and Rural Areas)

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2021

9. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states 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 130**, *Planning policies and decisions should ensure that developments:*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*

10. **Paragraph 190**, *Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

*c) the desirability of new development making a positive contribution to local character and distinctiveness*

11. **Paragraph 206**, *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

## Assessment

12. The key issues for consideration are:

- Visual amenity and impact on the setting of the listed building and character and appearance of the CA.
- Residential amenity

### Visual amenity

13. The design and scale of the garage with a full hipped roof and traditional materials fits in well with the sensitive context of the site. The positioning of the structure, set back into the garden minimises its visual impact. The development is proportionate to the size of the existing property.
14. The greenhouse and gazebo are both situated to the rear of the garden and would therefore not be readily visible from public vantage points. Irrespective of this, the design, form and materials are traditional and would be sensitive to the context of the site.
15. I can therefore conclude that the development would preserve the character of the CA and would not harm the setting of the listed building.

### Residential amenity

16. Given the nature of the development and separation distance to neighbouring properties then there would be no harm to residential amenity.

## Human Rights Issues

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

## Working with the applicant

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



creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

19. There would be no harm to visual amenity, the setting of the listed building and the development would preserve the character of the CA. In turn, there would be no harm to residential amenity. In light of the above, I conclude that the proposal complies with the requirements of the Development Plan Policy, Central Government guidance and the Councils SPG. Therefore, I recommend the scheme for approval.

## Recommendation

### Permit

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

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

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

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

4. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

### **Working with the Applicant**

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

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

In this instance ...

- The application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

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

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