



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 14th September, 2022 at 7.00 pm.

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The Members of the Planning Committee are:-

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

Cllrs. Bell (ex-Officio, non-voting), Campkin, Chilton, Forest, Harman, Howard, Iliffe, Meaden, Mulholland, Ovenden, Shorter, Spain 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

**This is a public meeting and 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.**

**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".

### 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
- See Agenda Item 3 for details.
4. **Officers' Deferral/Withdrawal of Reports**
5. **Minutes**
- To approve the Minutes of the Meeting of this Committee held on 17<sup>th</sup> August 2022:
- Link to follow.
6. **Schedule of Applications**
- (a) **21/01250/AS - Oakleigh House, Watercress Lane, Ashford, Kent** 5 - 62

Redevelopment of site to provide 54 apartments for Independent Living for Older People and 13 apartments for Adults with Learning Disabilities, with associated communal facilities, landscaping and parking.

  - (b) **21/01654/AS - Ashford International Sports and Social Club, Beaver Road, Ashford, Kent, TN23 7SG** 63 - 110

Demolition and redevelopment of the site to provide a replacement Club facility and the erection of 31no. apartments across 1x three-storey and 1x five-storey building with associated access, parking and landscaping.

  - (c) **22/00487/AS - Site Adjacent to 18 Chapmans Close, Challock, Ashford, TN25 4AX** 111 - 128

Erection of two storey dwelling with associated parking

  - (d) **22/00602/AS - Annexe at, Mersham Manor, Church Close, Mersham, Kent** 129 - 142

Variation of condition 9 (approved plans) on planning permission 19/01602/AS to alter the materials, height and footprint of the annexe

Proposed Ground Floor Rear Extension and vehicular crossover with hardstanding.

**Note for each Application:**

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The indication of the Parish Council's/Town Council's views
- (c) Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

**Note on Votes at Planning Committee Meetings:**

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

DS  
6 September 2022

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Queries concerning this agenda? Please contact Margaret Hill 01233 330564 Email: [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.**

## Agenda Item 3

### Summary of the Scheme of Public Participation for Planning Committee Meetings

1. **Written notice of a wish to speak at the meeting** (by means of either 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 either make a speech in **person or submit a speech to be read on your behalf by a Council Officer, 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>1</sup> or Community Forum affected by an item for decision.

3. Those who have registered to speak and wish a Council Officer to read their speech on their behalf must submit a copy of the speech to [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk) by 10.00 hours on the day of the meeting. The speech must be no longer than 400 words, and must be in English and in a 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. Late or incorrectly-presented copies of speeches cannot be accepted, but any registered speakers who do not submit their speeches as above may speak in person at the meeting as set out below

4. At the meeting:-

(i) Speakers who are **present in person** may speak to the meeting for a **maximum of 3 minutes** when called to do so. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address. Please note there is no ability to present any material such as photographs or diagrams at the meeting.

(ii) If speakers are **not present in person**, but had previously submitted speeches as above, their submitted speeches will be read to the meeting by a competent

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<sup>1</sup> The term "Parish Council" includes Town Councils and Community Councils.

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.

<b>Application Number</b>	21/01250/AS	
<b>Location</b>	Oakleigh House, Watercress Lane, Ashford, Kent	
<b>Parish Council</b>	-	
<b>Ward</b>	Beaver (Ashford)	
<b>Application Description</b>	Redevelopment of site to provide 54 apartments for Independent Living for Older People and 13 apartments for Adults with Learning Disabilities, with associated communal facilities, landscaping and parking.	
<b>Applicant</b>	Ashford Borough Council	
<b>Agent</b>	PRP, Ferry Works, Summer Road, Thames Ditton, KT7 0QJ	
<b>Site Area</b>	0.81ha	
(a) 95/22 'R', 1 'X'	(b) -	(c) KCCH&T 'X', KCC PROW 'X', KCC EDEV 'X', EH 'X', POL 'X', KFRS 'X', KCC LLFA 'X', SW 'X'. NE '-', CACF '-'

## Introduction

1. This application is reported to the Planning Committee because the Council is the applicant and under the Council's scheme of delegation it falls to be determined by the Planning Committee. It was deferred from 13<sup>th</sup> July Planning Committee meeting at the request of the applicant.

## Site and Surroundings

2. The application site is located in the Beaver Green area of South Ashford and comprises two parcels of irregularly shaped land located to the east and west of Watercress Lane as shown in **Figure 1** below. The larger parcel is bound by Beaver Lane to the west and Cross Stile and Watercress Lane to south and east. There are a number of existing buildings on this parcel, comprising a two-storey former sheltered housing block known as Oakleigh House to the north and a three-storey former general needs housing block known as the Star block to the south. The existing buildings are owned and managed by Ashford Borough Council; they are currently vacant and the site is enclosed by security hoardings. It has been established via a separate prior notification application (reference 22/00882/AS) that prior approval is not required for the demolition of the existing buildings and that this can now proceed. The

remainder of this parcel comprises maintained green space.



**Figure 1: Site location plan**

3. The smaller parcel of land is located to the east of Watercress Lane and comprises an undeveloped maintained green space.
4. Existing vehicular access to Oakleigh House and off-street parking is provided via Watercress Lane, which is a no-through road. There is a public footpath running through the centre of the western parcel of land and around the boundary of the eastern parcel where it provides direct pedestrian access to the dwellings facing the site.
5. The area is suburban in character with buildings in the immediate vicinity predominantly 1960 - 1980s single, 2 and 3-storey dwellings organised in terraces and courts. There are a number of planned and incidental open green spaces of varying sizes which are a strong feature of the area. The majority of buildings are set back from the road with brick and tile hung facades and pitched roofs.
6. There are no conservation areas or listed buildings within proximity. Much of the undeveloped parts of the site comprise open space in the form of

maintained grass. There are several unprotected trees located around the boundaries of the site. The site is located in Flood Zone 1, an area of low flood risk.

## Proposal

7. Planning permission is sought for the redevelopment of the site to provide independent accommodation for older people and buildings to provide accommodation for adults with learning disabilities on the adjacent site. As shown in **Figure 2** below, the existing road layouts would be retained.



**Figure 2: Proposed layout**

8. The independent accommodation for older people would comprise 51 flats with communal facilities, including community room, a covered terrace with views into the courtyard, a hair and therapy suite, a meeting room, mobility scooter parking, office and foyer all within three-storey buildings and 3 single-storey terraced 'mews' cottages adjacent to the north boundary.
9. The accommodation for adults with learning disabilities would comprise 13 flats within two-storey buildings. Both developments would be arranged around open courtyards with the principal entrances located near to the junction of Watercross Lane, Beaver Lane and Cross Stile.



10. As illustrated in **Figure 3** below, the design of the buildings would include gable features, with large windows and inset balconies. The materials would include buff/beige coloured multi-brick with areas of textured brick and clay roof tiles.



**Figure 3: Elevation bay study**

11. The main vehicular, cycle and pedestrian access to the site would be via Watercress Lane. An additional one-way link road is proposed between Watercress Lane and Beaver Lane to provide access to the proposed mews cottages and off-street parking. Additional off-street parking, including for surrounding dwellings is proposed to be accessed from Watercress Lane, Beaver Lane and Cross Stile as shown in **Figure 4** below. The development would incorporate areas of private amenity space and communal landscaping, including to the boundaries.





**Figure 4: Detailed site layout, including parking provision**

## Planning History

- 22/00882/AS - Prior Notification of the proposed demolition of two buildings.  
PRIOR APPROVAL NOT REQUIRED

## Consultations

- The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to 95 occupiers of buildings in the vicinity of the application site. The statutory consultation period ended on 06.03.2022.

**Ward Members:** No representations received.

**ABC Building Control:** confirm that it will be necessary for a Demolition Notice under section 80 of the Building Act to be submitted for the demolition of the existing properties.

**ABC Cultural Services:** no objection subject to investment in surrounding public open spaces to compensate for the loss of public open space as a consequence of this development. Landscape improvements to be subject to public engagement and consultation.

**ABC Environmental Protection:** no objections subject to conditions to secure site investigation relating to land and/or ground water contamination and informatives relating to construction hours, burning of waste and dust emissions. *(Officer comment: relevant conditions secured at the end of the report).*

**ABC Environmental Services:** no objection to refuse storage provision.

**Kent County Council Highways and Transportation:** no objection subject to conditions to secure a Construction Management Plan, measures to prevent discharge of water to the highway, provision and retention of vehicle and cycle parking and electric vehicle charging. *(Officer comment: relevant conditions secured at the end of the report).*

**Kent County Council Public Rights of Way:** no objection subject to a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment. *(Officer comment: relevant conditions secured at the end of the report).*

**Kent County Council Flood and Water Management:** no objection subject to conditions to secure a detailed sustainable surface water drainage scheme for the site and a Verification report. *(Officer comment: relevant conditions secured at the end of the report).*

**Kent Fire and Rescue Service:** no objection.

**Kent Police:** recommend use of Secured By Design. *(Officer comment: relevant informative/note secured at the end of the report).*

**NHS:** no objection subject to securing contributions towards health care infrastructure. *(Officer comment: relevant infrastructure contributions secured in Table 1).*

**Southern Water:** note that the development lies over public sewers and exact position must be determined before layout is finalised. SW can facilitate foul sewerage disposal to service the proposed development but recommend condition to secure details of the proposed means of foul sewerage and surface water disposal. *(Officer comment: relevant conditions secured at the end of the report).*

**Natural England:** no response.

**Ashford Access Group:** no comment.

**Central Ashford Community Forum:** no response.

**Neighbours** – 22 objections and 1 general comment received from local residents as summarised below:

Objections:

- Loss of accessible communal green space
- Impact on sense of community and wellbeing
- Loss of safe supervised play space and space for community celebrations
- Impact on early development and health
- Impact on community safety
- Unsuitable location for accommodation for people with learning disabilities
- Other brownfield sites should be explored
- Pollution and construction impacts on health (including dust)
- Construction impacts on parking
- Loss of views and outlook
- Loss of light
- Out of keeping with local area
- Impact on emergency vehicle access
- Additional traffic impacts on busy road
- Traffic calming measures required
- Impact on property value (*Officer comment: this is not a material planning consideration*)

Comments:

- Query whether adequate parking provision
- Query whether buildings contain asbestos

## Planning Policy

14. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
15. The relevant policies from the Local Plan relating to this application are as follows:-

Vision for Ashford Borough

SP1 Strategic objectives

SP2 The strategic approach to housing development

SP6 Promoting high quality design

HOU1 Affordable Housing

HOU12 Residential space standard internal

HOU14 Accessibility standards

HOU15 Private External Open Space

HOU18 Providing a range and mix of dwelling types and sizes  
EMP6 Fibre to the Premises  
TRA3a Parking standards for residential development  
TRA6 Provision for cycling  
TRA7 The road network and development  
TRA8 Travel Plans, Assessment and Statements  
ENV1 Biodiversity  
ENV4 Light Pollution and Promoting Dark Skies  
ENV6 Flood Risk  
ENV7 Water efficiency  
ENV8 Water quality, supply and treatment  
ENV9 Sustainable drainage  
ENV11 Sustainable Design and Construction  
ENV12 Air Quality  
ENV15 Archaeology  
COM1 Meeting community needs  
COM2 Recreation, Sport, Play and Open Spaces  
COM 3 & 4 Allotments and Cemeteries  
IMP1 Infrastructure provision

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

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

Affordable Housing SPD 2009  
Residential Parking and Design Guidance SPD 2010  
Sustainable Drainage SPD 2010  
Residential Space and Layout SPD 2011 (now external space only)  
Sustainable Design and Construction SPD 2012  
Public Green Spaces and Water Environment SPD 2012

#### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins  
Informal Design Guidance Note 2 (2014): Screening containers at home  
Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

#### **Government Advice**

National Planning Policy Framework (NPPF) Revised 2021  
Planning Practice Guidance (PPG)  
Technical Housing Standards – nationally described standards

## Assessment

17. The key areas for consideration are as follows:
- (a) Principle of development
  - (b) Whether the loss of open space and off-site mitigation is acceptable
  - (c) Design quality and visual impact on the locality
  - (d) Housing mix and standard of accommodation proposed
  - (e) Amenity impacts
  - (f) Highway impacts, car and cycle parking and EVC
  - (g) Landscaping, ecology and biodiversity, surface water and drainage and contamination
  - (h) Housing Land Supply
  - (i) Sustainability and climate change
  - (j) Habitats Regulations
  - (k) Planning Obligations
- (a) Principle of development**
18. Policy SP1 of the ALP 2030 identifies a number of strategic objectives, first of which is to focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities. From a housing perspective, planning applications are expected to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including the provision of specialist housing for older and disabled people.
19. The site is not allocated for development in the ALP 2030. However, Policy HOU3a allows residential windfall development within existing settlements providing it can be satisfactorily integrated. The application site falls within the settlement of Ashford. Policy HOU3a is subject to certain compatibility and impact assessment provisos including relating to character, density, amenity, highways, infrastructure, safe pedestrian access and use displacement. The assessment sections below address the requirements of this Policy alongside other topic-based specific Policies of the ALP 2030.
20. Policy SP1 also deals with other matters and makes reference to the importance of sense of place, including spaces around and between buildings and how that creates and contributes character alongside supporting uses through appropriate physical infrastructure. Although green spaces are not directly mentioned, Policy SP1 is concerned with the delivery of 'The Vision' as it is set out in the ALP 2030 and 'The Vision' identifies the importance of green spaces to serve expanding populations with references to their protection and expansion. Policy SP6 specifically promotes high quality design and place-making.

21. At face value, any loss of green spaces would be contrary to 'The Vision' as it would not protect the existing baseline provision but policy COM2 allows for the loss of existing open space in circumstances where it can be demonstrated that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. It would therefore be reasonable to allow, as a principle, for occasional loss arising from development proposals which are otherwise consistent with the ALP 2030. This is a key issue to this particular proposal and I assess it further below.

22. Subject to the development being considered acceptable against the above policies then the principle of development on this site would be acceptable assessed against 'The Vision' and Policy SP1.

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

23. Policy COM2 (Recreation, Sport, Play and Open Spaces) of the ALP states that existing open space, sports and recreational buildings and land should not be redeveloped or used for other purposes, unless any of the following circumstances apply: *an assessment has been undertaken which clearly shows the provision is surplus to requirements, or any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for an alternative sport and recreational provision, the needs for which clearly outweigh the loss.* This is consistent with paragraph 99 of the NPPF.

24. For the purposes of Policy COM2, an audit and assessment of all existing open space across the borough was undertaken and published in 2017 in the Council's Open Spaces Strategy (OSS). Part of the application site is identified in the OSS as 'South Ashford Housing' and the OSS is therefore relevant to the assessment of this application.

25. For the purpose of the OSS, open space is defined as '*public open space which provides generally unlimited free public access, genuinely useable open space for people, and accessibility over the great majority of the open space*'. Open space collectively refers to parks, amenity space, children's play areas, outdoor sports facilities such as sports grounds, natural and semi-natural greenspace, allotments and cemeteries.

26. As shown in **Figure 5** below, part of the application site is identified as 'Amenity Space' in the OSS. Amenity space is described in the OSS as '*most commonly (but not exclusively) in residential areas including informal recreation spaces, green space in and around housing, village greens. This may also include areas for water recreation, and playing fields where outdoor sport is not the primary use e.g. there are no marked out pitches and goals.*' Their primary purpose is to provide '*Opportunities for informal activities close to home or work, and enhancement of the appearance of residential or other*

areas’.



**Figure 5: Extract showing extent of ‘Amenity Space’ identified in the Open Spaces Strategy**

27. The OSS identifies the application site as being of ‘Satisfactory’ design value and ‘Good’ condition. A number of objections refer to the value and benefit of this piece of open space to the local community. The contribution of the site to the local character of the area is considered under the design and townscape assessment below.
28. In terms of accessibility, the OSS confirms that informal open space should be distributed across the urban area, to achieve safe and convenient access within a minimum of 400m of all properties (these distances are defined by use of the public highway or footpath network as opposed to straight ‘as the crow flies’ distances). For this reason the OSS confirms it is vital to evaluate open space quantity for every proposed development, given its location to allow for appropriate open space provision at both a local and strategic level.
29. The application is supported by an Open Space Assessment which assesses the development against policy COM2. This includes an assessment of alternative public open space within a 400m radius of the site (extract shown below in **Figure 6**) which demonstrates there is a total of 3.29ha of open space within a 400m radius. This exceeds the minimum standard of open space required by the resident population in this area calculated in accordance with the requirements of the OSS and the Public Green Space and Water Environment SPD as 3.24ha.
30. The Council’s Cultural Services team has reviewed the submission and whilst they disagree with the applicant’s assessment that the application site is surplus to requirements (and specifically which existing open spaces should be included in the calculations) they have not objected and have requested,



as compensation and mitigation for the loss of public open space on the site, enhancements to surrounding public open spaces.



**Figure 6: Extract from applicant's Open Space Assessment**

31. Whilst it is clear from the representations received to this application from local residents that the site is a valued open space to the local community, the applicant's Open Space Assessment demonstrates that the development of the site would not result in a deficiency of open space in this area, nor result in the need for residents to travel further than 400m to access informal open space.
32. I therefore consider that with reference to the ALP and OSS, the 0.34ha of open space within the application site can be considered to be surplus to open space requirements due to the amount of other areas of open space within a 400m radius and therefore its loss would be in accordance with the first criterion of Policy COM2.
33. Further to the above, I consider it relevant with respect to the second criterion of COM2 that although no equivalent quantity of replacement public open space is being offered to compensate for the loss, it is proposed to enhance the quality of other public open spaces in the vicinity. The application is supported by a Landscape Statement which demonstrates how undeveloped parts of the application site and nearby open spaces could be enhanced through the introduction of green amenity areas with incidental play areas, community meadows and new tree planting. These enhancements could be secured by condition and are considered further below.



34. Although the proposals would not therefore result in equivalent or better provision in terms of quantity (my emphasis) they would result in a better provision in terms of quality in a suitable location.
35. The Cultural Services team has also calculated the necessary combined capital and maintenance costs arising from the uplift in dwellings and population in accordance with the Public Green Spaces and Water SPD. Subject to securing the relevant contribution alongside the delivery of the off-site enhancements illustratively shown in the Landscape Statement following public consultation they do not raise objection to the proposals.
36. In summary, the proposals would result in the loss of existing public open space that is valued by the local community, and in particular the residents living directly adjacent to it. However, it has been demonstrated that the local community would retain access to a sufficient quantity of alternative open space in the area in accordance with the Council's adopted OSS and Open Spaces SPD. The development would also secure enhancements to nearby public open spaces for the benefit of existing and future residents in the vicinity of the site. On balance, I am satisfied that the proposals comply with the requirements of Policy COM2 of the ALP.

**(c) Design quality and its visual impact on the locality**

37. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. While appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.
38. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
39. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
40. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics

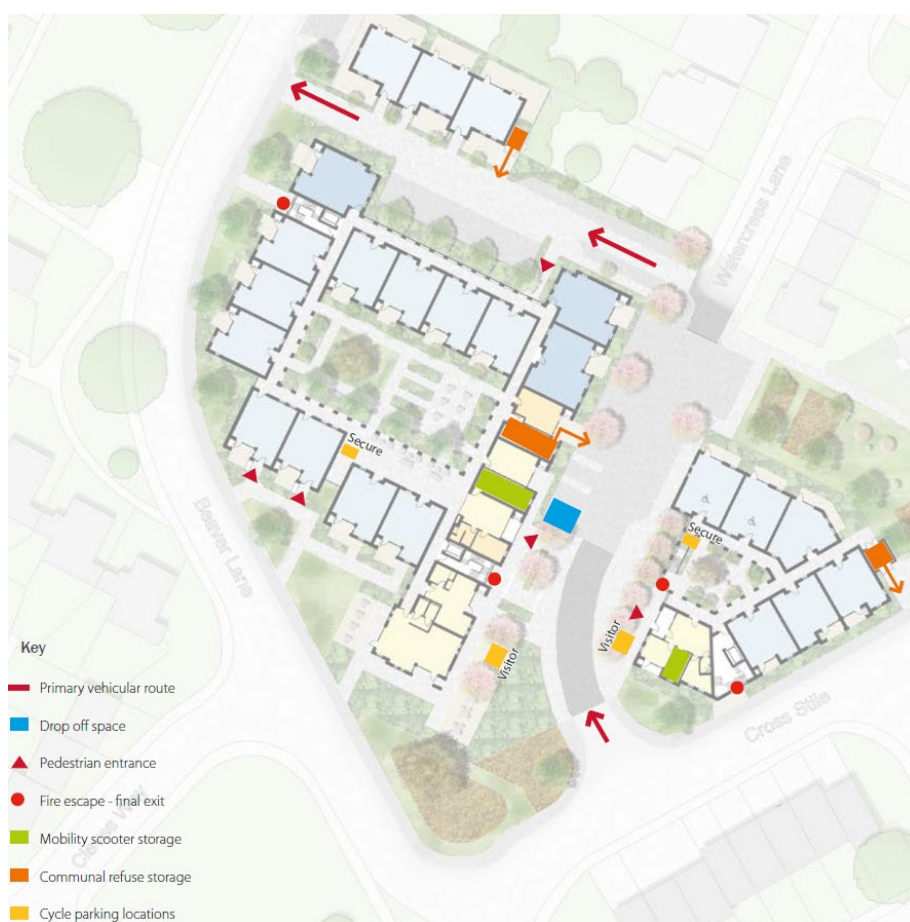
of well-designed places.

41. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.
42. The applicant has engaged with key stakeholders, including Officers and the community via an interactive design process. The proposals have also been subject to Design Review (see report in **Annex 1**). The following assessment considers the design quality of the scheme in relation to its layout and access, height, form, scale and massing and design and materials.

- **Layout and access**

43. As noted above, the unbuilt parts of the application site and the various parcels of open space surrounding it contribute to the character and visual amenity of the area. Whilst the layout of the accommodation for adults with learning disabilities has been designed to retain an element of landscaped open space adjacent to 32-38 Cross Stile, the introduction of buildings in this location would result in the loss of public land that contributes positively to the local character of the area, contrary to criterion (c) of Policy HOU3a of the ALP. However, as set out below I consider that the harm from such loss would be offset by the high quality of the proposed buildings and enhanced quality of the public and semi-public open spaces within and beyond the development. This is considered in more detail below.
44. More broadly the proposed layout retains the existing road arrangement and has been carefully considered to respond to the site's specific constraints and opportunities. Specifically, the proposed buildings have been designed to retain a view south along Watercress Lane towards the open space to the south of the application site and to an existing mature oak tree. The layout has also been designed to align and integrate with the established building lines of existing buildings on Watercress Lane, Beaver Lane and Cross Stile. The buildings would be set back from the roads with well-defined private and public spaces and landscaped frontages.
45. As noted by the Design Review Panel, long repetitive facades are not typical of the character of this area and the layout of buildings has therefore been broken up and staggered on Beaver Lane to create a variety of internal and external spaces for recreation and social interaction. In this respect, both accommodation blocks have been designed around landscaped courtyards which also maximise sunlight and daylight into the site interior. Internally, the communal areas of both buildings would be located either side of and fronting Watercress Lane and would be connected via a raised table crossing feature to slow traffic and allow for safe access and movement between the buildings and adjacent open spaces.

46. The main vehicular, cycle and pedestrian access to the site would be via Watercress Lane as shown in **Figure 7** below. An additional one-way shared surface link road is proposed between Watercress Lane and Beaver Lane to provide access to the proposed mews cottages and off-street parking. Vehicular access would be retained from Watercress Lane. Pedestrian access would be provided to the main entrances and in some cases private front doors from various points on the adjacent highways. Subject to a Stopping Up Order (to be addressed by condition), the existing public right of way would be stopped up. The layout of the development allows for good pedestrian connectivity and ease of movement as required by Policy SP6 of the ALP.



**Figure 7: Site access strategy**

47. Overall I am satisfied that the layout responds well to the site's different edge conditions and would be compatible with the character of the surrounding area in accordance with criterion (a) of Policy HOU3a of the ALP. I am also satisfied that the detailed vehicular, pedestrian and cyclist access arrangements would be acceptable.

- **Height, form, scale and massing**

48. The supporting text to Policy SP6 of the ALP requires all development proposals to reflect their local context and where the built environment is of decent quality, new proposals should be sensitive in terms of scale, height, layout and massing to surrounding buildings.
49. As shown in the massing diagram in **Figure 8** below, the largest of the buildings would be 3-storeys in height adjacent to Watercress Lane and Beaver Lane and would match the height and scale of the existing Star building. The building height would be reduced to two-storeys adjacent to the link road and the bungalow at 25 Watercress Lane.



**Figure 8: Massing diagram**

50. As shown in **Figure 9** below, the 3 mews cottages would be single storey and comparable in height and form to the adjacent bungalow. The height of the mews cottages would also reflect the proximity of this part of the development to 333 Beaver Lane.



**Figure 9: Mews cottages**

51. In recognition of the different edge conditions and specifically the relationship with the terrace of two-storey houses at 32-38 Cross Stile, the accommodation for adults with learning disabilities dwellings would be limited to 2-storeys in height. Whilst there are a variety of flat and pitch roof buildings on the existing site and in the immediate vicinity, the proposed development would all feature traditional pitch roofs. I consider this to be an appropriate response that would unite the whole development through a coherent and common form.
52. The scale and massing of the buildings has been varied to respond to the immediate context, with more prominent parts of the site celebrated through the use of architectural features including gables and bays. The longer blocks, including those fronting Watercress Lane and Cross Stile, have also been articulated with a series of gables and bays to give greater vertical emphasis to these longer facades. As noted by the Design Review Panel the use of repetition is a positive element of the proposal.
53. In summary, I consider that the height, form, scale and massing of the development would be appropriate for this suburban site and is compatible with the surrounding area in accordance with criterion (a) of Policy HOU3a of the ALP. In my view, it would be an acceptable and complementary response to the surrounding townscape.

- **Design and materials**

54. In terms of detailed design, the buildings exhibit strong architectural expression and include a welcome balance of shadow and depth through a rich combination of projecting and recessed elements such as balconies. Key viewpoints have also been identified, including from the main road junction as shown in the visualisation in **Figure 10** below, to which the buildings have been designed to respond. The design incorporates quality detailing, including textured facades which would result in visually rich and distinctive modern buildings. To ensure a high quality finish I concur with the Design Review Panel recommendation that large scale drawings (at 1:20 and 1:5 scale) of key elements of the building should be secured by planning condition.





**Figure 10: Visualisation from junction of Beaver Lane, Watercross Lane and Cross Stile**

55. In terms of materials, the elevations would comprise a high quality buff/beige coloured multi-brick with areas of textured brick. The communal areas would be demarcated by a red brick plinth to give a clear definition of the different functions of the building. There are also opportunities to introduce accents of colour on the front doors, benches and balconies to add visual interest and emphasise the proposed architectural quality of the development. It is proposed to use plain clay roof tiles to assimilate the development into its surroundings. I concur with the Design Review Panel recommendation that samples of materials should be secured by condition.
56. In summary, I consider that the buildings would be of high quality design. The buildings and associated landscape strategy would enhance the townscape in this prominent location whilst also being sympathetic to the local context and character of the surroundings in accordance with Policies SP6 and HOU3a of the ALP.
- (d) Housing mix and standard of accommodation proposed**
57. Policy HOU18 of the ALP 2030 requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The application is supported by a Statement of Need which identifies approximately 40 young people between the ages of 18-25 with less complex learning disability needs who are in residential care homes but who would like to be accommodated in the community. This is in addition to the young people who will be ready to leave the parental home or who are in foster care, residential education or children's care homes.

58. The proposed accommodation for adults with learning disabilities would all comprise flats and be similarly weighted towards 1-bed units (92%), followed by a single 2-bed 3 person unit (8%). This range of accommodation types and sizes is considered appropriate to the mix of dwelling types and sizes in the local area.
59. Notwithstanding that Policy HOU18 exempts development proposals for standalone older persons housing from the requirement to deliver a range and mix of dwelling types and sizes, the proposed sheltered accommodation would include a range of accommodation types and sizes, including 1-bed flats (41 units/76%), 2-bed 3 person flats (10 units/19%) and single-storey 1-bed 'cottages' (3 units/5%). I am satisfied that the proposals would comply with the broad objectives of Policy HOU18.
60. All dwellings would comply with the Nationally Described Space Standards in accordance with the Council's Residential Space and Layout SPD and provide private external open space in the form of projecting or recessed balconies or at ground floor private gardens in accordance with Policies HOU12 and HOU15. In response to concerns raised by the Design Review Panel, all of the units would be dual aspect and a number would be triple aspect and have been orientated to benefit from cross ventilation, good levels of daylight, sunlight, outlook and privacy. The development makes provision for 6 M4(3) wheelchair accessible units (3 in each block), with the remainder all exceeding M4(2) requirements.
61. The development would benefit from a mix of communal and private entrances and communal living spaces and provide a good standard of living accommodation for future occupiers. The submitted Statement of Need confirms that the application site has been identified as suitable for both older people and adults with learning disabilities to capitalise on the opportunities to create an intergenerational community. The statement also refers to links between this site and recently completed accommodation for older people and for adults with learning disabilities at Farrow Court. The proposals make adequate provision for refuse storage and collection in accordance with the Council's Residential Layouts and Wheeled Bins guidance.
62. As a flatted development within Ashford town, adopted Policy HOU1 of the ALP does not require the provision of affordable housing and therefore none is proposed. Notwithstanding this, the proposed development would be retained by the Council and the units let at affordable rents.

**(e) Amenity impacts**

63. Policy HOU3a permits residential development and infilling of a scale that can be satisfactorily integrated into an existing settlement provided a number of requirements can be met, including (b) where it would not create a significant adverse impact on the amenity of existing residents.

64. The application site is located in an established residential area of Ashford and there are a number of dwellings located on Beaver Lane, Watercress Lane and Cross Stile with potential sensitivity to the redevelopment of the site.
65. The accommodation for adults with learning disabilities involves the erection of buildings on parts of the site where none currently exist. It is therefore necessary to consider whether the development would result in any significant adverse impacts on the amenities of existing residents of surrounding buildings. These include the residents of the 4 terraced dwellings (32-38 Cross Stile) and the end of terrace dwelling at 2 Watercress Lane immediately west of the site and shown in **Figure 11** below.



**Figure 11: View of 2 Watercress Lane and 32-38 Cross Stile**

66. The development would significantly change the outlook from the front of the 5 dwellings from one of a long open aspect over the open space, to one of a significantly smaller area of open space enclosed by the two-storey buildings of the proposal. The retained open space would be publically accessible and include four parking bays at each end and enhanced landscaping throughout. Whilst the proposed building has been set back to ensure a minimum of 21m building to building relationship, and a minimum of 18m from their front garden boundaries, the outlook from these dwellings would be impacted and reduced.
67. In considering whether this impact on outlook would be unreasonable I am mindful that this side of the proposed building would be well articulated, both in terms of its cranked layout and in terms of its varied materials palette and fenestration to ensure that it would not appear overbearing or visually oppressive. It would be set back an acceptable distance and be separated by a high quality landscaped space that would include 7 new trees.
68. The southernmost part of the accommodation for adults with learning disabilities would be located adjacent to Cross Stile directly opposite the 3-storey dwellings at 23-31 Cross Stile. Whilst the development would also



change the outlook from these dwellings from that of open space to two-storey buildings their layout would replicate a traditional street pattern and by reason of their lower scale and quality design would not. In my opinion, be visually oppressive or overbearing. By reason of the distances of separation and orientation, I am satisfied that there would be no harmful impacts to any surrounding dwellings in terms of loss of privacy or light.

69. The accommodation for older adults would be located on a site with existing buildings. Although the replacement buildings would be higher, by reason of the layout of the site and separation distances with dwellings opposite, the only dwellings with potential to be adversely impacted are 333 Beaver Lane and 25 Watercress Lane directly to the north of the site. Both of these dwellings and their gardens share side boundaries with the application site.
70. 333 Beaver Lane is a two storey detached dwelling with rear garden. As existing the footprint of the two-storey Oakleigh House extends along the length of the garden boundary. Although the single storey mews cottages would occupy a larger footprint and extend further along the boundary than the existing building in this location, it would be lower in height such that the proposals would not result in any additional harm to the amenities of this dwelling or garden space. Similarly, the proposals would result in buildings coming closer to the boundary with the rear gardens of 25 and 27 Watercress Lane; however the single storey nature of the development would prevent any unacceptable harm to amenity, including in terms of loss of light or overshadowing, outlook or privacy.
71. The proposed development would step down to 2-storeys at the closest point to the single storey bungalow at 25 Watercress Lane and also be separated by the shared surface access road. There is an existing access and hardstanding in this location and I am satisfied that the proposals would not result in unreasonable levels of additional noise or disturbance. I also note that it is proposed to create a 2.4m high boundary treatment along the shared side boundaries with these properties which will further mitigate any impacts. I recommend that further details be secured by condition.
72. A number of representations received relate to the construction related impacts on amenity. Whilst these would be temporary in nature, the scale of the development within a residential area warrants controls, including in relation to hours of construction and noise and dust emissions. I recommend these be secured as part of a Construction Management Plan via an appropriate condition.
73. Overall I am satisfied that the proposals would safeguard and a good standard of amenity for existing and future users of development in accordance with paragraph 130 of the NPPF and the requirements of Policy HOU3a of the ALP.

**(f) Highway impacts, car and cycle parking, EVC and refuse strategy**

74. The planning application is supported by a Transport Statement (TS) in accordance with the requirements of Policy TRA8 of the ALP. The TS concludes that the site is in a sustainable location with good access to public transport serving a range of facilities and services in the local area.
75. The main vehicular, cycle and pedestrian access to the site would be via Watercress Lane. An additional shared surface link road is proposed between Watercress Lane and Beaver Lane to provide access to the proposed mews cottages and off-street parking. The accesses would benefit from the required visibility splays.
76. The proposed layout includes provision of a raised table crossing feature to connect the two sites and allows for safe access across the development. This would also act as a traffic calming measure. Subject to securing these highway works via a Section 278 Highways Agreement the development would not prejudice highway safety.
77. The proposed development would result in a modest uplift of residential units on the site and the Highway Authority is satisfied that it would not create additional traffic generation that would result in unacceptable impacts on the local highway network, including in terms of highway capacity. The development would not impact on existing access arrangements, including for emergency vehicles. In recognition of the scale of the development, I consider it reasonable to require the submission of a Construction Management Plan, to include details of lorry routing and contractor parking. The proposal is therefore acceptable in highway terms and consistent with criterion (e) of Policy HOU3a.

**- Car parking**

78. Policy TRA3 (a) of the ALP sets out the required parking standards for new development within town centre, suburban and rural locations but also permits flexibility, for example where there is a good level of accessibility to shops and services and a good level of non-car access. The proposed development would comprise a Sui Generis use where policy TRA3 requires parking provision to be proportionate to its activity and be agreed with the Highway Authority.
79. The proposals make provision for 37 on-site car parking spaces (including 2 disabled spaces) which would be distributed across the development both within a small parking courtyard and adjacent to the street to support the overall street design and provide a parking for each building. 4 spaces accessed from Cross Stile would be allocated to existing neighbouring dwellings. I recommend the provision of these spaces be secured by condition.

80. The quantum of parking has been informed by the parking provision in similar developments, including at East Stour Court (parking ratio of 0.6:1) and Farrow Court (parking ratio 0.5:1). The proposed parking ratio of 0.5:1 is comparable to other developments and has been agreed by the Highway Authority. In my view, and acknowledging the provision of secure mobility scooter parking and charging facilities, it would be acceptable taking account of the typically low levels of car ownership by occupiers of specialist accommodation such as this.

- **Electric vehicle charging (EVC)**

81. Whilst the TS confirms that infrastructure to enable the future installation of EVC will be provided, no details of the layout and specification of either active or passive provisions have been provided. As recommended by the Highway Authority, EVC should be provided at minimum 10% active and 10% passive. I recommend that further details be secured by condition to help stimulate the take-up of EV's by residents through good on-site infrastructure provision.

- **Cycle parking**

82. Policy TRA6 of the ALP requires cycle parking to be provided for Sui Generis uses such as this on a case by case basis. Provision is shown for 8 Sheffield stands to provide parking for 16 cycles. These would be easily accessible to the main building entrances of both blocks, appropriately integrated into the landscaping strategy and sited to benefit from passive surveillance. Subject to a condition to require provision of the cycle parking facilities shown I concur with the Highway Authority that the proposals are acceptable in this regard.

- **Refuse strategy**

83. Sufficient communal refuse and recycling storage has been incorporated into the ground floors of both developments. The storage areas are easily accessible from the building cores and capable of being serviced from the adjacent highways without compromising safety. The Council's Street Scene and Open Spaces Officer is satisfied with the arrangements.

84. I recommend that provision of the facilities be secured by a condition requiring the agreement of final details (to ensure good practice in relation to general waste, food waste and recycling, including details of internal signage and any other related proposals to achieve such practice and help avoid cross-contamination).

(f) **Landscaping**

85. The planning application is supported by a Landscape Statement which includes a Landscape Masterplan relating to both the application site and 3

nearby open spaces of Council owned land as shown in **Figure 12**. As noted by the DRP, the Landscape Masterplan shows how the landscaping proposals for the application site could be integrated into a wider landscaping strategy to benefit the wider area.



**Figure 12: Landscape Masterplan subject area**

86. The vision for adjacent open spaces (outlined in red in **Figure 12** above) is to create areas of bio-diverse planting, including tree planting and wildflower meadows with seating and incidental play elements to follow a natural and ecological theme with wooden logs, boulders and timber play equipment and a trail with play relating to nature with timber snails, insects and dragonflies. The vision also includes potential for a swale with bridging points and ecological enhancement measures for example bird boxes, bug boxes and log piles. There is also scope to include wayfinding and information panels. An indicative image of one of the spaces is shown in **Figure 13** below.



**Figure 13: Indicative image of off-site open space enhancements**

87. The elements of the Masterplan that relate to land outside of the defined application boundary are not subject to assessment as part of this application. However the land is also Council owned and the precise details of those aspects of the Landscape masterplan can be the subject of a pre-commencement worded planning condition that deals with public consultation on the proposals and their refinement arising from that public involvement, submission of a final scheme for approval, submission of long term management and maintenance arrangements and a clear delivery timetable.
88. Within the defined red-line application site the Landscaping Strategy identifies a number of opportunities, including to provide an enhanced public realm with increased pedestrian connections and permeability across the site. As shown in the extract from the Landscape Concept Plan in **Figure 14** below it is proposed to use high quality hard and soft landscaping (including extensive tree and shrub planting) to create a number of distinct landscape character areas across the site, including to the boundaries, mews, Watercress Lane, communal courtyards and community green space.



**Figure 14: Extract from Landscape Concept Plan**

89. The site wide planting strategy would incorporate a mix of trees, blooming shrubs, perennials, grasses, hedging and bulbs. The planting would serve to soften the boundaries and provide biodiversity benefits. Whilst it is necessary to remove a number of trees to facilitate the development, significantly more would be planted. The tree planting strategy shown in **Figure 15** below includes the creation of avenues of tree planting along Beaver Lane, Watercress Lane and Cross Stile. It is also proposed to plant 3 oak trees at the prominent junction at the southern end of the site.





**Figure 15: Tree planting strategy**

90. The residents' communal courtyard gardens have been well designed and make provision for tables and sitting spaces to encourage interaction and foster community. They also include planting beds and growing areas, an area of lawn and feature trees. The community green space would include amenity grass, informal play space and ecological meadow areas.
91. I recommend further details of the hard and soft landscaping to include materials specification, planting schedules, species and densities and a management strategy be secured by condition.
92. In summary, the proposals would result in significant enhancements to hard and soft landscaping across the application site compared with the existing situation of little to no landscape planting. The proposals would make a significant contribution to the quality of the development and create an area of high quality public realm. Revisions to the tree planting strategy have been secured in response to comments from the Council's Tree Officer to ensure that the soft landscaping is fully integrated into the layout and design and offers maximum visual interest and biodiversity benefits in accordance with relevant planning policy and guidance.

- **Ecology and biodiversity**

93. The site is not subject to any national or local nature conservation designations. Undeveloped parts of the site comprise amenity grassland of low ecological value. There are no suitable habitats for any protected species. Notwithstanding this, the site offers much scope for ecological and biodiversity enhancement in accordance with the requirements of Policy ENV6 of the ALP.

Enhancement opportunities may include the incorporation of planting of appropriate native herbaceous and shrub species to provide nesting and foraging opportunities and the installation of bird boxes. I recommend further details be secured by condition.

94. An indicative lighting strategy has been submitted. Being mindful of the site's suburban location and the existence of overspill light from existing street lighting I am satisfied that the principle of external lighting in this location is acceptable. I recommend that details of the external lighting strategy are secured by condition to ensure that it adequately balances safeguards safety, amenity and the need to avoid light pollution as per the requirements of Policy ENV4 (Light Pollution and Promoting Dark Skies) of the ALP.
95. In summary, I am satisfied that the development proposals would enhance the ecology and biodiversity value of the site in accordance with Policy ENV1 and ENV4 of the ALP.

- **Surface water and drainage**

96. Policy ENV9 of the ALP and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDs for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality.
97. The application is supported by a Drainage Statement confirming that the proposed development would incorporate a sustainable drainage system which would discharge surface water at a restricted rate of 4l/s and 2l/s via three separate restricted discharges. Surface and foul water collected from the existing buildings and hardstanding areas are currently discharged in an unrestricted manner. Surface water storage would be provided for all storm return periods up to and including the 1:100 rainfall event with an allowance for climate change. Foul drainage for the western site would be discharged to the public foul sewer beneath Beaver Lane. Development for the eastern part of the site would discharge by gravity to the existing public foul water sewer located beneath Cross Stile to the south of the site.
98. The site lies within flood zone 1 with a very low risk of flooding. Neither the Local Lead Flood Authority or Southern Water raise objection to the details submitted, subject to conditions to secure further details of the foul and surface water strategy.
99. Southern Water note that there are public sewers within the vicinity of the site and that their exact location should be identified. I recommend that this information, including details of any necessary diversions can be secured by condition.
100. In summary, the hierarchy of surface water disposal has been adhered to, resulting in proposed connections to the public sewers in the vicinity of the



development. Surface Water flows are to be attenuated on site and discharged at a restricted rate. Permeable paving shall also be incorporated into the proposed drainage infrastructure, which would improve water quality and provide biodiversity benefits in accordance with the requirements of national and local planning policy and the Council's Sustainable Drainage SPD.

- **Contamination**

101. The planning application is supported by Phase 1 and Phase 2 investigations which have identified potential soil and groundwater contamination on the site. The Council's Environmental Protection Officer notes the prior uses of the site and the potential for contamination that may pose a risk to the environment and public. I concur with their recommendation to impose conditions to ensure that the potential for contamination is subject to further assessment and appropriate remediation where required.

**(g) Sustainability and climate change**

102. The planning application is supported by a Sustainable Design and Construction Statement. The proposed energy strategy is based on zero fossil fuel use through the installation of Ground Source Heat Pumps (GSHP) comprising 20-25 boreholes located around the footprint of the building which would be connected to heat pumps within individual flats capable of providing heat via underfloor heating as well as hot water. It is also proposed to install photovoltaic (PV) solar panels to generate renewable energy on site. In the absence of any further scheme information at present, including whether PVs would be mounted or integrated, I recommended fine details of the PV scheme be secured by condition.
103. In addition, the design of the buildings incorporate careful façade engineering and passive architectural measures (including external shading) optimising heat loss, preventing overheating due to solar gain and minimising air leakage through high standards of air-tightness within each unit.
104. More widely, the development would respond to the challenge of climate change through the incorporation of SuDS, high energy efficiency equipment and low flow water fittings. I recommend a condition to restrict water consumption to no more than 110 litres per person per day in accordance with the requirements of Policy ENV7 of the ALP. The proposal also provides for electric vehicle charging. This would be in accordance with the requirements of Policy ENV12 of the ALP which requires all major development proposals to promote a shift to the use of sustainable low emissions transport.
105. In summary, I am satisfied that the proposed development has been designed to address and mitigate the risks of climate change, including through the implementation of a low carbon energy strategy and the construction of a

building designed to minimise energy consumption. In this regard the proposals are consistent with national and local planning policy and guidance.

**(h) Housing Land Supply**

106. The Council's 5 year housing land supply for the Borough is material to the consideration of this application. The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026. This identified that the deliverable housing land supply was equivalent to 4.54 years.
107. However, an Inspector recently published an appeal decision, (reference APP/E2205/W/21/3284479 - Land between Woodchurch Road and Appledore Road, Tenterden, Kent, TN30 7AY) which challenges the Council's assumptions. The appeal decision referred to as the 'Wates' appeal is dated 30 March 2022<sup>[2]</sup>. The appeal decision suggests that the Council is only able to demonstrate a 5-year housing land supply position of 3.5 years.
108. The Council's view is that there are a number of issues associated with this appeal. These issues primarily relate to the assumptions made by the Inspector about the delivery of sites located in areas of the Borough that fall within the Stour Catchment (where Natural England's Nutrient Neutrality Advice<sup>[3]</sup> applies). The Council also note that the Inspector does not appear to have taken into account a recent letter from the Chief Planning Officer (dated 16 March 2022) which clearly elevates the nutrient issue and recognises that in affected areas "*there may be implications for the Housing Delivery Test and 5 Year Housing Land Supply*". This letter was written before the Wates Inspector made his decision.
109. Unless a legal challenge to the 'Wates' appeal decision is successful in the Courts then it is accepted that the figure of 4.54 years is not the starting point in relation to the application of paragraph 11(d) of the NPPF (which is referred to as the 'tilted balance'). This requires the decision-maker to grant planning permission for new housing development 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.'*

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<sup>[2]</sup> Appeal decision reference APP/E2205/W/21/3284479  
<https://planning.ashford.gov.uk/Planning/IDOX/default.aspx?docid=2065991>

<sup>[3]</sup> Natural England Nutrient Neutrality Advice <https://www.ashford.gov.uk/media/0jabvost/ne-march-2022-letter-water-quality-and-nutrient-neutrality-advice.pdf>

110. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh (considered further below) would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would no longer apply.
111. On the second exemption, I do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply and so my conclusion is that this exemption would also not apply. The tilted balance is therefore engaged and the implications of this are considered in the conclusion below.

**(h) Habitats Regulations**

112. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
113. 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 2017 (as amended) 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. This is consistent with the KCC Ecological Advice Services request.
114. 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.
115. The planning application is supported by a Nutrient Neutrality Assessment which confirms that mitigation will be required in order for the development to achieve 'nutrient neutral' status. Whilst the application refers to potential mitigation in the form of a proposed 0.55ha off-site wetland located adjacent to the East Stour River near to the Stour Centre, it has not been demonstrated that such a wetland would comply with Natural England guidance. The wetland is not subject to assessment as part of this planning application and in the absence of this mitigation strategy (or any other) having been identified

and demonstrated to be deliverable, it is not possible to conclude at this moment in time that the scheme would be nutrient neutral.

116. However, work commissioned by the Council has commenced 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.
117. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms, I recommend that a resolution to grant planning permission should also 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 (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a planning agreement and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place. This is included as part of my Recommendation (B) detailed further below.

**(i) Planning Obligations**

118. 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
119. In accordance with the requirements of policy IMP1, I recommend that the planning obligations set out in Table 1 below be secured in the event that planning permission is resolved to be granted. For the reasons I have set out the obligations 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.
120. KCC have made a number of requests for S106 money, however the Council is currently reviewing these requests to make sure they are aligned with the Regulations and that clear evidence is available to justify the amounts. Until this has been resolved, the Council will continue to rely on the pre 2020 requests from KCC as those are judged to be robust and based on evidence that was in the public domain.
121. Recommendation (A) further below deals with the necessity for the applicant

to enter into an s106 agreement and includes delegation to officers to deal with any necessary deletions, amendments and additions that might be required. Recommendation (B) further below provides for delegation to officers to deal with any additional s106 obligations that might be necessary to mitigate against impacts of development on the integrity of Stodmarsh SAC, SPA and Ramsar site.

**Table 1 - Heads of Terms for Section 106 Agreement/Undertaking**

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger (s) Points	
<b>Ashford Borough Council Planning Obligations</b>				
1.	<p><b><u>Specialist Affordable Housing</u></b></p> <p>The flats shall only be occupied by people aged 50 years or older or adults with learning disabilities and (where relevant) any spouses/partners/children/carers, and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are affordable. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats for older people and onsite manager provision shall be managed by Ashford Borough Council. The flats for adults with learning disabilities and onsite manager</p>	None	None	<p><b>Necessary</b> as there is a clear and demonstrable need for the provision of such accommodation to address a current under provision and the level of both parking provision and contributions secured towards infrastructure requirements is based on such a use and not general demand housing.</p> <p><b>Directly related</b> as the scheme proposes redevelopment of existing affordable housing provision for new sheltered housing and new development specifically designed for adults with learning disabilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> as there is no intention for persons under the age of 50 and not in</p>



	<p>provision shall be managed by Kent County Council or other body approved by Kent County Council which has a nomination agreement with the Council.</p> <p><i>Units to be let at no more than 80% market rent and in accordance with the nomination agreement.</i></p>			<p>need of affordable accommodation or with learning disabilities to live in the units, and no provision has been made for contributions towards education and other infrastructure in view of this age restriction.</p>
2.	<p><b><u>Accessible and Adaptable Dwellings</u></b></p> <p>In accordance with Policy HOU14:</p> <p>All homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>Wheelchair accessible housing [totalling 6 number of dwellings] built in compliance with building regulations M4(3b) standards shall be provided within the</p>	<p>100% M4(2) across the whole site.</p> <p>M4(3b): 6 number of dwellings.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>	<p><b>Necessary</b> as providing a mix and type of housing required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as the accessible/adaptable 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>

	scheme.			
3.	<p><b><u>Art and Creative Industries</u></b></p> <p>Project detail: Contribution towards the provision of public art or the delivery/enhancement of a facility.</p> <p><i>The Local Plan identifies the following facilities as strategic art spaces: Revelation at St Mary's, Rehearsal and Production Centre, Making and exhibiting workspaces, Arts use in community hubs.</i></p>	<p>£6690.45</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> in order to achieve an acceptable level and quality of provision pursuant to Local Plan Policies <b>SP1, IMP1, COM1</b> 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 quality of facilities available to the development and would be available to occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
4.	<p><b><u>Indoor Sports Provision</u></b></p> <p>Project detail (<b>off site</b>):</p> <p><i>Schemes in the Ashford Urban Area:</i></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards</p>	<p>Off site: £10848</p> <p>(capital only – contributions are derived from the latest</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 that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use indoor sports provision and the buildings</p>

	quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.	Sport England Calculator).  Indexation: BCIS General Building Cost index 2019		provided would be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities
5.	<b><u>Informal Natural Green Space*</u></b>  *public open space excluding amenity open space land and children and young people's play space.  Project detail: Contribution towards public open spaces within the vicinity of the site.	Capital contribution £8580.54  Plus  Commuted maintenance sum £6425.52  Indexation: BCIS General Building Cost index 2012	Upon occupation of 75% of the dwellings.	<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 <b>SP1</b> , <b>IMP1</b> and <b>COM2</b> Public Green Spaces and Water Environment SPD and guidance in the NPPF.  <b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the

				maintenance period is limited to 10 years.
6.	<p><b><u>Outdoor Sports Provision</u></b></p> <p>Project detail: Schemes in the Ashford Urban Area:</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>Capital contribution £8697</p> <p>Plus</p> <p>Pitch maintenance 10 yrs £5170</p> <p>Indexation: BCIS General Building Cost index 2019</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 <b>SP1</b>, <b>IMP1</b>, <b>COM1</b> 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>Fair and reasonably related in scale and kind:</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
7.	<p><b><u>Strategic Parks</u></b></p> <p>Project detail: Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the</p>	<p>Capital contribution £2886.54</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 <b>SP1</b>, <b>IMP1</b> and <b>COM2</b>, Public Green Spaces</p>

	'Hubs' identified in the Local Plan 2030.	Plus  Commuted maintenance £929.23  Indexation: BCIS General Building Cost index 2012		and Water Environment SPD and guidance in the NPPF.  <b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
8.	<b><u>Voluntary Sector</u></b>  Project detail: TBC	£1720.06  Indexation: BCIS General Building Cost index 2019	Upon occupation of 75% of the dwellings.	<b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 Policies <b>SP1, IMP1 and COM1</b> KCC document 'Creating Quality places' and guidance in the NPPF.  <b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the

				development.
<b>Kent County Council Planning Obligations</b>				
9.	<p><b><u>Adult Social Care</u></b></p> <p>Project detail: Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough.</p>	<p>£1600.04</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</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 <b>SP1, IMP1, COM1</b> 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>
10.	<p><b><u>Community Learning</u></b></p> <p>Project detail: Towards additional</p>	<p>£558.28</p>	<p>Half the contribution upon</p>	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> KCC's</p>



	resources and equipment at Ashford AEC for the additional learners from development.	Indexation: BCIS General Building Cost Index from Oct 2016	occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.  <b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.  <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.
11.	<b><u>Libraries</u></b>  Project detail: Towards additional book stock, services, and resources for Ashford library for the new borrowers generated by this development.	£1632.68  Indexation: BCIS General Building Cost Index from Oct 2016	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.	<b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.  <b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.  <b>Fairly and reasonably related in scale</b>

				<b>and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.
<b>Other Obligations</b>				
12.	<b><u>Health Care (NHS)</u></b>  Project detail: Towards refurbishment, reconfiguration and/or extension of Hollington Surgery within Ashford Stour PCN and/or towards a new general practice premises development.	£20088  Indexation: Indexation applied from the date of the resolution to grant permission.	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.	<b>Necessary</b> to increase capacity to meet the demand that would be generated by the development pursuant to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> and guidance in the NPPF.  <b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
<b>Monitoring</b>				
	<b><u>Monitoring Fee</u></b>  Contribution towards the	£1000 one-off payment.	Payment upon commencement	<b>Necessary</b> in order to ensure the planning obligations are complied with.  <b>Directly related</b> as only costs arising in connection with the monitoring of the

	Council's costs of monitoring compliance with the agreement or undertaking	Indexation: Indexation applied from the date of the resolution to grant permission.	of development	development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
<p><u>Notices</u> 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 and Kent County Council's legal costs in connection with the deed must be paid.</p> <p><b>PLEASE NOTE:</b></p> <ul style="list-style-type: none"> <li>• <b>If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused.</b></li> <li>• <b>Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change</b></li> </ul>				

## Human Rights Issues

122. 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

123. 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

124. The proposed accommodation for older people would comprise a sustainable redevelopment that includes brownfield land. I have identified that the accommodation for adults with learning disabilities would result in the loss of open space. It is clear from the representations received that the open space is highly valued by the local community. The applicant’s case is the community has access to a sufficient quantity of other open spaces in accordance with the requirements of the relevant Council policies and guidance and no objection is raised by Cultural Services with a request being made for financial investment to improve the quality of nearby parcels of Council owned land for the benefit of the community. I have also identified the proposal would result in some limited harm to the amenities of a small number of adjoining residents.
125. Whilst the proposal would result in some harm, this has to be weighed against the benefits of the development, including the social benefits in meeting a need for specialist housing, the aforementioned improvements to nearby open spaces and the related enhancements to ecology and biodiversity.
126. I am satisfied that the development would deliver a range of dwelling types and sizes that would provide a choice of high quality specialist housing and external amenity space for future occupiers. The accommodation for adults with learning disabilities will support residents to live independently and provide much needed accommodation for people who would otherwise remain in residential care. I afford this significant weight.
127. More broadly, I am satisfied that the proposals comprise a high quality well designed development. In terms of access, layout, scale and design the proposals would be well integrated with its surroundings. Externally, the

proposals incorporate acceptable car and cycle parking in accordance with adopted Policies in the ALP. The development would incorporate highly efficient low carbon technologies and has been designed to minimise energy consumption.

128. None of the adverse impacts I have identified, in particular the loss of the open space and the impact on residential amenity, would significantly and demonstrably outweigh the benefits of the development when considered against the policies in the NPPF taken as a whole. In the context of the tilted balance, I therefore conclude that planning permission should be granted in accordance with the Recommendations below.
129. 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 (B) below to approve 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 secure any necessary additional obligation(s) and/or planning conditions to that end. Mitigation will be via an off-site solution. Upon adoption of an Appropriate Assessment I consider the proposed development to be acceptable and in accordance with the Development Plan.
130. As discussed within the main body of the report I recommend that a number of conditions will be necessary. My Recommendation (C) further below deals with delegation to add/amend/remove planning conditions as appropriate.

## **Recommendation**

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 above in terms agreeable to 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 and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,**
- B. Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development**

**Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,**

- C. 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 implementation condition
2. Development carried out in accordance with approved plans
3. Details and samples of external materials
4. Fine details (at scale 1:50 or 1:20 as appropriate)
5. No vents or flues other than in accordance with details to be approved
6. Investigation, remediation and verification of contaminated land/groundwater
7. Reporting of unexpected contamination
8. Provision of vehicle parking
9. Details of signage relating to allocated parking to existing dwellings
10. Details and provision of EVC
11. Details and provision of secure cycle parking
12. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage, control of dust etc.
13. Before and after construction of the development, highway condition survey for surrounding footway and verges
14. Provision of measures to prevent the discharge of surface water onto the highway
15. Details and provision of new roads, footpaths and raised table
16. Securing of necessary Stopping-Up Order for diversion of PROW
17. Provision of refuse storage
18. Details of any necessary public sewer diversions
19. Details of foul and surface water sewerage disposal
20. Details and provision of SuDS scheme including verification
21. Details of renewable energy strategy, including solar PV
22. Water use not to exceed 110 litres per person per day
23. Details and provision of on-site hard and soft landscaping, including allotment/growing beds

24. Details of hard and soft landscaping enhancements for adjacent open spaces, including details of public engagement and consultation and a timetable for delivery
25. Landscape Management Plan
26. Details and provision of external lighting strategy
27. Details and provision of biodiversity enhancement measures
28. Details of provision of Fibre to the Premises
29. Site Inspection

#### Notes

- Expect applicant to liaise with Kent Police to further review how Secured By Design principles can be included in fine detail etc.
- Environmental Protection notes relating to construction hours/burning of waste/control of dust
- KCC PROW notes relating to works in the vicinity of a PROW

### **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 21/01250/AS)

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## Annex 1 – Design Review Panel Report (August 2020)

### The proposal

Site location	Oakleigh House, Watercress Lane, Ashford, Kent TN23 5EL
Site details	<p>The site for this proposal is in the Beaver Green area of South Ashford, with Beaver Lane running along its western boundary. The western portion of the site currently contains the former sheltered housing scheme known as Oakleigh House and a block of flats to the south, known locally as the Star Block. Oakleigh House is currently vacant and the Star Block is due to be vacated imminently. It is believed that the buildings were constructed between 1960-1975 and both buildings are currently managed by Ashford Borough Council (ABC). There is a public right of way running between these two buildings that connects the linear green space on Knoll Lane with Cross Stile to the east. The site is split into two parts by Watercress Lane which has no through vehicular access. Although not publicly designated open space, the eastern portion of the site is currently undeveloped and is overlooked by houses along the northern boundary. The properties in the immediate vicinity of the site are typified by 1960 - 1980s 2 and 3-storey houses organised in terraces and courts, with brick and tile-hung facades and pitched roofs. The setting is characterised by green verges, open public green spaces, irregular street tree planting and off-street parking courts. A defining feature of the site is that it sits at the confluence of five roads, which creates an 'island' site with unusual geometries and varying alignments of buildings and street frontages.</p>
Proposal	<p>This is a proposal to demolish Oakleigh House and the Star Block and to re-provide independent housing for older people (in 51 apartments and 3 cottages) and accommodation for adults with learning disabilities (in 15 apartments) across two sites. The proposal includes shared communal and community spaces, landscaped gardens and enhanced landscaping for adjacent public open spaces.</p>
Planning stage	<p>Formal pre-application discussions were held in April 2020 and the Full Planning Application target submission is end of September 2020.</p>
Local planning authority	Ashford Borough Council

## The design review meeting

Reference number	1449/200820
Date	20 <sup>th</sup> August 2020
Meeting location	Online via Zoom
Panel members attending	Richard Portchmouth (Chair), Architecture, Urban Design Chris Bearman, Architecture, Housing Richard Hawkes, Architecture Peter Neal, Ecology, Landscape Architecture Emily Walsh, Urban Design, Transport Planning
Panel manager	Helen Goodwin, Design South East
Presenting team	Mary Hutchison, PRP Development Jenny Buterchi, PRP Development Adrian Judd, PRP Development Carolina Caneva, PRP Development
Other attendees	Giles Holloway, Ashford Borough Council Mark Chaplin, Ashford Borough Council Sharon Williams, Ashford Borough Council Councillor Paul Clokie, Ashford Borough Council Councillor Mick Burgess, Ashford Borough Council Councillor Lyn Studdard, Ashford Borough Council Bob Shrubbs, South Ashford Community Forum Jade Huang, Design South East
Site visit	This review was carried out during the Covid-19 outbreak in 2020. Independent site study including desktop research prepared by Design South East and a digital walk-around (in a similar fashion to that which would have been conducted on-site) was carried out prior to the review.
Scope of the review	As an independent design review panel, the scope of this review was not restricted.
Panel interests	Panel members did not indicate any conflict of interest.
Confidentiality	This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

Planning context	<p>The existing buildings which are to be demolished are currently owned and managed by Ashford Borough Council. Whilst the open space on Cross Stile to the east which forms part of the application site is not formally designated as public open space, there is a presumption in favour of protecting open space in the Local Plan. The existing open space provision fails on quality and the loss of the open space on Cross Stile means there will be a deficit of open space locally. There are no designated play areas within 400m of the site. Ashford Borough Council have identified opportunities for the mitigation of the loss of open space through investment in the green spaces around the site. An informal pre-application meeting was held with ABC in January 2020 and a formal pre-app meeting was held with the designated planning officer in April 2020. A resident consultation event was held in January 2020 and a current public consultation has been extended to the end of August 2020.</p>
Planning authority perspective	<p>The principle of development in the heart of the existing community is supported, however the loss of open space is a concern. The authority sought the panel's view on the quality of the design of this proposal as a mitigating factor in relation to the loss of open green space and highlighted the need to balance this loss with ABC's need for provision of elderly and social care in the borough.</p>
Previous reviews	<p>This scheme has not previously been reviewed by the panel.</p>

## Summary

We support Ashford Borough Council's ambition to provide high quality accommodation for the elderly and those with learning difficulties and commend the council for bringing this scheme to design review to support the development of the best quality outcome.

However, the proposed built form and layout are not responsive to the characterful, irregular arrangement of buildings and spaces that typifies this neighbourhood. The built form lacks the simplicity to join in comfortably with the language of this residential estate and the opportunity for interstitial spaces to enhance the streetscape has been lost. Through further analysis of the context to inform a wider site strategy and through further iterative development of the layout, form and mass of the buildings, we consider that there is an opportunity to revise this proposal in a way that will create a more contextual response of a higher quality that better mitigates the loss of open green space.

## Key recommendations

1. Investigate the history of the masterplan for this estate to understand the distinctive social and environmental character that comes from the irregular arrangement of buildings and open spaces.
2. Carry out an analysis of the network of open green spaces of which the eastern part of the application site forms a part, to explain the quantum and consequence of the loss of open space.
3. Situate the proposal in a wider context with a site strategy that demonstrates how this development will contribute positively to the wider neighbourhood through enhancements to the quality of green space provision and better connectivity with surrounding amenities and with the network of green spaces.
4. Provide further evidence of the optioneering and of the iterative design process and evaluation that has led to this arrangement of buildings, streets and spaces across these two sites.
5. Revisit the form and layout to look for opportunities to introduce interstitial spaces and more irregular street frontages that will allow interesting vistas and places for informal social encounters.
6. Explore options for simpler geometries that will result in a less complex roof form, particularly where building volumes join, in order to respond better to the simplicity of form and the rectangularity of the buildings in this neighbourhood.
7. Revisit the layout of the interior and exterior spaces, particularly the single aspect apartments, courtyard-facing apartments, communal spaces and the internal

courtyard, to ensure that there is adequate daylight, sunlight and ventilation to make these spaces function well for users.

8. Provide more detail on the landscape design and planting strategy to demonstrate compensation for the loss of green space through rich planting that provides biodiversity and ecology net gain as well as enjoyable social spaces that function well for users.
9. Ensure that the energy strategy described aligns with the architecture. This energy strategy should be embedded in the design process.



## Detailed comments and recommendations

1. Site context and history
  - 1.1. More work is needed to understand the history of the current masterplan of this neighbourhood to inform the form and layout of this proposal. We would encourage further exploration of the history of the estate, including the realignment of the road layout over time, to understand the displaced arrangement of buildings which creates irregular street edges as a strong site condition.
  - 1.2. It is important to demonstrate an understanding of the arrangement of incidental open green spaces which, regardless of their 'ad hoc' appearance, are a strong feature of the neighbourhood. This will inform the debate over the loss of open green space.
  - 1.3. More in depth site analysis should be informing the language of any proposal inserted into this unique, if 'quirky', neighbourhood. Some analysis was lacking in the information presented and might have ensured a more coherent and contextual response that demonstrates how the scheme has been influenced by and will be a positive influence on this residential neighbourhood.
2. Site strategy
  - 2.1. The recent COVID pandemic has heightened an awareness of the provision and value of local open spaces and of their potential to contribute to quality of life and to individual and community health and well-being. This highlights the impact this proposal could have on the local community in terms of the loss of public open space and therefore the need for a very high-quality proposal to compensate for this loss.
  - 2.2. The proposal has potential to deliver an enhanced green infrastructure. With the loss in *quantity* of open space comes the opportunity to enhance the *quality* of open space provision across this neighbourhood. A wider site strategy should demonstrate how the development offers not only net social gain from its provision of social care, but also real ecological and biodiversity net gain for the wider neighbourhood.
  - 2.3. A site strategy should situate this proposal in the context of the wider green infrastructure network of which the eastern side of the site forms a part. This strategy would show the connectivity for pedestrians with the linear green space along Knoll Lane and with Singleton Lake beyond, both of which form important 'green lungs' for the neighbourhood of Beaver Green and which are important areas for recreation and dog-walking.

- 2.4. This site strategy should include a tree planting strategy that extends beyond the application site to link this proposal into the wider neighbourhood in order that the development offers environmental services and benefits to existing as well as new residents of this neighbourhood.
  - 2.5. We would encourage further exploration and presentation of alternative layouts for this scheme. Demonstration of the optioneering is important and will be a necessary component of the DAS to clarify the thought process that has led to this proposal. In particular, the possibility of reconfiguring the road layout, potentially realigning Watercress Lane to the north-east, would allow both sites to come together as one. Whilst we understand the cost implications where the relocation of underground services is required, a reconfiguration might not only rationalise the labyrinth of roads that converge at this site but could also improve the entrance zone which is split by Watercress Lane in this proposal.
  - 2.6. The language of the plan needs to draw inspiration from what lies beyond the red line boundary of the application site. The defining feature of this area is its 'quirkiness' - the irregular alignment of buildings frontages to streets, the unusual geometries of the two sites, the slack spaces between buildings, the labyrinth of roads that converge around a node of complex junctions. We are concerned that this proposal tries to organise the site in a way that feels out of character with this quirkiness, and we recommend exploring some further massing studies of alternative layouts. Allowing the plan to slip and slide in a more relaxed way would better respond to the defining character of this neighbourhood and might give opportunities for social spaces outside front doors. The social dynamics of the edges of the building as well as of the internal spaces should be guiding the layout of the plan.
3. Access and movement
    - 3.1. The diversion of the historic public right of way works well in terms of alignment, however opportunities could be explored to further animate this route to the east of Watercress Lane by providing a more active frontage with the proposed 'supported' housing. We would like to understand how this route extends beyond the application site and connects with Knoll Lane to the west and to the amenities at Brookfield to the east.
    - 3.2. The experience for pedestrians of the mews road which runs along the north of the main block beside the mews houses should receive further attention. Opportunities to create a convivial piece of public realm that prioritises the safety and comfort of vulnerable older people and pedestrians, rather than vehicular access, should be explored here.



- 3.3. There are opportunities to increase ease of movement for pedestrians, for example by tightening the radii on street corners which would slow traffic and make it easier for pedestrians to cross the many roads that converge at this node.
- 3.4. The site is well located in terms of public transport, but we would like to see a transport audit that shows current parking provision as well as walking and cycling access to the site to demonstrate how people living here can access education, health and leisure facilities. A travel plan should be provided that will clarify how sustainable transport will be supported.
4. Landscape and public realm
  - 4.1. This development offers an opportunity to consider the public realm more broadly and to improve the 'bleak' character of the surrounding streets and open spaces. By enhancing the experience of the neighbourhood, for example through tree planting, this would better integrate the development into the neighbourhood.
  - 4.2. Public realm improvements should demonstrate how both the loss of open green space and the increase in density and architectural form that will come with this proposal will be offset by the enhanced quality of the public and semi-public open spaces within and beyond the development. More detail on the landscape design is needed to demonstrate what this development will contribute to the wider neighbourhood in terms of biodiversity and ecological net gain.
  - 4.3. Whilst we understand that there has been some public consultation, we consider that providing some high level proposals for the design and use of the surrounding green spaces, particularly for the open space to the south of the site, would help secure community buy-in and support for this scheme by demonstrating enhanced quality of open space to compensate for its loss.
5. Built form, scale and mass
  - 5.1. A figure-ground analysis of the provision of open space in relation to built form across the neighbourhood, including of the existing Oakleigh House and Star Building, would be a useful drawing to contextualise the approach taken in this proposal. This would highlight the anomaly of the perimeter block approach, which creates aligned street frontages and extended elevations that are not typical of this neighbourhood.
  - 5.2. We consider that the spaces within and around the existing Oakleigh House building are potentially more interesting and varied than those provided within this development in terms of encouraging a variety of social and recreational uses. How the spaces within and around the building will be used by residents and neighbours is an important consideration that should inform the arrangement of the blocks.

- 5.3. Currently there are two competing design concepts, with contrasting building typologies on either side of the entrance zone on Watercress Lane - one a courtyard block and the other a point block. If the proposal is to draw these two sites together, the composition of forms must feel like a coherent ensemble of irreducible parts that, through their cohesiveness, compensates for the loss of open space. We are not convinced that the language of the whole yet has sufficient coherence.
- 5.4. Long, repetitive façades are not typical of the character of this neighbourhood and we question whether a more staggered arrangement of blocks might have been a more appropriate response. This could have created some interesting interstitial spaces that would have provided opportunities for informal gathering at street level. That said, the repetition in the elevation facing Beaver Lane is one of the more enjoyable and expressive elements of the proposal, but here the steeply pitched roofs provide a rhythm that is missing in the linear elevations facing Watercress Lane and the mews houses.
- 5.5. The view south down Watercress Lane towards the open green space to the south of the application site and to the signature oak tree - a view which is celebrated in the site analysis - is compromised by the protruding mass of the southern corner of the independent living block.
- 5.6. The acute angle of the building at this corner is aggressive and out of character with this neighbourhood. This southern corner of the site is prominent when looking north from Cleves Way and Beaver Lane and looking west from Cross Stile, where the existing Star Block provides a focal point. The current iteration of this corner is perhaps one the proposal's least successful features, resulting from an attempt to maximise development on this site.
- 5.7. The complex geometries and roof form of the perimeter block are awkward and feel unresolved. This is particularly so where the building turns corners. A more simple, rectilinear set of forms would be a more contextual response, potentially opening up vistas between blocks and down Watercress Lane to the open space beyond.
- 5.8. Slicing through the elevation at the southern corner creates a stretched gable end facing the entrance court, which does not feel an appropriate expression for this prominent corner. This undermines the elegant form of the repetitive steep pitches facing Beaver Lane. Together with the flat roofed, single storey corner element, this creates an awkward arrangement of forms. The opportunity to create a stronger more focal element in this important location should be explored.
- 5.9. In the sheltered housing block, there is potential for a more elegant and expressive end of the building where it faces Crownfield Road, whilst the stretched gable end facing Cross Stile would benefit from further refinement.

5.10. Location of mechanical, electrical, power plant equipment needs to be shown on the drawings – in particular any that might affect the roof scape.

## 6. Layout

6.1. We have concerns about the number of single aspect dwellings to the north-west, north and north-east of the blocks which will receive no direct sunlight.

6.2. We also have concerns about the single aspect communal spaces where cross-ventilation will not be possible, especially in winter. The layout of all interior spaces needs to be considered in tandem with the energy strategy for this development.

6.3. The internal courtyard of the independent living block is likely to be predominantly in shade throughout most of the year, given the three-storey height of the surrounding blocks. This is contrary to the impression portrayed in the visualisations. Daylight and shading studies are necessary to show the reality of the situation and to ensure that this important communal area will be well used by residents and will offer high quality outdoor amenity space. This courtyard space requires further attention to understand its communal function.

## 7. Materials and detailing

7.1. We did not discuss the materials and detailing of this proposal to any great extent, although we consider that the variation in the brickwork on the Beaver Lane elevation detracts from the enjoyment of the repetition in this façade.

7.2. Paragraph 130 of the National Planning Policy Framework (2018) states: *'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

7.3. In order to be consistent with this national policy, the applicant team and local authority should note Design South East's general guidance on material quality and detail. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.

## 8. Energy strategy

8.1. Currently the energy strategy described is not aligned with the architectural resolution and needs greater clarification and analysis to ensure that the building will reduce energy demand wherever possible.



- 8.2. The embodied energy footprint of this scheme needs to be calculated taking into consideration the requirement to demolish the existing buildings as well as the superstructure and finishes of the proposed replacement.
- 8.3. Our guidance is that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

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#### Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations. Design South East reserves the right to make the contents of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

#### Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

<b>Application Number</b>	21/01654/AS		
<b>Location</b>	Ashford International Sports and Social Club, Beaver Road, Ashford, Kent, TN23 7SG		
<b>Parish Council</b>	NA		
<b>Ward</b>	Norman		
<b>Application Description</b>	Demolition and redevelopment of the site to provide a replacement Club facility and the erection of 31no. apartments across 1x three-storey and 1x five-storey building with associated access, parking and landscaping.		
<b>Applicant</b>	c/o Agent		
<b>Agent</b>	DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, ME14 3EN		
<b>Site Area</b>	0.29ha		
(a) 80/7 - 7 'R'	(b) NA	(c)	EA 'R', KCC ARCH '-', KCC EAS 'X', KCC EDEV 'X', KCC LLFA 'X', KCC H&T 'X', KFRS 'X', POL 'X', NHS 'X', SW 'X'

## Introduction

1. This application is reported to the Planning Committee at the request of Cllr Webb (Ward Member for Norman Ward).

## Site and Surroundings

2. The application site comprises a broadly rectangular piece of land located at the junction of Beaver Road and Norman Road approximately 800m southwest of Ashford town centre. Beaver Road forms the westernmost site boundary and the B2229 Norman Road forms the southernmost boundary and runs in an east to west direction as shown in **Figure 1** below.



**Figure 1: Site location plan**

3. The site currently accommodates the Ashford International Sports and Social Club within a single building located adjacent to the junction. The two-storey pebble dash rendered building has a clay tile hipped roof with dormer and velux windows (**Figure 2** below). It comprises a large hall/entertaining space and bar facilities. There is a small area of informal amenity space laid to grass and the remainder of the site is given over to car parking which is accessed from Norman Road at the eastern end of the site.



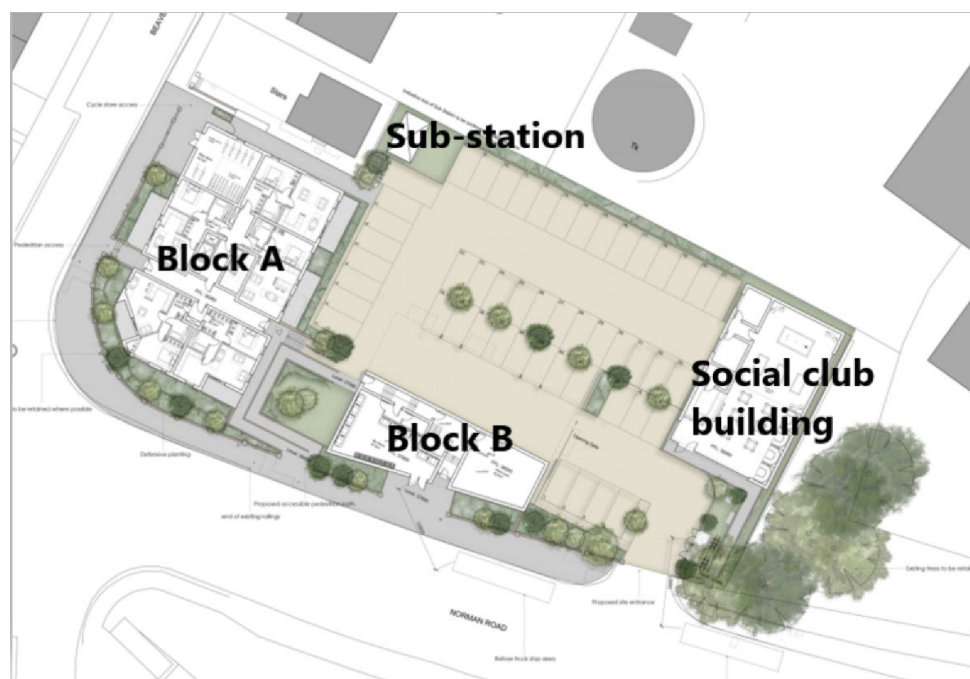
**Figure 2: Existing Ashford International Sports and Social Club building**

4. Beaver Road to the north and west of the application site is predominantly residential in character comprising mainly brick two-storey terraced housing. To the northern site boundary lies a single storey dwelling (173 Beaver Road/Stars) and the rear of 171 and 171a Beaver Road (non-residential). The north eastern boundary is shared with a B&Q warehouse and servicing yards.
5. There are no conservation areas or listed buildings within proximity. The site

is partially located within Flood Zones 1, 2 and 3.

## Proposal

6. Full planning permission is sought for the demolition and redevelopment of the site to provide a replacement social club building and the erection of 31 residential flats. As shown in the layout plan in **Figure 3** below, the club facility would be located in a single storey detached building in the northeast corner of the site. The flats would be split across a part four and part five-storey building adjacent to Beaver Road (Block A) and a three-storey building located adjacent to Norman Road (Block B).



**Figure 3: Proposed site layout**

7. The existing vehicular access on Norman Road would be retained to provide 41 car parking spaces for the residential use and 7 spaces for the social club building. A sub-station would be provided within the car park. Secure cycle parking and dedicated refuse stores would be integrated into the ground floor of Blocks A and B. The development would also incorporate soft landscaping, to the boundaries, as well as between Blocks A and B and within the car park.
8. As illustrated in **Figures 4 and 5** below, the buildings would have distinctive angled roofs, with large metal windows and a mix of inset and projecting balconies. Principal entrances to both Blocks would be located on the front street facing elevations and the buildings would also be accessed via the car park at the rear. The materials would include a mix of grey and blush red brick.



**Figure 4: Proposed Norman Road elevation**



**Figure 5: Proposed Beaver Road elevation**

## Relevant History

9. There is no relevant planning history relating to this application site.

## Consultations

10. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to 81 occupiers of buildings in the vicinity of the application site.

**Ward Members:** objection received relating to height of buildings, number of flats, traffic and climate. Subsequently called in the application for the Committee's determination.

**ABC Cultural Services:** request financial contributions towards public open space, sport and culture provision.

**ABC Environmental Protection:** no objections subject to appropriate conditions to secure a scheme to deal with the remediation of any land contamination, a Code of Construction Practice, sound mitigation, details of plant and extraction and electric vehicle charging facilities and informatives relating to hours of demolition/construction/burning of waste/dust mitigation.



**ABC Environmental Services:** no objection subject to condition to secure details of refuse store locks.

**ABC Housing Services:** comment no requirement for affordable housing as part of this development.

**Environment Agency:** no objection subject to conditions to secure details of flood storage, development to be in accordance with the mitigation set out in the Flood Risk Assessment, details of potential land contamination and to prevent infiltration of surface water drainage other than with consent.

**Kent County Council Archaeology Advisor:** no response.

**Kent County Council Ecological Advice Service:** no objection subject to condition to secure a Biodiversity Method Statement, including details of mitigation and ecological enhancements.

**Kent County Council Economic Development:** request appropriate mitigation in relation to secondary education provision, community learning, libraries, youth and social care and a condition to secure 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

**Kent County Council Flood and Water Management:** no objection subject to conditions to secure a detailed surface water drainage scheme and verification report.

**Kent County Council Highways and Transportation:** no objection subject to conditions to secure a Construction Management Plan, measures to prevent discharge of surface water to the highway, provision and retention of access and car and cycle parking and details of EVC.

**Kent Fire and Rescue Service:** comment that emergency access appears satisfactory. Flats will be subject to a full building regulations consultation.

**Kent Police:** no objection subject to condition to secure Crime Prevention through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate.

**NHS (Kent and Medway CCG):** request a financial contribution towards general practice health infrastructure.

**Southern Water:** request condition to secure details of foul sewerage and surface water disposal.

**Neighbours – 7 objections received as summarised below:**

- Height of buildings not in keeping with the area;
- Lack of character;
- Lack of affordable or family homes;

- Overshadowing and loss of privacy to surrounding properties;
- Single and multi-occupancy homes altering the balance of people in the area;
- Increased congestion and stress on the roads;
- Inadequate parking;
- Site has a history of flooding;
- Precedent for surrounding vacant land to be inappropriately developed;
- Impact on property values.

## Planning Policy

11. 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), the Egerton Neighbourhood Plan (2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
12. The relevant policies from the Local Plan relating to this application are as follows:-

Vision for Ashford Borough

SP1 Strategic objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

HOU1 Affordable Housing

HOU3a Residential windfall development within settlements

HOU12 Residential space standards internal

HOU14 Accessibility standards

HOU15 Private External Open Space

HOU18 Providing a range and mix of dwelling types and sizes

EMP6 Fibre to the Premises

TRA3a Parking Standards for Residential Development

TRA3b Parking Standards for Non Residential Development

TRA6 Provision for Cycling

TRA7 The Road Network and Development

TRA8 Travel Plans, Assessments and Statements

ENV1 Biodiversity

ENV4 Light Pollution and Promoting Dark Skies

ENV6 Flood Risk

ENV7 Water Efficiency

ENV8 Water quality, supply and treatment

ENV9 Sustainable drainage

ENV10 Renewable and Low Carbon Energy

ENV11 Sustainable Design and Construction – Non residential

ENV12 Air Quality

ENV15 Archaeology

COM1 Meeting the Community's Needs

COM2 Recreation, Sport, Play and Open Spaces  
COM 3 Allotments  
IMP1 Infrastructure Provision  
IMP2 Deferred Contributions

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

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

Affordable Housing SPD 2009  
Residential Parking and Design Guidance SPD 2010  
Sustainable Drainage SPD 2010  
Residential Space and Layout SPD 2011(now external space only)  
Sustainable Design and Construction SPD 2012  
Public Green Spaces and Water Environment SPD 2012

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins  
Informal Design Guidance Note 2 (2014): Screening containers at home  
Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

National Planning Policy Framework (NPPF) Revised 2021  
Planning Practice Guidance (PPG)  
Technical Housing Standards – nationally described standards

## **Assessment**

14. The key areas for consideration are as follows:
- (a) Principle of development
  - (b) Whether the proposals in respect of the community facility are acceptable
  - (c) Design quality and visual impact on the locality
  - (d) Housing mix and standard of accommodation proposed
  - (e) Amenity impacts
  - (f) Highway impacts, car and cycle parking, EVC and refuse strategy
  - (g) Landscaping, ecology and biodiversity, surface water and drainage and contamination
  - (h) Archaeology
  - (i) Sustainability and climate change
  - (j) Habitats Regulations
  - (k) Infrastructure requirements
  - (l) Planning Obligations

**(a) Principle of development**

15. Policy SP1 of the ALP 2030 identifies a number of strategic objectives, first of which is to focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities. From a housing perspective, planning applications are expected to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including for newly forming and downsizing households. Another relevant objective is to ensure new development is resilient to, and mitigates against the effects of climate change, including by reducing vulnerability to flooding. The proposals entail the redevelopment of brownfield land and would deliver housing that mitigates against flood risk in accordance with these objectives.
16. Policy SP1 also deals with other matters and makes reference to the importance of sense of place, including spaces around and between buildings and how that creates and contributes character alongside supporting uses through appropriate physical infrastructure.
17. The site is not allocated for development in the ALP 2030. However, Policy HOU3a allows residential windfall development within existing settlements providing it can be satisfactorily integrated. Ashford is a listed settlement and in accordance with 'The Vision' set out in the ALP will continue to be the main focus for development.
18. Policy HOU3a is subject to certain compatibility and impact assessment provisos including relating to character, density, amenity, highways, infrastructure, safe pedestrian access and use displacement. This last requirement, for a development not to displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan is key to the assessment of this application.
19. The assessment sections below address the requirements of this Policy alongside other topic-based specific Policies of the ALP 2030. Providing the development can be satisfactorily integrated and would meet the requirements of Policy COM1 in relation to community facilities, then it would meet the test of principle set out in Policy HOU3a.
20. Subject to the development being considered acceptable against the above policies then the principle of the development would be acceptable assessed against 'The Vision' and Policy SP1.

**b) Whether the proposals in respect of the community facility are acceptable**

21. As set out in Policy HOU3a, residential development within Ashford will be acceptable where a number of requirements are met, including where the development would not to displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan. In this respect Policy COM1 (Meeting the Community's Needs) of the ALP is relevant as it seeks to resist the loss of existing community infrastructure across the Borough, unless sufficient evidence can be provided to demonstrate that such infrastructure is no longer required or is obsolete and that suitable replacement provision is being provided or is located nearby.
22. The ALP recognises that retaining existing facilities, wherever practical, is the most sustainable way of enhancing and expanding provision. This position is supported by paragraph 93 of the NPPF which requires that LPAs guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. The NPPF also requires planning decisions to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
23. Although the Ashford International Sports and Social Club is a predominantly members-only club (guest admission is permitted) some of its facilities are also available for occasional public hire. I am satisfied that it is a community facility and that Policy COM1 is relevant.
24. The planning application is supported by a Club Supporting Statement Letter detailing the history of the club and the justification for the current proposals. It confirms that the Club has operated at the application site for over 100 years. Following the sale of a second sister site in Station Road in 2005 the premises was extended and reopened in 2010. The extended facility incurred higher operating costs, including business rates, lighting and heating, maintenance, insurances, security and staff. The reopening coincided with the introduction of the smoking ban and ongoing economic crisis which particularly affected non-catering establishments such as this, resulting in lower footfall and fewer bookings for events space. The Club has failed to return any annual surplus since it was reopened. The Club was forced to close by the Government Coronavirus legislation in March 2020 and has not been able to reopen since.
25. Having concluded that the ongoing operation of the Club within the existing premises is unviable, the Club committee are seeking to provide a reduced size facility better suited to its needs and to ensure its future financial security and long term survival. The viability has been evidenced through a business plan whereby the Club is either externally managed as a business where profits can be reinvested for the benefit of members, or is internally managed through direct employment of staff.
26. Although the proposals would not result in the loss or displacement of the

community facility, it would result in a substantial reduction in size from approximately 763sqm to 225sqm GIA (a reduction of 70%). Nevertheless, it would comprise a higher quality, energy efficient building capable of accommodating all of the activities associated with the existing premises.

27. Notwithstanding the intention of the Ashford International Sports and Social Club to occupy the premises, I am mindful that this cannot be guaranteed. On this basis the applicant has provided a Marketing Report concluding that the building has been flexibly designed and is of a size that would be suitable for a number of alternative uses including for medical/health services (vets, dentist, chiropractors, physio etc.).
28. In summary, and subject to a condition to secure delivery of the social club building prior to the first occupation of any residential units, I am satisfied that rather than displace an active community use, the proposals would facilitate the retention, modernisation and future financial security of a community facility in accordance with both national and local planning policy and guidance.

**(c) Design quality and visual impact on the locality**

29. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. While appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.
30. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
31. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
32. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics of well-designed places.

33. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.
34. The applicant has engaged with key stakeholders, including Officers and the community via an interactive design process. The following assessment considers the design quality of the scheme in relation to its layout and access, height, form, scale and massing and design and materials.

- **Layout and access**

35. The proposed layout has been carefully considered to respond to the site's specific constraints and opportunities. As shown in **Figure 6** below, the larger of the two residential blocks (Block A) would be located on the siting of the existing building on the Beaver Road frontage and prominent corner and be separated from a new smaller block (Block B) fronting Norman Road by a small landscaped space. These buildings would incorporate soft landscaped set-backs and be appropriately located to continue the pattern of development on Beaver Road thereby retaining or, in the case of Norman Road, introducing, a good level of enclosure to these main streets. The proposed layout would also activate the street frontages and provide a good level of natural surveillance. In my view the layout would be compatible with the character of the surrounding area in accordance with criterion (a) of the Policy HOU3a of the ALP.



**Figure 6: Proposed ground floor site layout and access arrangements**

36. The replacement social club building would be located in the north eastern corner of the site nearest to the adjacent B&Q retail shed and service yards. Whilst retaining a degree of visibility from Norman Road it would be

appropriately distanced from the existing and proposed residential buildings.

37. A single vehicular access would be retained in the existing position on Norman Road and would provide access to a large off-street parking court to the rear. At first floor level and above, Block B would over sail part of the car park circulation aisle. Pedestrian and cyclist access into the site would be provided from both Beaver Road and Norman Road, thereby facilitating ease of movement as required by Policy SP6 of the ALP.

- **Height, form, scale and massing**

38. Notwithstanding the detached single storey bungalow immediately to the north of the site (Stars), the east side of Beaver Road is characterised by traditional two-storey Victorian terraced buildings with pitch roofs. Norman Road is characterised by a variety of building scales, including larger format commercial buildings within the business park opposite.
39. The supporting text to Policy SP6 of the ALP requires all development proposals to reflect their local context, and where the built environment is of decent quality, new proposals should be sensitive in terms of scale, height, layout and massing to surrounding buildings. The NPPF is also relevant here. Paragraph 124 refers to supporting development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change. Paragraph 130 states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
40. As shown in **Figure 7** below, Block A would comprise a two-storey element adjacent to the north boundary to respond to the lower height of the adjacent bungalow before stepping up to four and five-storeys which would wrap around the prominent corner and into Norman Road. Although significantly higher than the buildings opposite, the overall mass of the development is broken down by the stepped height, the replacement of projecting balconies with inset balconies, incorporation of varied size brick panels and distinctive angled roofline which would add interest to the corner and in my view would provide a striking and appropriate termination to the streetscene taking advantage of the location at a wide junction. In my view this brownfield site is a suitable location for promoting regeneration and change and is capable of supporting increased density in accordance with the NPPF.





**Figure 7: Visualisation of Block A at junction of Beaver Road and Norman Road**

41. Norman Road is a busier, wider road than Beaver Road and has a more fragmented townscape. In this context the various heights, scales and forms of Blocks A and B and the single storey social club building as shown in **Figure 8** below are considered to complement each other and comprise appropriate additions to the streetscene.



**Figure 8: Visualisation from Norman Road**

- **Design and materials**

42. In terms of detailed design and materials, both residential blocks would comprise a mix of grey and blush red brick to delineate the base of the

buildings and parts of the upper levels. As shown in **Figure 9** below, the architectural approach is very simple; each elevation includes a repetitive and uniform window arrangement (utilising metal grey framed windows) with the mix of brick colours being used to create bays that provide articulation and relief into the facades. The corner elevation of the larger block features good sized integrated balconies with dark grey railings to provide architectural expression on this prominent corner. Elsewhere the development incorporates projecting balconies with dark grey railings to provide visual interest and variety.



**Figure 9: Detailed design and materials (Block A)**

43. The predominant use of brick and incorporation of bays and soldier course detailing (Block A) and narrow vertical channels (as shown in **Figure 10** on Block B below) is considered to lift the design and respond sensitively to the surroundings. To ensure a high quality finish I recommend that samples of materials (including to secure a mix of grey bricks) and large scale drawings (at 1:20 and 1:5 scale) of fine details and key elements of the buildings should be secured by planning condition.



**Figure 10: Detailed design and materials (Block B)**

44. In summary, I consider that the buildings would be of high quality design that would enhance the townscape in this prominent location whilst also being sympathetic to the local context and character of the surroundings in accordance with Policies SP6 and HOU3a of the ALP.
- (d) Housing mix and standard of accommodation proposed**
45. Policy HOU18 of the ALP 2030 requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The proposal includes a range of accommodation types and sizes, including 1-bed 2 person flats (20 units/65%), 2-bed 3 person flats (5 units/16%) and 2-bed 4 person flats (6 units/19%). Whilst weighted towards 1-bed flats, this mix of dwelling sizes would be in compliance with the broad objectives of Policy HOU18. As a flatted development within the Ashford Town area, adopted Policy HOU1 of the ALP does not require the provision of affordable housing and none is proposed.
46. All dwellings would comply with the Nationally Described Space Standards set out in Policy HOU12 and the Council's Residential Space and Layout SPD. All units would also provide private external open space in the form of integrated or projecting balconies or private gardens in accordance with the requirements of Policy HOU15.
47. With the exception of 2 x 1B2P north-east facing single aspect units in Block B and 4 east or west facing single aspect units in Block A, all other units (equating to 80% of the total) would be dual or triple aspect. I am satisfied that overall the development would provide for good levels of daylight and outlook, either over the adjacent roads or through the rear car park softened by trees. Concerns regarding the potential for direct overlooking between units in Blocks A and B have been resolved by design revisions to flat layouts, balcony locations and window arrangements. I recommend a planning condition to ensure the secondary windows to combined living, kitchen dining rooms in the side (west) elevation of Block B are obscure glazed to safeguard the amenities of future occupiers.



48. Whilst the location of the club facility adjacent to the established commercial uses has been taken into account in the layout of the development, I concur with the recommendations of the Environmental Protection team in relation to securing conditions relating to sound mitigation and any details of plant and extraction. The hours of opening of the club facility are currently unknown and I therefore recommend details be secured by condition to further safeguard the amenities of future occupiers.
49. Both blocks would be accessible via level entrances on the front and rear elevations. I recommend that a planning obligation be imposed to secure a minimum of 20% of all dwellings to be built to Building Regulations M4(2) standard (accessible and adaptable) in accordance with the requirements of Policy HOU14.

**(e) Impact on amenity**

50. The application site is located in an area characterised by both residential and commercial uses with potential sensitivity to the redevelopment of the site. Policy HOU3a permits residential development and infilling of a scale that can be satisfactorily integrated into an existing settlement provided a number of requirements can be met, including (b) where it would not create a significant adverse impact on the amenity of existing residents.
51. The proposals include the erection of buildings on parts of the site where none currently exist and it is therefore necessary to consider whether the development would result in any significant adverse impacts on the amenities of existing residents of surrounding buildings, including those opposite and adjacent to the site.
52. The west side of Beaver Road (opposite the application site) is characterised by terraced two-storey dwellings. The replacement of the existing two storey building with a part 2, 4 and 5-storey building (Block A) would change the outlook from the front of several dwellings directly opposite the site. However, by reason of the road width, stepped building height, detailed design and integration of a soft landscaped buffer including tree planting I do not consider the height or scale of the building would be unduly oppressive or overbearing in this urban location and, in my opinion, the location of the site at a wide road junction presents a natural opportunity to create a buildings that respond to the opportunity in terms of ability to have a greater scale.
53. Three dwellings would be located directly opposite the 5-storey element and the front ground floor level rooms of these dwellings have the potential to be impacted in terms of daylight and sunlight. I note however that these dwellings benefit from large bay windows which receive light from multiple angles. Taking this and the orientation of the development (to the east) into account I

do not consider that any harm arising from loss of daylight or sunlight would be unacceptable. I am further satisfied that the omission of projecting balconies would ensure no significant adverse impacts in terms of overlooking or loss of privacy.

54. Directly to the north of the application site, on the east side of Beaver Road is a detached single-storey bungalow (Stars). The bungalow is located to the rear of the plot such that the only amenity space is to the front. Where the existing building is built to the boundary, the proposed development has been set back and stepped in height to reduce potential impacts on outlook and sense of enclosure. Whilst the development would likely result in a greater degree of overshadowing and some loss of daylight and sunlight, the layout is such that I do not consider any harm would be significant enough to justify refusal of planning permission. Subject to conditions to secure obscure glazing to the secondary windows in the first floor level side (north) elevation of Block A I am satisfied that the development would provide for an acceptable relationship with Stars.
55. I am mindful that the proposed balconies on the north (side) elevation of Block A would afford views north along Beaver Road. Where the elevation drawings show the second floor balconies extending to the edge of the building, the plans show they would be set back to prevent views directly down into Stars and its amenity space. I recommend a condition be imposed to ensure the balconies are implemented in accordance with the plans. I note that beyond Stars is a non-residential building (171 and 171a Beaver Road) with parking behind and so there would be no harm from longer distant views.
56. The application site partly borders commercial uses (B&Q) to the north and east. Subject to details of sound mitigation for the proposed residential units, I am satisfied that the relationship with the adjacent commercial uses would be acceptable and that overall the development would promote a high standard of amenity for existing and future users of development in accordance with paragraph 130 of the NPPF and the ALP.

**(f) Highway impacts, car and cycle parking, EVC and refuse strategy**

57. The planning application is supported by a Transport Statement (TS) in accordance with the requirements of Policy TRA8 of the ALP. The TS concludes that the site is in a sustainable location with good access to public transport serving a range of facilities and services in the local area.
58. The main vehicular access for both the residential units and the social club would be via the existing access on the northern side of Norman Road which benefits from the required visibility splays. The Highways Authority is satisfied that its use is acceptable and would not prejudice highway safety.

59. In terms of projected traffic generation, the TS includes a TRICS trip generation calculator that indicates the flattened nature of the development and a club facility would have a low level of car use. Specifically, the development would create combined two way movements of 8 in the AM peak hour and 20 in the PM peak hour (the club facility generates no movements in the AM peak). The Highway Authority confirm that this level of traffic generation would not result in unacceptable impacts on the local or wider highway network, including in terms of highway capacity or safety.
60. In recognition of the scale of the development, I concur with the Highway Authority recommendation that a Construction Management Plan be required, to include details of lorry routing and contractor parking. The proposal is therefore acceptable in highway terms and consistent with criterion (e) of Policy HOU3a.

- **Car parking**

61. Policy TRA3(a) of the ALP sets out the required parking standards for new development within town centre, suburban and rural locations but also permits flexibility, for example where there is a good level of accessibility to shops and services and a good level of non-car access.
62. The proposals include 41 secure parking spaces for the residential element of the development (plus 1 space for sub-station maintenance) and 7 parking spaces for the club facility. The residential parking provision would equate to a ratio of 1.3 which lies between the standards required for town centre development (minimum 31 spaces) and suburban development (minimum 53 spaces). The Highway Authority raise no objection to the quantum of parking proposed, noting that the immediate vicinity of the site is subject to parking restrictions in the form of double yellow road markings and, as such, the development would be unlikely to result in overflow parking that would compromise highway safety in the area.
63. There are no minimum parking standards for the social club use; however it is relevant that a large proportion of members and users are local and the Highway Authority note that the existing parking restrictions adjacent to the site would prevent overspill parking that would compromise highway safety in the area.
64. The Sustainability Statement confirms that EVC (electric vehicle charging) will be provided to 15 parking bays (37% of the total). I recommend that further details of the layout and specification of either active or passive provision be secured by condition to help stimulate the take-up of EV's by residents through good on-site infrastructure provision.

65. In summary, I am satisfied that the quantum, size and design of proposed car parking provision accords with Policy TRA3a and the Council's Residential Parking and Design Guidance SPD. Subject to appropriate conditions relating to provision of the parking spaces and EVC infrastructure, the Highways Authority is satisfied with the proposals, as am I.

- **Cycle parking**

66. Policy TRA6 of the ALP requires cycle parking to be provided for residential development on a 1 space per unit basis. Provision is shown for 31 spaces within a mix of Sheffield stands and racks in a secure cycle store accessed via Beaver Road. The store would be easily accessible to the main building entrances of both blocks. Provision for a further 4 cycles is shown adjacent to the social club facility which would be appropriately integrated into the landscaping strategy and sited to benefit from passive surveillance.

67. I am satisfied that sufficient space exists to accommodate the necessary cycle parking. Subject to a condition to require detailed specification of the cycle parking facilities shown I concur with the Highway Authority that the proposals are acceptable in this regard.

- **Refuse strategy and servicing**

68. Sufficient communal refuse and recycling storage has been incorporated into the ground floor of the development. The storage areas are easily accessible from the building cores and capable of being serviced from Norman Road without compromising safety. The Council's Environment Services Officer has commented on potential conflicts between the kerbside collection area and a pedestrian refuge island on Norman Road, however I am satisfied that there would be sufficient space to allow vehicles to pass whilst collection takes place.

69. I recommend that provision of the facilities be secured by a condition requiring the agreement of final details (to ensure good practice in relation to general waste, food waste and recycling, including details of internal signage and any other related proposals to achieve such practice and help avoid cross-contamination).

70. Separate refuse storage is proposed to the Social Club building. It is proposed that the servicing requirements for the Social Club will utilise vans and occur out of hours such that deliveries can be accommodated within the proposed parking provision. I consider this to be acceptable.

**(g) Landscaping, ecology and biodiversity, flood risk, surface water and drainage and contamination**

71. The layout of the development allows for the incorporation of a generous soft landscaped buffer to the street-facing elevations of both residential buildings and a planted area between these buildings. I am confident that the proposals would result in significant enhancements to hard and soft landscaping across the application site compared with the existing situation of little to no landscape planting. The proposals would make a significant contribution to the quality of the development and enhance the local streetscape.
72. As shown in **Figure 11** below, revisions to the tree planting strategy have been secured in response to comments from the Council's Tree Officer to ensure that the soft landscaping is fully integrated into the layout and design, including within the parking area to offer maximum visual interest and biodiversity benefits in accordance with relevant planning policy and guidance.



**Figure 11: Site plan showing landscape strategy**

73. I recommend further details of the hard and soft landscaping to include materials specification, planting schedules, species and densities and a management strategy be secured by condition.

- **Ecology and biodiversity**

74. The site is not subject to any national or local nature conservation designations. The application is supported by a Preliminary Ecological Appraisal (PEA) which confirms that the site is dominated by built form and hardstanding. Undeveloped parts of the site comprise two small areas of



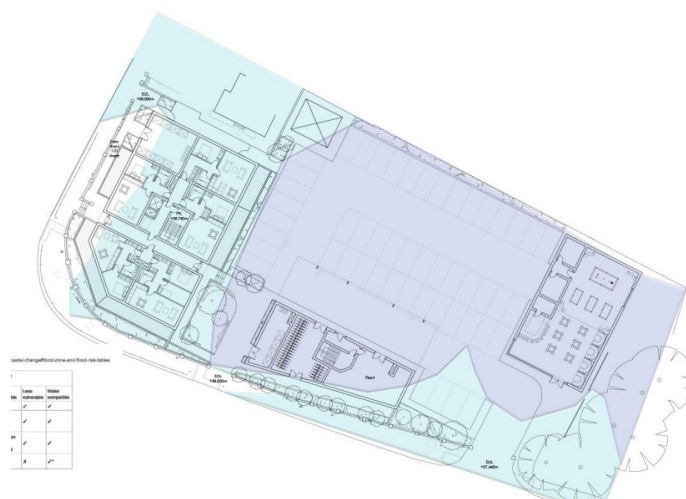
grassland and a small section of hedgerow and scattered scrub adjacent to the north boundary. The site is of low ecological value.

75. The PEA includes a Phase 1 Habitat Survey which confirms there are no suitable habitats for any protected species. Whilst the hedgerow is identified as species poor, the Preliminary Bat Roost Assessment report considers it to provide suitable foraging and commuting habitat with links to further hedgerows and residential gardens to the north and east. I recommend that the recommendations in the Preliminary Bat Roost Assessment and the PEA that the hedgerow should be retained, or if not possible, appropriate replacement native planting should be incorporated be secured by condition. This also applies to recommendations relating to protection of terrestrial mammals including hedgehogs and nesting birds.
76. The site offers much scope for ecological and biodiversity enhancement in accordance with the requirements of Policy ENV1 of the ALP. Enhancement opportunities may include the incorporation of planting of appropriate native herbaceous and shrub species to provide nesting and foraging opportunities and the installation of bird and bat boxes. I concur with the recommendations of the County Ecologist that further details should be secured by condition.
77. Whilst no details of any lighting strategy have been submitted I am mindful of the site's edge of centre/suburban location and the existence of overspill light from existing street lighting. I am satisfied that the principle of external lighting in this location would be acceptable and recommend that details of the external lighting strategy are secured by condition to ensure that it adequately balances and safeguards safety, amenity and the general objective of avoiding light pollution as per the requirements of Policy ENV4 (Light Pollution and Promoting Dark Skies) of the ALP.
78. In summary, I am satisfied that the development proposals would enhance the ecology and biodiversity value of the site in accordance with Policies ENV1 and ENV4 of the ALP.

- **Flood risk, surface water and drainage**

79. Policy ENV6 (Flood Risk) of the ALP is relevant as the application site is partially located within Environment Agency's Flood Zones 1, 2 and 3. Flood Zone 3 is at high probability of flooding from rivers and the sea. Paragraph 159 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

80. In response to the location of the site, the application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy, including a Sequential Test Report.
81. The Sequential Test confirms that there are not any reasonably available and suitable alternative sites within an area of lower flood risk that could support the proposed redevelopment. As a result, the proposed development is deemed to pass the Sequential Test and is subject to the Exception Test. The Exception Test demonstrates that both the sustainability benefits of the development to the community outweigh the flood risk and that the development would be safe for its lifetime taking into account the vulnerability of its users and that it would not increase flood risk elsewhere.
82. The FRA concludes that whilst the flood risk to and from the proposed development site (from the river) is high the flood risk to the site due to surface water, reservoirs or groundwater flooding is low. The development, nevertheless, has the potential to reduce flood storage and subsequently increase flooding elsewhere. To mitigate against loss of storage, where parts of the development encroach within Flood Zone 3a (depicted by the dark blue shading in **Figure 12** below), the buildings have been designed to be constructed with an undercroft/void which will allow free movement of floodwater beneath. The club building would be accessed via a ramp and the finished floor levels in this location would be set at a minimum of 38.260m AOD.



**Figure 12: Overlay of development within flood zones**

83. The applicant has worked closely with the Environment Agency (EA) to address the various flood risk issues. Subject to securing further details by condition the EA are satisfied with the principle of providing compensatory flood storage via voids. Subject to securing the mitigation proposed, the FRA has been endorsed by the EA in accordance with the requirements of Policy ENV6.

84. Policy ENV9 of the ALP and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDs for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality. The applicant's Drainage Strategy notes that due to the geology of the site and no watercourse present in vicinity of the site, disposal of surface water by infiltration and to a watercourse is not feasible. It is therefore proposed to dispose surface water via sustainable drainage features including an attenuation tank with a controlled discharge rate to the nearest public sewer located in Norman Road. Neither Southern Water or the Local Lead Flood Authority raise any objection subject to conditions to secure details of foul sewerage and surface water disposal via a detailed surface water drainage scheme and verification report.
85. In summary, the hierarchy of surface water disposal has been adhered to, resulting in proposed connections to the public sewers in the vicinity of the development. Surface Water flows are to be attenuated on site and discharged at a restricted rate in accordance with the requirements of national and local planning policy and the Council's Sustainable Drainage SPD.

- **Contamination**

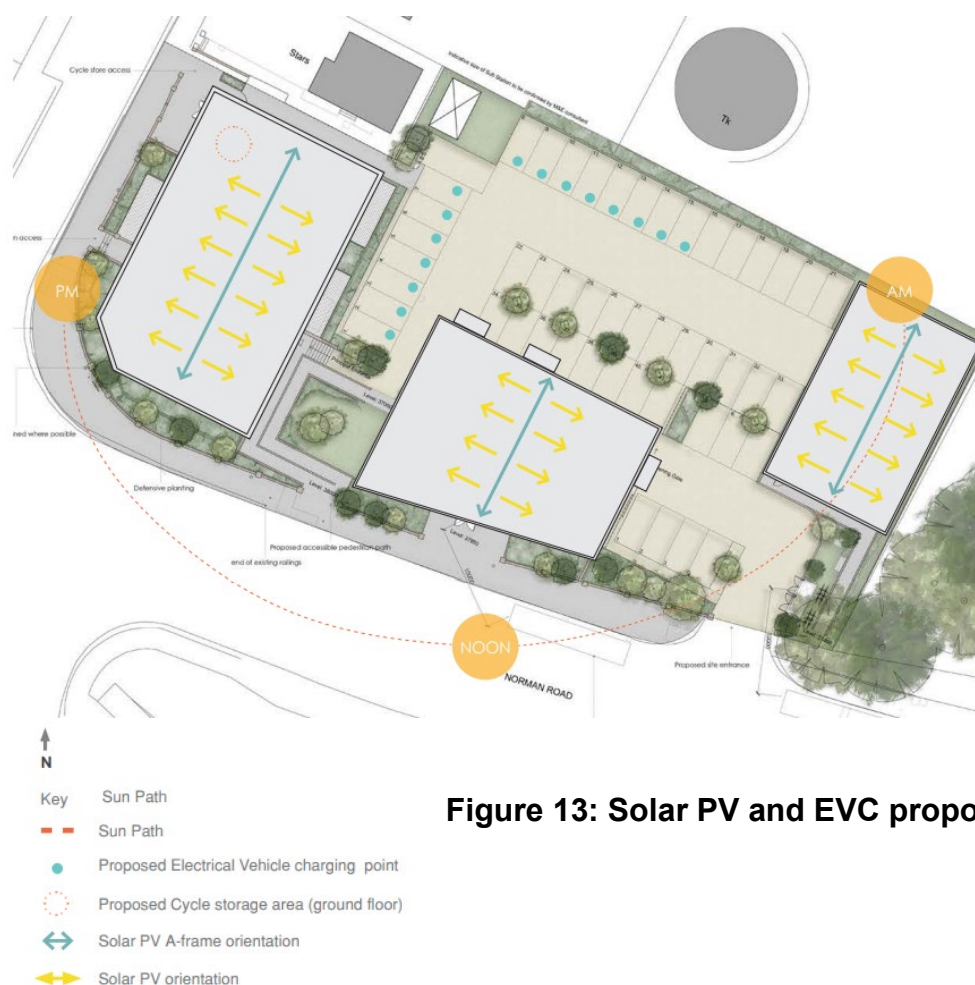
86. The planning application is supported by Phase 1 and Phase 2 investigations which have identified potential soil contamination and presence of ground gas on the site. The EA and the Council's Environmental Protection Officer notes the prior uses of the site, including as a brickworks clay pits which became ponds that were subsequently infilled, and the potential for contamination that may pose a risk to the environment and public. I concur with their recommendations to impose conditions to ensure that the potential for contamination is subject to further assessment and appropriate remediation where required.

(h) **Archaeology**

87. The planning application is supported by an Archaeological Desk-Based Assessment. Whilst the application site is not designated as an Area of Archaeological Potential it was considered likely to have had a theoretical archaeological potential for the Roman period, due to the proximity of a Roman road alignment along the western boundary. The report notes that past development on the site (in particular relating to nineteenth century brick earth extraction) are likely to have had a severe negative archaeological impact and concludes that no further archaeological mitigation measures are required. In the absence of any comments or recommendations from the County Archaeologist I concur that the redevelopment of the site would not pose any harm to archaeology in accordance with the requirements of Policy ENV15.

(i) **Sustainability and climate change**

88. The planning application is supported by a Sustainable Design and Construction Statement which confirms that the buildings would be energy efficient by maximising natural light and through the use of non-oil based sustainable materials of low embodied energy and high thermal performance.
89. As shown in **Figure 13** below it is proposed to install photovoltaic (PV) solar panels to each building to generate renewable energy on site. The buildings would incorporate parapets to ensure the panels do not detract from the design of the buildings. I recommend that provision of the PV scheme be secured by condition.



**Figure 13: Solar PV and EVC proposals**

90. More widely, the development would respond to the challenge of climate change through the incorporation of SuDS, high energy efficiency equipment and low flow water fittings. I recommend a condition to restrict water consumption to no more than 110 litres per person per day in accordance with the requirements of Policy ENV7 of the ALP. As shown in **Figure 13** above the proposal also provides for EVC (electric vehicle charging) in accordance

with the requirements of Policy ENV12 of the ALP which requires all major development proposals to promote a shift to the use of sustainable low emissions transport.

91. In summary, I am satisfied that the proposed development has been designed to address and mitigate the risks of climate change, including through the implementation of renewable energy technology and the construction of a building designed to minimise energy consumption. In this regard the proposals are consistent with national and local planning policy and guidance.

**(j) Habitats Regulations**

92. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
93. 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 2017 (as amended) 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. This is consistent with the KCC Ecological Advice Services request.
94. 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.
95. The planning application is supported by a Nutrient Neutrality Assessment which confirms that mitigation will be required in order for the development to achieve 'nutrient neutral' status. Work commissioned by the Council has commenced 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.
96. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms, I recommend that a resolution to grant planning permission should also 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 (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a planning agreement and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place. This is included as part of my Recommendation detailed further below.

**(k) Infrastructure requirements**

**- Mitigating the needs arising from the development through s106 obligations: the policy compliant requests**

97. Policy IMP1 of the ALP 2030 requires that development shall make provision to meet the additional requirements for infrastructure to mitigate the needs arising from specific development proposals with provision secured through s106 agreement. The policy states that the Council will take a flexible approach where it is justified to do so for reasons of development viability. I deal with viability further below.
98. The Borough Council's infrastructure contribution requests are set out below. They sub-total **£86,526.40** and are to be index-linked:
- Outdoor sports provision (combined capital and maintenance) - £13,214
  - Indoors sports provision - £5,197
  - Informal natural open space - £17,156.56
  - Play - £29,656.66
  - Allotments - £7,323.76
  - Strategic Parks - £4,362.61
  - Arts sector - £7,649.25
  - Voluntary sector - £1,966.56
99. The County Council has made a number of infrastructure contribution requests, however the Council are currently reviewing these requests to make sure they are aligned with Regulations and that the evidence is available to justify the amounts requested per dwelling. Until that has been determined, the Council continue to rely on the pre 2020 requested amounts per dwelling (where those are lower) from the County Council as those are judged to be robust and based on evidence that was in the public domain. On this basis the Country Council contributions sub-total **£18,342** and are to be index-linked:
- Secondary Education (towards new Chilmington Secondary School) - £14,064
  - Community learning (additional resources and equipment) - £496
  - Youth (Ashford youth service) - £837
  - Libraries (additional resources/book stock at Ashford library) - £1,488
  - Social Care (towards extra care accommodation in Ashford) - £1,457

100. The NHS Kent and Medway Clinical Commissioning Group request a contribution of **£18,000** towards refurbishment, reconfiguration and/or extension of general practice health infrastructure in the area.
101. The total ABC, KCC and NHS contributions sought is therefore **£122,868.40**.
102. Finally, for a development of this nature a s106 monitoring fee is required and I recommend that a total of £500 per annum for the duration of the build (projected to be 18 months) would be reasonable and consistent with other developments in Ashford. On this basis, the Policy IMP1 un-indexed policy compliant s106 starting point would be **£123,868.40**.

- **The applicant's viability case**

103. The planning application is supported by a Financial Viability Assessment (FVA) in accordance with the provisions of Policies IMP1 and IMP2 of the ALP 2030 and consistent with the NPPF and the standardised approach to viability set out in Planning Practice Guidance.
104. The FVA has been independently reviewed by Bespoke, the Council's retained viability consultant. With the exception of the Benchmark Land Value (BLV) and the profit level assumptions, the remainder of the inputs and assumptions were agreed. The BLV that has been used by Bespoke is £410,500 based on its existing use value which is lower than the applicant's assumption of £700,000 as the adoption of a premium is not agreed in accordance with the advice in paragraph 17 of the PPG. Bespoke have also adjusted the profit level (from 20% to 17.5%).
105. On the basis of the Bespoke's advice as above, a residual land value for the proposed development of minus £25,391 would result. This value is well below the £410,500 BLV, and on this basis Bespoke concur with the overall findings of the FVA that the development is unviable and would not be able to sustain any s106 mitigation requests, whether policy compliant or less than policy compliant.. This is not a unique position and the Council's policy approach to this scenario is set out in Policy IMP2 of the ALP.
106. Policy IMP2 requires assessment of viability to be carried out in a robust manner, which has been done in this case, and subject to there being wider planning benefits from allowing developments to go ahead with a deficit in infrastructure contributions, requires deferred contributions to be secured instead. The applicant has agreed to enter into a s106 in respect of deferred contributions (i.e. if an uplift above the predicted sales values is realised then monies can be 'clawed back' to help partially mitigate development impacts). As set out in Table 1 below I recommend that this approach be adopted save



for the annual monitoring fee which should be a 'paid regardless' sum and would constitute only a small cost to the applicant.

107. Finally, the FVA takes no account of any potential additional costs to the scheme deriving from the off-site mitigation scheme and the contribution towards such mitigation that is likely to be necessary to address the Habitat Regulations which are set out further below. At this stage, it is not possible to estimate what scale of potential costs this might entail but, in my opinion, it does serve to underpin the wider conclusions on the viability of the scheme that is proposed.
- **Whether the planning benefits of the application would outweigh accepting sub-optimal mitigation through s106 obligations and the implications of the Council's housing land supply on the required balance**
108. The current inability to mitigate the impacts of the development on local infrastructure weigh against the proposals. However, in my view, the proposed development would provide overall wider planning benefits. It would make efficient use of an under-utilised brownfield site and provide well designed buildings that would enhance the townscape and increase biodiversity. Importantly it would also deliver much needed homes in a sustainable location and provide a high quality facility to serve the needs of an established community group or alternative user. I consider that these benefits would outweigh the sub-optimal position in respect of the redevelopment not currently being in a position to deliver policy compliant s106 contributions to mitigate development impacts on local infrastructure.
109. The Council's 5 year housing land supply for the Borough is material to the consideration of this application. The Council's latest housing land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026. This identified that the deliverable housing land supply was equivalent to 4.54 years.
110. However, an Inspector recently published an appeal decision, (reference APP/E2205/W/21/3284479 - Land between Woodchurch Road and Appledore Road, Tenterden, Kent, TN30 7AY) which challenges the Council's assumptions. The appeal decision referred to as the 'Wates' appeal is dated 30 March 2022<sup>[2]</sup>. Whilst it is the Council's view that there are a number of issues associated with this appeal, the decision suggests that the Council is only able to demonstrate a 5-year housing land supply position of 3.5 years.

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<sup>[2]</sup> Appeal decision reference APP/E2205/W/21/3284479  
<https://planning.ashford.gov.uk/Planning/IDOX/default.aspx?docid=2065991>

111. These issues primarily relate to the assumptions made by the Inspector about the delivery of sites located in areas of the Borough that fall within the Stour Catchment (where Natural England's Nutrient Neutrality Advice<sup>[3]</sup> applies). The Council also note that the Inspector does not appear to have taken into account a recent letter from the Chief Planning Officer (dated 16 March 2022) which clearly elevates the nutrient issue and recognises that in affected areas "there may be implications for the Housing Delivery Test and 5 Year Housing Land Supply". This letter was written before the Wates Inspector made his decision.
112. As a consequence of the housing land supply position, paragraph 11(d) of the NPPF (referred to as the 'tilted balance') is triggered that requires the decision-maker to grant planning permission for new housing development 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.'*
113. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh (considered above) would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would not apply in this instance.
114. On the second exemption, I do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply and so my conclusion is that this would also not apply. The 'tilted balance' is therefore engaged and the implications of this are considered in the conclusion below.

#### **(l) Planning Obligations**

115. 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:

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<sup>[3]</sup> Natural England Nutrient Neutrality Advice <https://www.ashford.gov.uk/media/0jabvost/ne-march-2022-letter-water-quality-and-nutrient-neutrality-advice.pdf>

- (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

116. In accordance with the requirements of Policy IMP1 I am satisfied that the planning obligations in **Table 1** below are justified in the event that planning permission is resolved to be granted and that for the reasons set out 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. Notwithstanding, it is important to note that owing to the evidenced viability position set above, the planning obligations listed would only be secured in the event that the viability position improves, and via deferred contributions in accordance with Policy IMP2.
117. Recommendation (A) further below deals with the necessity for the applicant to enter into a s106 agreement and includes delegation to officers to deal with any necessary deletions, amendments and additions that might be required. Recommendation (B) further below provides for delegation to officers to deal with any additional s.106 obligations that might be necessary to mitigate against impacts of development on the integrity of Stodmarsh SAC, SPA and Ramsar site.

**Table 1 - Heads of Terms for Section 106 Agreement/Undertaking**

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Ashford Borough Council Planning Obligations</b>				
1.	<p><u>Accessible and Adaptable Dwellings</u></p> <p>In accordance with Policy HOU14:</p> <p>At least 20% [7] homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>20% M4(2) across the whole site.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>	<p><b>Necessary</b> as providing a mix and type of housing required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as the accessible/adaptable 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>
2.	<p><u>Allotments</u></p> <p>Project detail:</p> <p>Capital contribution towards allotments and/or community garden within 1km of the development site, to provide a qualitative and/or quantitative</p>	<p><b>£258</b> per dwelling for capital costs</p> <p><b>£66</b> per dwelling for</p>	<p><b>From any Deferred Contributions received,</b> allocated as</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 <b>SP1, IMP1, IMP2</b> and <b>COM3</b> Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

	improvement; and/or contribution towards provision of new allotments within the borough.	maintenance  Indexation: BCIS General Building Cost index 2012	determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.	<b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
3.	<u>Art and Creative Industries</u>  Project detail:  Contribution towards arts provision within the ward and town centre, in response to need and identified projects when the funding is available.	<b>£338</b> per dwelling for capital costs  Indexation: BCIS General Building Cost index 2019	<b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility	<b>Necessary</b> to support social and cultural well-being pursuant to Local Plan Policies <b>SP1, IMP1, IMP2, COM1</b> and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.  <b>Directly related</b> as occupiers can access local facilities and participate in arts and creative pursuits.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.

			exceeds the predicted sales price as identified by the viability assessment.	
4.	<p><u>Children and Young People's Play Space</u></p> <p>Project detail:</p> <p>When funding is available the investment will be towards a site in response to the play strategy and audit results, where a play area is requiring improvement and/or where a gap in provision is identified. As a geographical location, within 1000m of the site, to include town centre provision. The potential project will be towards play provision at Victoria Park.</p>	<p><b>£649</b> per dwelling for capital costs</p> <p><b>£663</b> per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</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 <b>SP1, IMP1, IMP2</b> and <b>COM2</b> 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 the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
5.	<u>Indoor Sports Provision</u>			<b>Necessary</b> as additional indoor sports facilities are required to meet the demand

	<p>Project detail:</p> <p>Capital contribution to go towards improvements to indoor sport buildings at Ashford, to be targeted toward quantitative or qualitative improvements at a 'hub' site as identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30. Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.</p>	<p><b>£229</b> per dwelling for capital costs</p> <p>(capital only – contributions are derived from the latest Sport England Calculator).</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1, IMP1, IMP2, COM1</b> 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 occupiers and the extent of the facilities</p>
<p>6.</p>	<p><u>Informal Natural Green Space*</u></p> <p>*public open space excluding amenity open space land and children and young people's play space.</p> <p>Project detail:</p>	<p><b>£434</b> per dwelling for capital costs</p> <p><b>£325</b> per dwelling for maintenance</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by</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 <b>SP1, IMP1, IMP2</b> and <b>COM2</b> 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</p>



	<p>When funding is available the investment will be towards a site in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified. As a geographical location, within 1000m of the site. The potential project will be towards improvements within the Green Corridor, and/or Victoria Park, and/or William Road open space.</p>	<p>Indexation: BCIS General Building Cost index 2012</p>	<p>Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p>7.</p>	<p><u>Outdoor Sports Provision</u></p> <p>Project detail:</p> <p>Capital contribution to go towards outdoor sports pitch improvements at Ashford, to be targeted toward quantitative or qualitative improvements at the 'hubs' identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30. Calculations derived from</p>	<p><b>£366</b> per dwelling for capital costs</p> <p><b>£218</b> per dwelling for maintenance</p> <p><i>(For capital contributions - calculations</i></p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales</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 <b>SP1, IMP1, IMP2, COM1</b> 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>Fair and reasonably related in scale and kind:</b> considering the extent of the development and the number of occupiers</p>

	the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.	<i>are derived from the latest Sports England Calculator)</i>  Indexation: BCIS General Building Cost index 2019	price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.	and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
8.	<p><u>Strategic Parks</u></p> <p>Project detail:</p> <p>When funding is available the investment will be towards a Strategic Park site as identified in the Local Plan 2030, COM2. To be either a contribution towards provision of Conningbrook Lakes Country Park, to include fees, infrastructure works and management and maintenance of CLCP. Or, contribution towards provision of Discovery Park, to include fees, infrastructure works (including land purchase) and management and maintenance of Discovery Park.</p>	<p><b>£146</b> per dwelling for capital costs</p> <p><b>£47</b> per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability</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 <b>SP1, IMP1, IMP2 and COM2</b>, 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>

			assessment.	
9.	<p><u>Voluntary Sector</u></p> <p>Project detail:</p> <p>Contribution towards voluntary sector locally within the ward and town centre, in response to need and identified projects when the funding is available.</p>	<p><b>£87</b> per dwelling</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 Policies <b>SP1, IMP1, IMP2 and COM1</b> 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>
<b>Kent County Council Planning Obligations</b>				
10.	<p><u>Adult Social Care</u></p> <p>Project detail:</p>	<p><b>£47</b> per dwelling</p> <p>Indexation:</p>	<p><b>From any Deferred Contributions</b></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 <b>SP1, IMP1, IMP2 and COM1</b> KCC's 'Development and Infrastructure – Creating Quality Places'</p>

	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough	BCIS General Building Cost Index from Oct 2016	<b>received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.	and guidance in the NPPF.  <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.  <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.
11.	<u>Community Learning</u>  Project detail:  Towards additional resources and equipment at Ashford AEC for the additional learners from development	<b>£16</b> per dwelling  Indexation: BCIS General Building Cost Index from Oct 2016	<b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new	<b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies <b>SP1, IMP1, IMP2</b> and <b>COM1</b> KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.  <b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has

			community facility exceeds the predicted sales price as identified by the viability assessment.	taken into account the estimated number of users and is based on the number of dwellings.
12.	<p><u>Libraries</u></p> <p>Project detail:</p> <p>Towards additional resources, services and bookstock for Ashford library for the new borrowers generated by this development</p>	<p><b>£48</b> per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies <b>SP1, IMP1, IMP2</b> and <b>COM1</b> 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>
13.	<p><u>Secondary Schools</u></p>			<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies <b>SP1,</b></p>

	<p>Project detail:  Towards new Chilmington Secondary School</p>	<p><b>£1,172</b> per applicable flat (x12)  Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>IMP1, IMP2 and COM1</b> 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 specifically for the elderly.</p>
<p>14.</p>	<p><u>Youth Services</u>  Project detail:  Towards additional resources for the Youth service in Ashford</p>	<p><b>£27</b> per dwelling  Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under</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 <b>SP1, IMP1, IMP2 and COM1</b> 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>

			delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.	<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.
<b>Other Obligations</b>				
15.	<u>Deferred payments Mechanism</u>  Mechanism to monitor sales/rental values to ensure that 40% of any rise in values is paid to the council towards those contributions above that are deferred.	Up to the value of all deferred contributions [total <b>£122,868.40</b> ]  Indexation: <b>tbc</b>	To be paid if the circumstances prevail.	<b>Necessary, directly related and fairly and reasonably related in scale and kind</b> pursuant to Ashford Local Plan 2030 Policy <b>IMP2</b> .



16.	<p><u>Health Care (NHS)</u></p> <p>Project detail:</p> <p>Towards refurbishment, reconfiguration and/or extension of Hollington Surgery and/or Sydenham House Medical Centre and/or Ashford Medical Partnership and/or towards new general practice premises development in the area</p>	<p><b>£18,000</b></p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> to increase capacity to meet the demand that would be generated by the development pursuant to Local Plan 2030 Policies <b>SP1, IMP1, IMP2</b> and <b>COM1</b> 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>
<b>Site Specific Obligations</b>				
<b>Monitoring</b>				
17.	<p><u>Monitoring Fee</u></p> <p>Contribution towards the</p>	<p><b>£500</b> per</p>	<p><b>PAY REGARDLESS</b></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</p>

	Council's costs of monitoring and reporting.	annum until development is completed  Indexation: Indexation applied from the date of the resolution to grant permission.	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
<p><u>Notices</u> 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 and Kent County Council's legal costs in connection with the deed must be paid.</p> <p><b>PLEASE NOTE:</b></p> <ul style="list-style-type: none"> <li>• <b>If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused.</b></li> <li>• <b>Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change</b></li> </ul>				

## **Working with the applicant**

118. In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

## **Conclusion**

119. The application site comprises underutilised brownfield land in a sustainable location. Both the sequential and exception tests are satisfied from a flood risk perspective. The EA raise no objection and a sensitive redevelopment and regeneration of the site would be consistent with national and local planning policy. I am satisfied that the proposals make appropriate provision for the replacement of the existing community facility and would deliver high quality dwellings that would provide a good standard of accommodation for future occupiers.
120. More broadly, I am satisfied that the proposals comprise high quality well designed buildings that will comprise a cohesive development around a wide junction where enhanced scale would make visual sense. In terms of access, layout, scale and design the proposals would replace an existing building of low visual quality with significant hardstanding with a development that would enhance the surrounding townscape including through provision of green infrastructure where very little exists. Externally, the proposals incorporate acceptable car and cycle parking in accordance with adopted Policies in the ALP. The development would incorporate renewable technologies and has been designed to minimise energy consumption.
121. None of the adverse impacts I have identified, in particular the inability (unless the development's viability improves) to mitigate various impacts on local infrastructure by way of making financial contributions, or the impacts on neighbour amenity would significantly and demonstrably outweigh the benefits of the development when considered against the policies in the NPPF taken as a whole. I am mindful that paragraph 125 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. I am satisfied that the proposals would optimise the use of the site and in the context of the tilted balance, I therefore conclude that planning permission should be granted in accordance with the Recommendations below.
122. As it has not been possible to resolve the detailed design of the undercroft/voids to the social club building I recommend that Officers be

granted delegated authority to resolve this matter prior to determination of the application (Recommendation A).

123. 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 (C) below to approve 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 secure any necessary additional obligation(s) and/or planning conditions to that end. Mitigation will be via an off-site solution. Upon adoption of an Appropriate Assessment I consider the proposed development to be acceptable and in accordance with the Development Plan as a whole.
124. As discussed within the main body of the report I recommend that a number of conditions will be necessary. My Recommendation (D) further below deals with delegation to add/amend/remove planning conditions as appropriate.

### **Human Rights**

125. 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 represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) and the wider public interest.

### **Recommendation**

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 above in terms agreeable to the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Solicitor to the Council, 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 and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,**
- B. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the**

**Solicitor to the Council 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 (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.**

1. Standard 2-year time implementation condition
2. Development carried out in accordance with approved plans
3. Delivery of social club building prior to first occupation of any residential unit
4. Details and samples of external materials
5. Fine details (at scale 1:20 or 1:5 as appropriate)
6. No vents or flues other than in accordance with details to be approved
7. Installation of obscure glazing to habitable room windows in the side (west) elevation of Block B and the first floor level side (north) elevation of Block A
8. Balconies on side (north) elevation of Block A to be installed in accordance with plans not elevations
9. Details of scheme to avoid loss of flood storage through voids
10. Development to be carried out in accordance with FRA and mitigation proposed
11. Investigation, remediation and verification of contaminated land
12. Reporting of unexpected contamination
13. Details of piling and prevention of infiltration of surface water into the ground
14. Details of extraction equipment (for extraction/treatment of fumes/odours)
15. Details of noise/vibration of plant
16. Sound mitigation (new dwellings)
17. Social club building use class restriction
18. Details of opening hours of social club building
19. Provision and retention of vehicle access and parking
20. Details and provision of EVC
21. Details and provision of secure cycle parking
22. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage etc.
23. Details and provision of refuse storage, including fine details to ensure good practice and details of locking mechanism
24. Details of foul sewerage and surface water disposal (including measures to prevent discharge of surface water to the highway)

25. Details and provision of SuDS scheme including verification
26. Water use not to exceed 110 litres per person per day
27. Provision of renewable energy technologies
28. Details of hard and soft landscaping and management strategy
29. Details and provision of external lighting strategy
30. Implementation of recommended biodiversity mitigation measures
31. Biodiversity Method Statement to secure biodiversity enhancement measures
32. Details of provision of Fibre to the Premises
33. Site Inspection

#### Notes

- Expect applicant to liaise with Kent Police to further review how Secured By Design principles can be included in fine detail etc.
- Environmental Protection notes relating to construction hours/burning of waste/control of dust

#### **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,
- working with the applicant to present the proposals to Design Review
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided with the opportunity for design review,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- 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 website ([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 21/01654/AS)

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**Telephone:** (01233) 330288



Ashford Borough Council - Report of the Head of Planning and Development  
Planning Committee 14 September 2022

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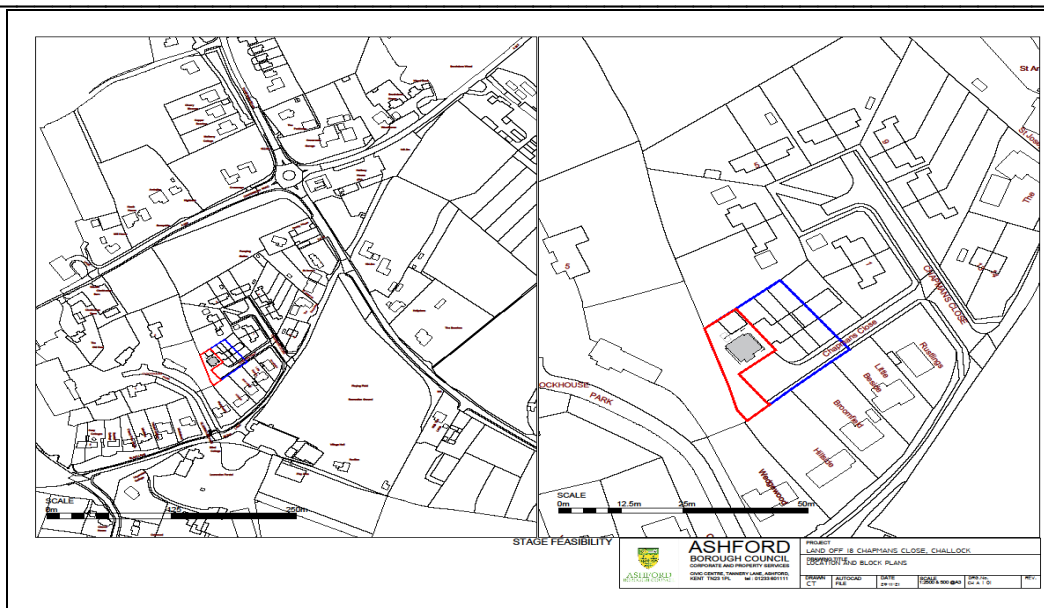
<b>Application Number</b>	22/00487/AS
<b>Location</b>	Site Adjacent to 18 Chapmans Close, Challock, Ashford, TN25 4AX
<b>Grid Reference</b>	601047/150616
<b>Parish Council</b>	Challock
<b>Ward</b>	Downs West
<b>Application Description</b>	Erection of two storey dwelling with associated parking
<b>Applicant</b>	Ashford Borough Council
<b>Agent</b>	Head of Housing - Corporate Property and Projects
<b>Site Area</b>	0.045 ha

## Introduction

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

## Site and Surroundings

2. The application site is a vacant piece of land at the western end of Chapmans Close, within the village confines of Challock and within an Area of Outstanding Natural Beauty (AONB). To the east, the site abuts No 18 Chapmans Close - an end of terrace 2-storey dwellinghouse. The site also includes a small piece of land adjacent to the turning head at the western end of the Close.



**Figure 1 – Location and Proposed Block Plans**

3. It is occupied by a single storey double garage with flat roof and a number of mature trees along its western and northern boundaries. The western boundary abuts the extensive open curtilage of a 2-storey building fronting Clockhouse Park whilst the northern boundary is adjacent to the curtilage of No 3 Chapmans Close.



**Figure 2 - The Application Site showing the adjacent No 18 Chapmans**

## **The Proposal**

- Full planning permission is sought for the erection of a detached 2-storey dwellinghouse with a pitched roof and 3 bedrooms. The proposed dwelling would provide a specialist and wheelchair accessible accommodation for a local family with connection to Challock and with a disabled son; whose mobility needs are complex and are increasing over time. There are 2 off-street parking spaces provided.

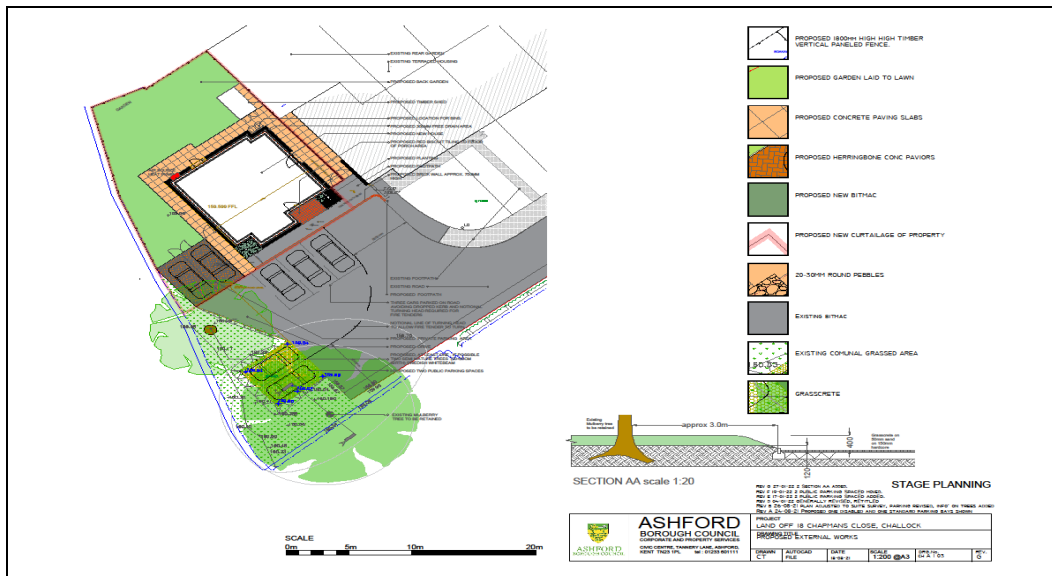


Figure 3 - Proposed Site Plan

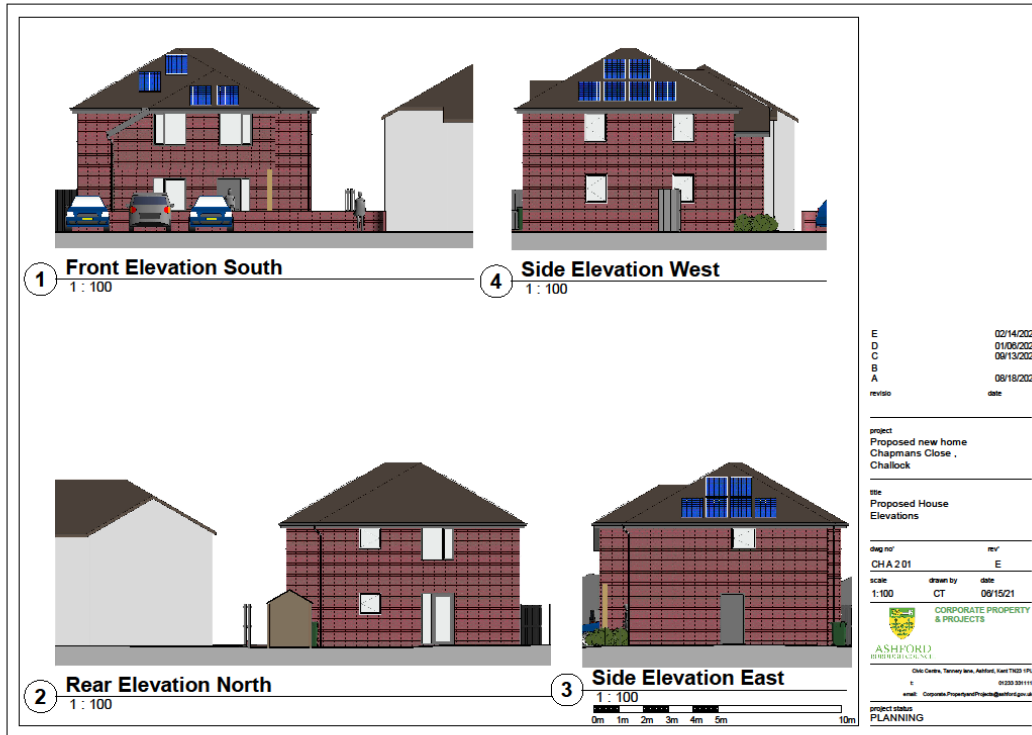


Figure 4 – Proposed Elevations

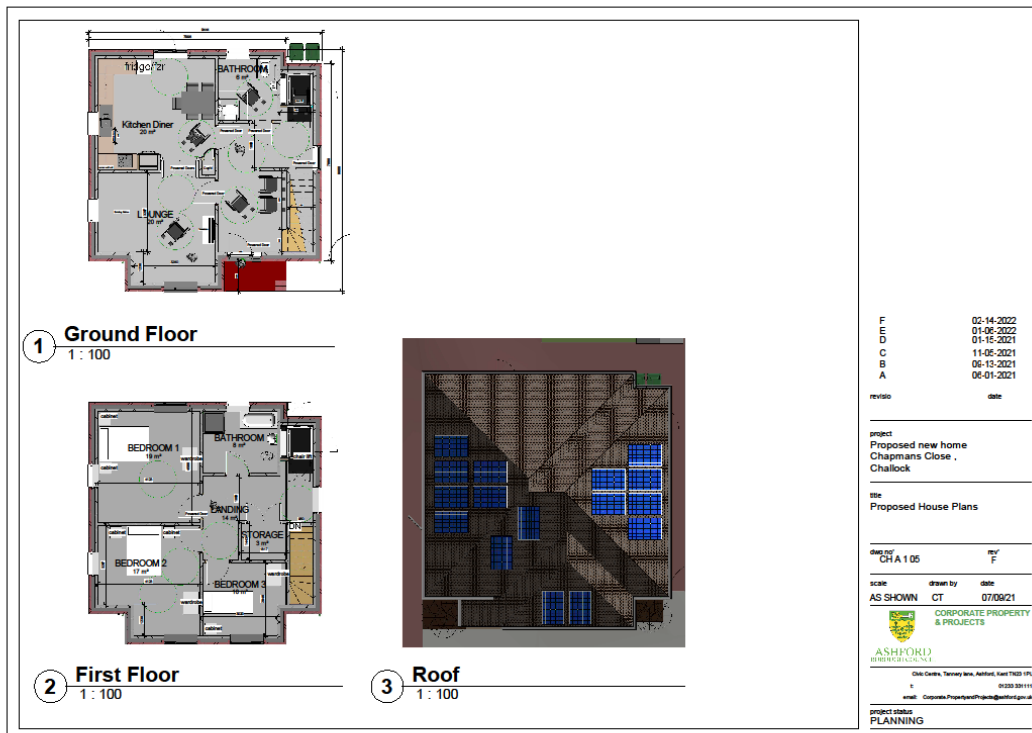


Figure 5 - Proposed Floor Plans

## Planning History

5. 80/00076/AS: Erection of brick-built garage store building to replace to replace existing timber ones with asbestos – Approved 27/06/1980  
  
85/00644/AS: Continued use of the garage/store/office building – Approved 10/07/1985

## Consultations

6. **Challock Parish Council** not in support of this application. There is no footpath for wheelchair access exiting Chapmans Close and Blind Lane. No dropped kerbs. Note with interest the foul drainage system may not be fit for purpose as it was originally built to service 8 dwellings and has increased to a further 6 dwellings. Current status the foul drainage system has not been put right. The Parish Council requests an independent survey is carried out on the foul drainage system. Neighbours' comments to be taken into consideration.
7. **KCC Highways & Transportation:** This proposal was subject to pre-planning advice between the applicant and Kent County Council Highways and Transportation. KCC Highways raise no objection subject to conditions.
8. **KCC Biodiversity and Ecology:** No objection subject to conditions.
9. **ABC Environmental Protection:** No objection.
10. **ABC Waste Management:** To currently service 15-18 Chapmans Close the refuse collection vehicle carries out a reverse manoeuvre. Servicing this new additional property would in no way change the current operation. A front of property waste collection service for this property is approved.
11. **Neighbours:** 12 neighbours notified and 6 responses received. Four (4) of these raised objection with the following concerns.
  - Insufficient turning space for large and emergency vehicles
  - Loss of mature boundary trees;
  - Undesirable impact on the amenity of neighbours in relation to overlooking and loss of light;
  - Exacerbation of drainage and sewage problems in Chapmans Close;
  - Exacerbation of parking problems; and
  - Every property in Chapmans Close should be notified about the proposal;

General comments: It is suggested that a covenant be placed on the new property to ensure it participates fully in sharing the ongoing costs of maintaining the Sewage Treatment Works as with other residents. Another

response seeks assurance that the access to the rear of their property is maintained.

## Planning Policy Context

### The Development Plan

12. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022), Boughton Aluph & Eastwell Neighbourhood Plan and the Kent Minerals and Waste Local Plan (2016).

The relevant policies in 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  
HOU2 - Local Needs / Subsidised Specialist Housing  
HOU3a – Residential Windfall Development Within Settlements  
HOU10 – Development of Residential Gardens  
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  
ENV1 - Biodiversity  
ENV3b – Landscape Character and Design in the AONB  
ENV4 – Light Pollution and Promoting Dark Skies  
ENV5 – Protecting important rural features  
ENV7 – Water efficiency  
ENV8 – Water Quality, Supply and Treatment  
ENV9 – Sustainable Drainage

13. The following are also material considerations in 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

#### 14. **National Guidance**

National Planning Policy Framework (NPPF): The NPPF reflects the statutory provision at section 38(6) of the Planning and Compensation Act 2004 that mandates the determination of all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47). The NPPF was published on 27 March 2012 but has been amended on several occasions, with the most recent in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

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

Planning Policy Guidance: 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

Technical housing standards – nationally described space standards

### **Assessment**

15. The main issues for consideration are:

- a) Principle of Development
- b) Layout, Design, Character and Appearance
- c) Landscape impact and AONB
- d) Residential Amenity and Standards
- e) Access Arrangement, Parking Provision and Highway Safety
- f) Trees and Ecology
- g) Other Matters

#### **Principle of Development**

16. The adopted Local Plan recognises and supports proposals for local needs / subsidised specialist housing within or adjoining rural settlements identified

under policy HOU3a. Policy HOU10 also requires the development of residential garden subject to compliance with policy HOU3a criteria.

17. Policy HOU3a of the Local Plan relates to residential windfall development within the existing settlements in the Borough. The policy states: *Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of a number of settlements (including Challock), providing that the following requirements are met:*

*a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;*

*b) It would not create a significant adverse impact on the amenity of existing residents;*

*c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);*

*d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;*

*e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;*

*f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;*

*g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,*

*h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.*

*Where a proposal is located within, or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.*

18. The application site lies within the village confines of Challock and is therefore in a sustainable location and close to services and facilities that are on offer in Challock. The proposed development is therefore acceptable in principle, subject to satisfying the other criteria listed above.

### **Layout, Design, Character and Appearance**

19. 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.

20. Having regard to the site's size, configuration and the site coverage of the proposed building in relation to the surrounding pattern of development, it is considered that the 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 the proposed dwelling would sit comfortably within the plot. The neighbouring dwellings are arranged in terrace form but there are detached dwellings on the opposite side of Chapmans Close in similar layout to the proposal. Besides, the site is not in a prominent location and is at the end of a cul-de-sac where the effect on the street scene would be less visible.
21. In relation to design, there is no noticeable or coherent pattern in the appearance of the surrounding buildings. Although the crown roof profile of the proposed dwelling differs from the dual pitched roof of the adjacent terrace, the effect on the street scene would be minimal given the site's location. The imposition of a condition requiring the submission of full details of the external facing materials for approval is recommended to ensure harmony in the interest of the visual amenity of the area.
22. 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 area. Subject to being acceptable on all other matters which are assessed below, the proposal is acceptable in this respect.

### **Landscape Impact and AONB**

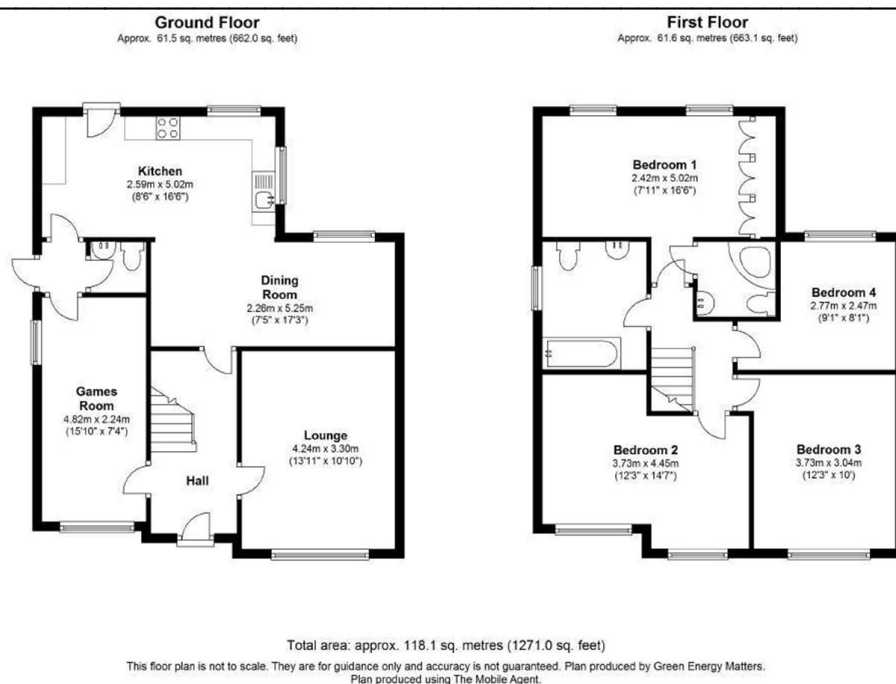
23. Local Plan policy HOU3a echoes the objective of policy ENV3b and both of them are consistent with the NPPF provision which seeks to protect and enhance the natural environment. The application site lies within the AONB, where proposals are expected to demonstrate their compatibility with the objective of conserving and enhancing their natural beauty. The site is located within the confines of the village and is neither on the edge nor in an isolated part of the countryside. It is surrounded by plots of land with buildings of similar scale and therefore the impact of its development to provide a single dwelling on the wider landscape and the AONB would be minimal.

### **Residential Amenity and Standards**

24. Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 states, amongst 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.”*

25. Policy HOU3a also 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.
26. In consideration of the siting of the proposed dwelling relative to the neighbours, the proposal would not harm the living conditions of the neighbouring occupiers. The building is sufficiently distanced from the dwelling to the north and west (in Clockhouse Park) and in the circumstance, there would be no harm to the neighbours' amenity in relation to overlooking, loss of light and visual intrusion.
27. The proposed dwelling is separated from the adjacent end of terrace dwelling (No 18 Chapman Close) by about 2.7 metres and it should be noted that there are 3 openings on the flank elevation of the adjacent building. There are 2 on the ground floor consisting of a door and a secondary window to the games room. It is conceivable that there would be a loss of light to the games room, but it should be borne in mind that the primary source of illumination is the window on the front elevation, which is unaffected by the proposal. The first floor window is obscure glazed and serves a bathroom. The only openings on the side elevation of the proposed dwelling facing 18 Chapmans Close are a door on the ground floor and a high level window serving a hallway on the first floor.



**Figure 6 - Existing Floor Plans for the adjacent No 18 Chapmans Close**

28. In accordance with policy HOU12 and the provisions in the national guidance, the internal layout and floor space disposition for the proposed dwelling meet the set standards. The external amenity space is also satisfactory and in accordance with policy HOU15.

Overall, the proposal is satisfactory and would have no significant harm to the living conditions of the existing and future occupiers, in compliance with the NPPF provisions and the Development Plan.

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

29. The proposed development including the access and parking arrangements were discussed with the Highways and Transportation Team at the County Council, who have raised no objections to the proposal, subject to the imposition of conditions. The proposal is accompanied by a parking survey with the objective of demonstrating that the parking capacity in the surrounding area would be unaffected by the proposal.
30. The proposal complies with policy TRA3a which states that dwellings of three bedrooms should be provided with 2 off road parking spaces. The shed at the rear of the site could be used as secure storage for bicycles. The development is therefore satisfactory in terms of highway safety and parking provision. There would be no loss of off-street parking provision in lieu of the loss of the existing double garage which had been in use as an office and for ancillary storage following the planning permission granted in 1985. Further 2 addition on street car parking spaces are being proposed as part of this application.
31. The existing turning head is not wide enough for a refuse truck to turn and because of this, they currently reverse along Chapmans Close. The applicant

has liaised with the Refuse Disposal Team who it is understood are happy that their current working arrangements would be unaffected by the proposal.

32. The proposal is acceptable in terms of highway safety

### **Trees and Ecology**

33. A mature Mulberry tree would be retained and a mature field Maple (Acer Campastre) replaced with at least one semi mature Swedish Whitebe.
34. A Bat Survey Report was requested by KCC Ecology and Biodiversity Team – which has been submitted and reviewed. The on-site building and the trees identified as T3, T6, T7, T8 are considered to be low suitability for roosting bats to be present and these are going to be lost by the proposed development. A bat emergence survey was also undertaken on the on-site building and tree T8 which was originally considered as having moderate potential for roosting bats to be present but no bats were recorded emerging from the building nor from the tree.
35. KCC Ecology agree with the conclusion of the Bat survey report which suggests that a precautionary bat mitigation strategy must be undertaken prior to any demolition/construction works. In the unlikely event of a bat being found then works should cease immediately and a licence from Natural England sought. They have also advised that the information submitted is sufficient and therefore recommended the imposition of conditions securing ecological avoidance, mitigation measures and the implementation of ecological enhancement.

### **Other Matters**

36. Several residents and the Parish Council have raised concerns about the drainage issue in the area. It is indicated in the application that storm water will run to soakaway in the rear garden and foul water will run into the existing communal private foul water treatment plant. It should be noted that the disposition of storm water and sewage are covered under separate legislation and the grant of planning permission does not negate the need for a separate consent from the relevant authority.

### **Working with the Applicant**

37. In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

### **Human Rights Issues**

38. 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).

## Conclusion

39. In conclusion, the Development Plan supports residential development within rural settlements subject to compliance with policy HOU3a criteria, other relevant policies and adopted standards. This site lies within the village confines of Challock 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.
40. No significant harm to residential amenity is envisaged and the proposed development is acceptable in terms of its visual impact, impact upon the highway, ecology, trees and drainage. 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

Resolve to grant planning permission subject to the imposition of the following conditions.

- 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 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.

- 3 The development shall be carried out in accordance with the plans and the details (including mitigation measures) set out in the accompanying documents 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 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development progresses beyond the foundation stage and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5. A landscaping scheme for the site (including entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

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

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

7. The approved dwelling shall be provided with at least one electric vehicle charging point prior to first occupation. This must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:  
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

**8. Bat Mitigation Strategy**

Prior to demolition of the on-site building and the felling of trees T3, T6, T7, T8, the full bat mitigation strategy, as detailed in the Bat Survey Report, KWT, 6th July 2022, along with measures to enhance the site for bats shall be implemented in full, and shall be thereafter retained.

Reason: To protect the existing population of bats and to improve the habitat for bats on the site.

**9. Sensitive lighting strategy**

Within 3 months of works commencing a “sensitive lighting strategy” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Take into account measures as described within paragraph 5.4 appropriate lighting strategy of the Bat survey report;
- b) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and
- c) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

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

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

**10. Biodiversity and Ecological Enhancements**

Within 3 months of planning permission being granted, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification no extension, enlargement or other alteration of the approved dwelling shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the visual amenities of the locality

## **Informatives**

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

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **2. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.**

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst



some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

## 2. **Breeding birds**

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.

Trees and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain 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

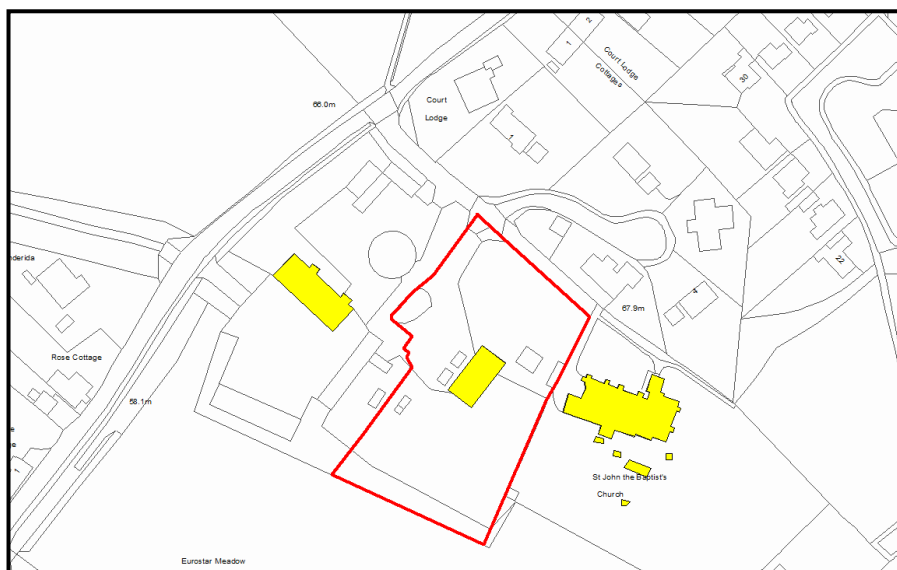
<b>Application Number</b>	22/00602/AS	
<b>Location</b>	Annexe at, Mersham Manor, Church Close, Mersham, Kent	
<b>Grid Reference</b>	05213/39386	
<b>Parish Council</b>	Mersham	
<b>Ward</b>	Mersham, Sevington South with Finberry	
<b>Application Description</b>	Variation of condition 9 (approved plans) on planning permission 19/01602/AS to alter the materials, height and footprint of the annexe	
<b>Applicant</b>	Mr W Puxley c/o agent	
<b>Agent</b>	Mr M Simmonds, Kent Planning, PO Box 277, Hythe CT21 9BG	
<b>Site Area</b>	0.5 ha	
(a) 7/2R/1X	(b) X	(c) HE - +

## Introduction

1. This application is reported to the Planning Committee at the request of Cllr Bartlett

## Site and Surroundings

2. The building the subject of this application comprises a newly built, detached annexe sited to the north of Grade I listed Mersham Manor. The annexe is tucked behind the modern wall and entrance providing access to/from Church Close to the site.
3. To the east of the outbuilding lies the Church of St John the Baptist (Grade I Listed), to the north west lies Court Lodge Barn (Grade II\* Listed).



**Figure 1 Site Location Plan**

## Proposal

4. The proposal seeks to vary the approved plans condition on planning permission 19/01602/AS by way of a Section 73 application. The annexe which has been built is not in accordance with the approved plans. Therefore the plans now for consideration seek to regularise the height and footprint of the building (including a covered verandah rather than open) and the materials.

5. The original dimensions as approved in 2017 and 2019 were as follows:

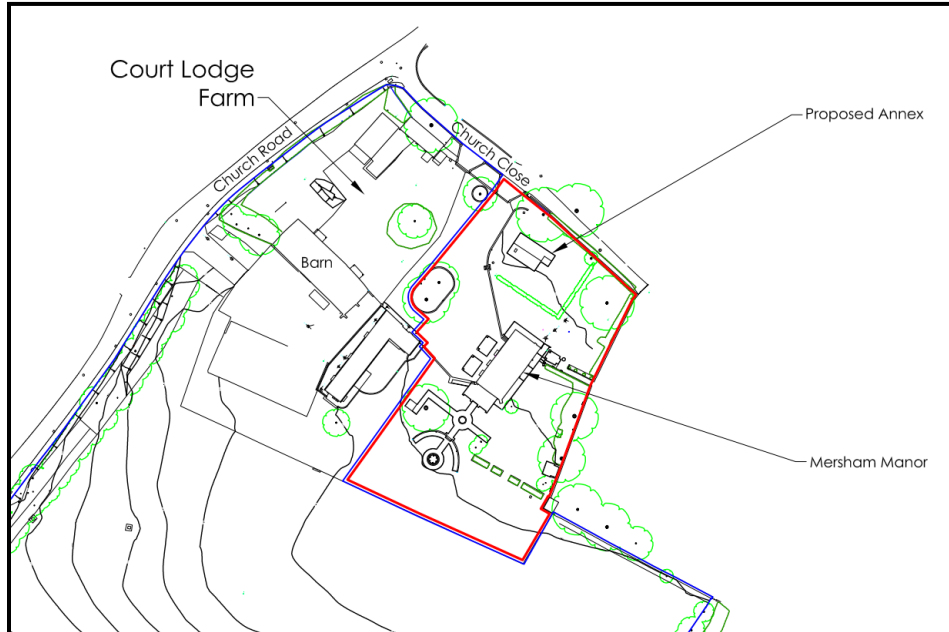
Height: 5.4m  
Width: 6.1m  
Length: 11.5m (including verandah area)  
Eaves: 2.45m

The as built dimensions are:

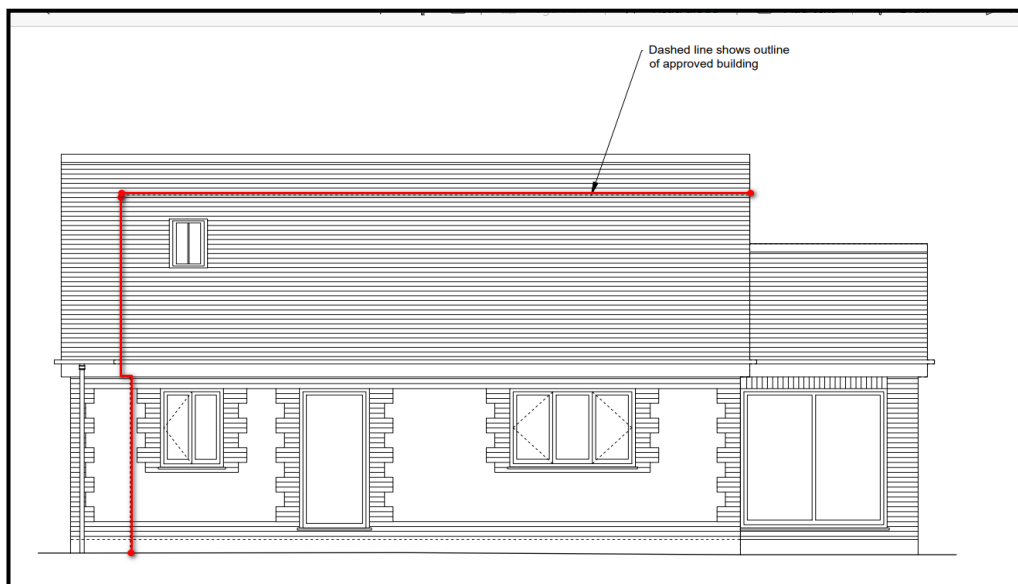
Height: 6.0m (addition of 60cm)  
Width: 7.2m (addition of 1.1m)  
Length: 12.3m (including verandah area) (addition of 80cm)  
Eaves: 2.7m (addition of 25cm)

6. As well as the changes to dimensions, this application seeks to alter the materials to omit the weatherboarding and change the colour/materials of the

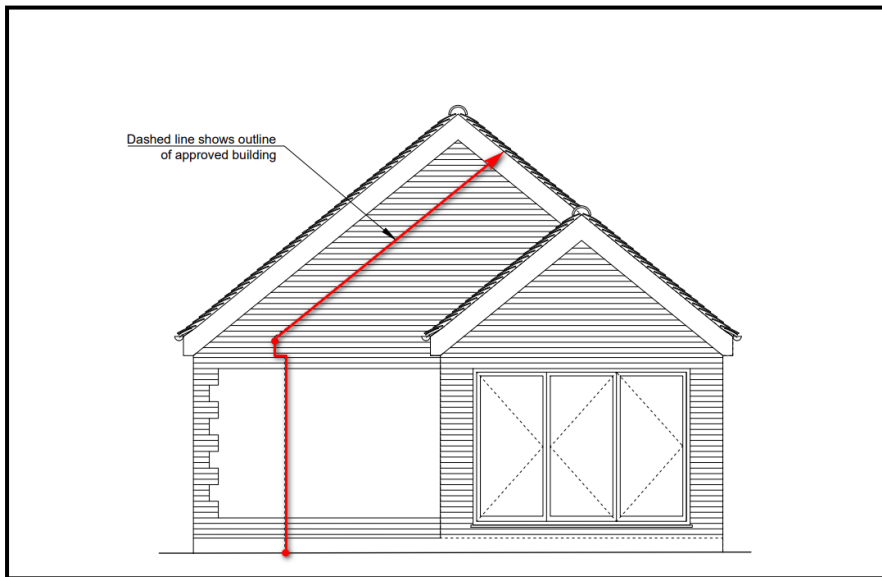
windows I from mid-grey aluminium to solid oak windows.



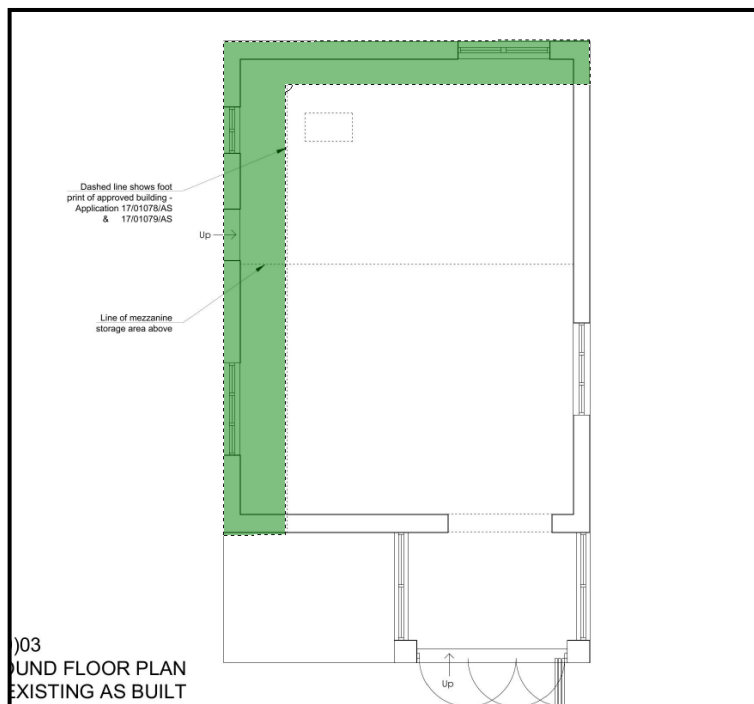
**Figure 2 - site layout showing annexe in situ**



**Figure 3 - southwest side elevation - red line shows originally approved dimensions**



**Figure 4 - southeast "front" elevation - red shows original dimensions**



**Figure 5 - ground floor - green showing additional footprint**



**Figure 6 - annexe to left hand side with Church and Manor**

## Planning History

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

8.

17/01078/AS – Demolition and replacement of existing annexe – refused 13<sup>th</sup> September 2017

17/01079/AS – Demolition of existing annexe – listed building consent granted 13<sup>th</sup> September 2017

19/01602/AS – Variation of condition 2 on planning permission 17/01078/AS to reduce areas clad in featheredged boarding to gables only – granted planning permission 10<sup>th</sup> January 2020

## Consultations

**Ward Member(s):** Cllr Bartlett has requested that the application be determined by the planning committee

**Mersham Parish Council:** direct objections from neighbours; objects to this application; the additional height obstructs the sight lines of the historic listed buildings in its environs; should meet the specification of the original application as approved.

**Historic England:** Not offering advice in this instance. They state that in doing so they are not commenting on the merits of the application.

**KCC Archaeology:** no response received

**Neighbours:** 7 neighbours consulted; 2 letters of objection and 1 letter with general comment received:

Objections:

- building totally obscures the Manor and most of the Church; no excuse for making it a metre bigger in all elevations and ignoring detailed material requirements; should be raised to the ground and rebuilt to original drawings and all materials (*Officer comment: the difference is not one metre in all elevations*)
- reference to original refusal/appeal; new building almost completely blocks the view of the Church and Manor House as you approach on Church lane; reference to conditions and approved drawings and non-compliance; windows should be mid grey aluminium but upvc installed; significantly larger in height, length & width; should be refused (*Officer comment: the windows are to be changed to be solid oak windows*)

General Comment:

- the building itself is very attractive and the increase in size is not a concern; reference to small trees on original plans no longer shown and query over further trees to be planted (*Officer comment: the landscaping will be as per the approved landscaping condition details/plan*)

## Planning Policy

9. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

Ashford Local Plan 2030 (adopted February 2019)

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

ENV4 – Dark Skies



ENV5 – Protecting Important Rural Features

ENV13 – Conservation & Enhancement of Heritage Assets

ENV15 - Archaeology

HOU9 – Standalone Annexes

TRA3a- Parking Standards for Residential Development

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

**Supplementary Planning Guidance/Documents**

Dark Skies SPD 2014

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

**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:-

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;

Paragraph 197, Determining applications taking account of the conservation of heritage assets

Paragraph 199, Determining applications considering the impact of a proposed development on the significance of a designated heritage

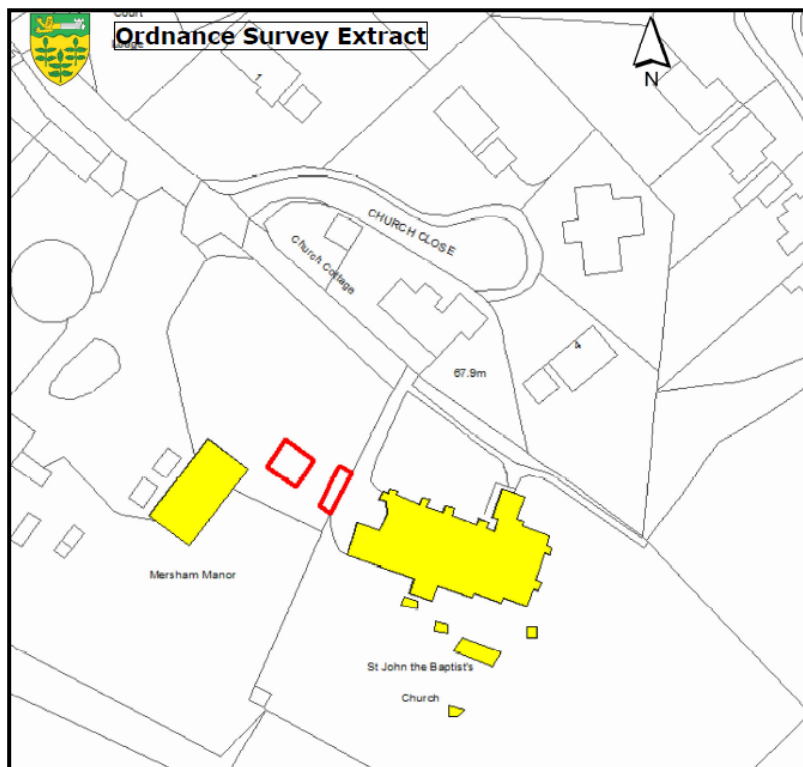
National Planning Policy Guidance (NPPG)

## Assessment

12. The key issues for consideration are:
- Background & Previous Appeal Decision
  - Heritage & Visual amenity
  - Residential amenity
  - Highway Safety

### Background & Previous Appeal Decision

13. There was an original, curtilage listed, annexe on the site which in itself was subject to consent for its demolition in 2013, then again in 2017. The Council granted consent for its demolition under reference 17/01079/AS which was submitted at the same time as the original planning application for the replacement annexe under reference 17/01078/AS. This permission was granted on appeal in May 2018 with a number of conditions, one of which included the compliance with the approved plans. A condition was also imposed requiring the demolition of the existing annexe and shed to be carried out prior to the commencement of development of the “new” annexe. These buildings have both been demolished with spoil removed from the site. The remaining conditions which required formal discharged were all discharged appropriately. The annexe and shed that were demolished lay between Mersham Manor and the church detracting from the setting and reading of both these listed buildings. The new annexe was siting a considerable distance from the manor to restore the setting of both the church and Manor. The location of the new annexe is shown in figure 2 above. The location of the annexe and shed demolished is shown in figure 7 below:



14. At the time of the appeal the Inspector noted Historic England’s statement that the *annexe detracted from the setting of the Manor House and stated that the “existence and effect of the existing annex is a matter of considerable importance to the appeal considerations. It is located in a prominent position between the garden face of the manor house and the entrance path of the church and is accompanied by a particularly unattractive tin shed. Both of the nearest listed buildings display a high degree of architectural significance on the façades facing each other across the land in front of the annex. Historic England have stated that the annex detracts from the setting of the manor house and prejudices the group value of the entire cluster of buildings, and continue with the view that demolition of the existing annex would improve the manor’s immediate setting”*. Likewise, the removal of the shed results in an improvement to the setting of the Church.
15. Recognising the new annexe and its new location, the Inspector stated that the annexe *“would be a sufficient distance from any of the listed buildings so as to avoid direct harm to their structure or architectural interest, and there is limited or no evidence as to the location’s historic association, and in any event, this has been diluted considerably by the re-profiling of the ground, the*

*formation of the retaining structure, the expanse of parking and the modern gates.”*

16. Again it was recognised that the building would be *“plainly seen as would any activity associated with the use, and in place of an open grass area this would cause harm to the setting of the manor house. The form and likely associated paraphernalia would appear intrusive in the same view as the entrance façade but would also be seen as part of the more recent built form of the gate and walls. The effect on the barn and the church would be more limited to being in some views of those buildings, but would not appear as a direct effect on their appreciation due to the distances involved and the clearly different age and use.”*
17. Furthermore, the Inspector stated that *“the virtual 'moving' of the annexe would secure the continuing viable use of the manor house through having access to a modern, well-designed annexe, and that residential use is considered to be the optimum one and that for which the house was first built.”*
18. In 2019 a further application was submitted under a Section 73 application (19/01602/AS) to vary those plans approved in 2018 (appeal decision) which allowed for a change in materials by reducing the amount of weather boarding so that all elevations were to be ragstone, with the top half of the gable ends only to be weatherboard. Previously both gable ends were to be fully weatherboarded and the side elevations were to be half weatherboard and half ragstone. The mid grey aluminium windows and roof tiles were to remain as originally approved.
19. It is clear from the above that at appeal the demolition of the existing annexe and shed was deemed a considerable benefit in terms of enhancing the settings of both the manor and the church and appreciating the historic grouping and reading of these buildings. This outweighed the less than substantial harm that the new annex caused. The principle of the annexe remains acceptable. The issue for consideration is ultimately whether the changes to the annex as built results in harm that outweighs the benefits of the removal of the original annexe and shed.

### **Heritage & Visual amenity**

20. Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

21. The principle of the annexe, along with its location, to serve the listed manor has been accepted and cannot be reconsidered at this stage. The Planning Inspector, considered it a sufficient distance from the listed buildings to avoid direct harm. The changes which have now been carried out are listed above but essentially add approximately an additional 18 square metres of footprint with a 60cm increase in overall height. The weatherboarding detail has been removed so that all elevations are now ragstone. The windows have been inserted as oak effect upvc but these are to be changed (as per the amended drawings) to solid oak timber windows which will assimilate with the material detailing of the converted stable barn building at the opposite end of the site.
22. The proposed changes would have no materially greater impact on the setting of any of the listed buildings in/around the site than the originally approved scheme. The land would remain open and suitably landscaped. The changes would continue to provide a considerable improvement to the churchyard whilst still continuing to allow the reinstatement of the visual link between the Church and Manor House all of which contributed to the favourable outcome of the previous application that was allowed at appeal.
23. The issue ultimately for the committee is whether the changes now sought would result in less than substantial harm that is materially greater than the approved scheme and that would be such to warrant refusal of this current scheme. As stated above the changes are minimal and in respect of the impact of the setting of the listed buildings would not result in less than substantial harm that would outweigh the significant benefits associated with the removal of the original annexe and shed and the benefits of providing good quality annexe accommodation to serve the manor house..
24. Members are of course also aware that the fact that an application is retrospective is not a material planning consideration.
25. The proposal would not unacceptably harm the visual amenity of the wider area.

### **Residential Amenity**

26. Given the nature of the development and the distances to neighbours, there would be no harm to residential amenity.

### **Highway Safety**

27. There is sufficient on-site parking to serve the development with no harm to highway safety as a result.

## Human Rights Issues

28. 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

29. 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

30. The development is acceptable in visual, heritage, residential amenity and highway safety terms. The proposed development complies with the Development Plan, Central Government guidance and the Council's SPG and does not give rise to any unacceptable harm. I therefore recommend that planning permission is granted.

## Recommendation

### Permit

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

1. Hard and soft landscaping to be carried out in accordance with details approved under 17/01078/CONB/AS
2. Implementation programme for landscaping to be carried out as approved under application 17/01078/CONB/AS.
3. Ancillary annexe condition
4. Condition requiring windows replaced as per approved amended plans within 6 months of the date of decision.
5. Approved plans

6. Plans available for inspection

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

### **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 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 22/00602/AS)

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<b>Application Number</b>	22/00673/AS	
<b>Location</b>	383 Hythe Road, Willesborough, Ashford, TN24 0QF	
<b>Grid Reference</b>	03041/42062	
<b>Parish Council</b>	N/A	
<b>Ward</b>	Willesborough Ward	
<b>Application Description</b>	Proposed Ground Floor Rear Extension and vehicular crossover with hardstanding.	
<b>Applicant</b>	Mr A Arora, 383 Hythe Road, Willesborough, Ashford	
<b>Agent</b>	ArorasPractice Ltd, 383 Hythe Road, Willesborough, Ashford	
<b>Site Area</b>	0.09 ha	
(a) 5/1R	(b) N/A	(c) KHS – no objection

## Introduction

1. This application is reported to the Planning Committee at the request of ward member, Cllr Wright.

## Site and Surroundings

2. The application site comprises a two storey detached dwelling within Ashford. The property is dual fronted with fully hipped roofs to either side and a single storey side lean-to extension. The prevailing character of the street scene is one of a mix of single storey and two storey dwellings. There is currently off road parking for 3-4 vehicles.

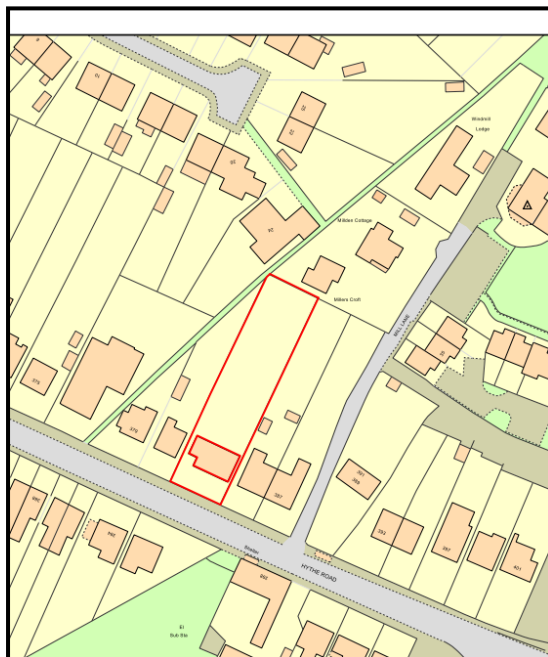


Figure 1 - site location plan

## Proposal

3. As description. This application follows a recently refused scheme which included, alongside the single storey rear extension, a first floor side extension and a detached outbuilding. This application is purely for a single storey rear extension of exactly the same proportions as the previous submission.
4. The previous application was refused for two reasons as below:
  - 1) The proposed extensions by virtue of their massing, form and design would fail to represent well-proportioned additions to the existing dwelling. As such the extensions would result in a poorly proportioned and unsympathetic form of development which would cause harm to the visual amenity of the locality.
  - 2) The proposed first floor side extension by virtue of its proximity to the neighbour at No 381 would result in harm to residential amenity as a result of overbearing development.
5. The existing ground floor plan provides two reception rooms, a kitchen, dining room and bathroom. The proposed plans show the change from one of the reception rooms to a bedroom, study, wet room, utility, storage with the extension providing an open plan kitchen, dining room and lounge in an L shape. The extension would project 10.5m from the rear of the existing dwelling and have a width of 12m. The extension would have a pitched roof. Floor plans and elevations are set out in figures 2-5 below:

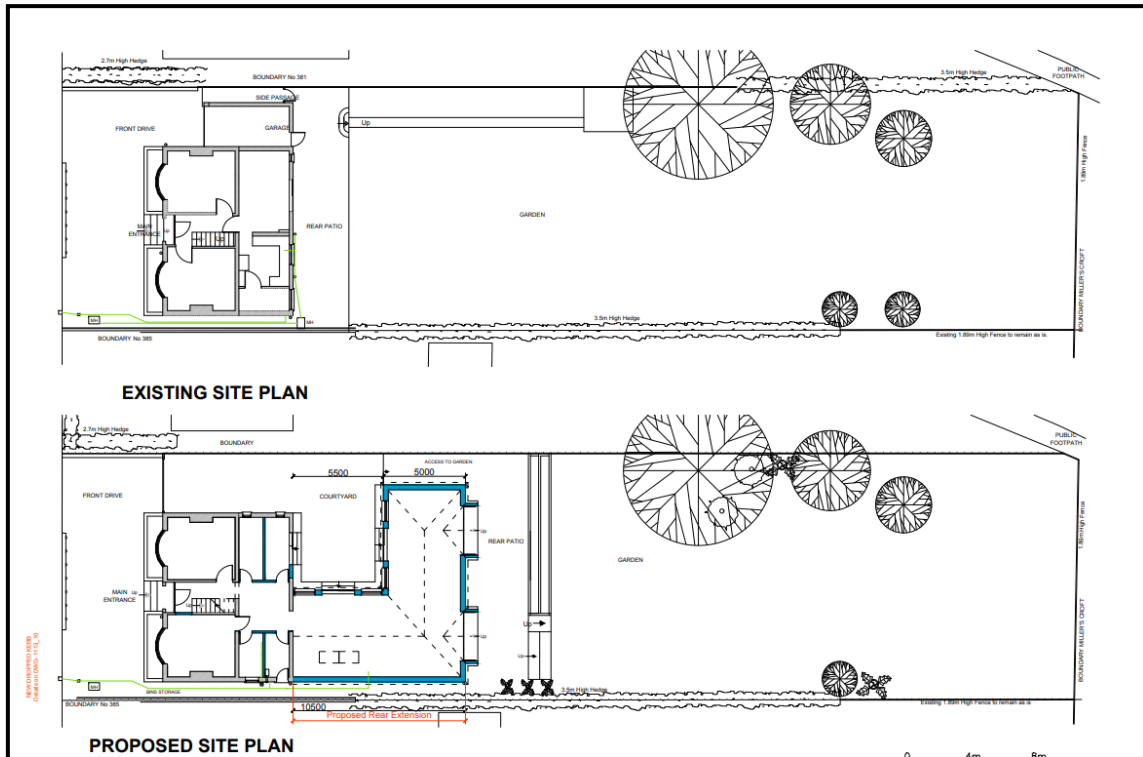


Figure 2 - Existing & Proposed Site Plans

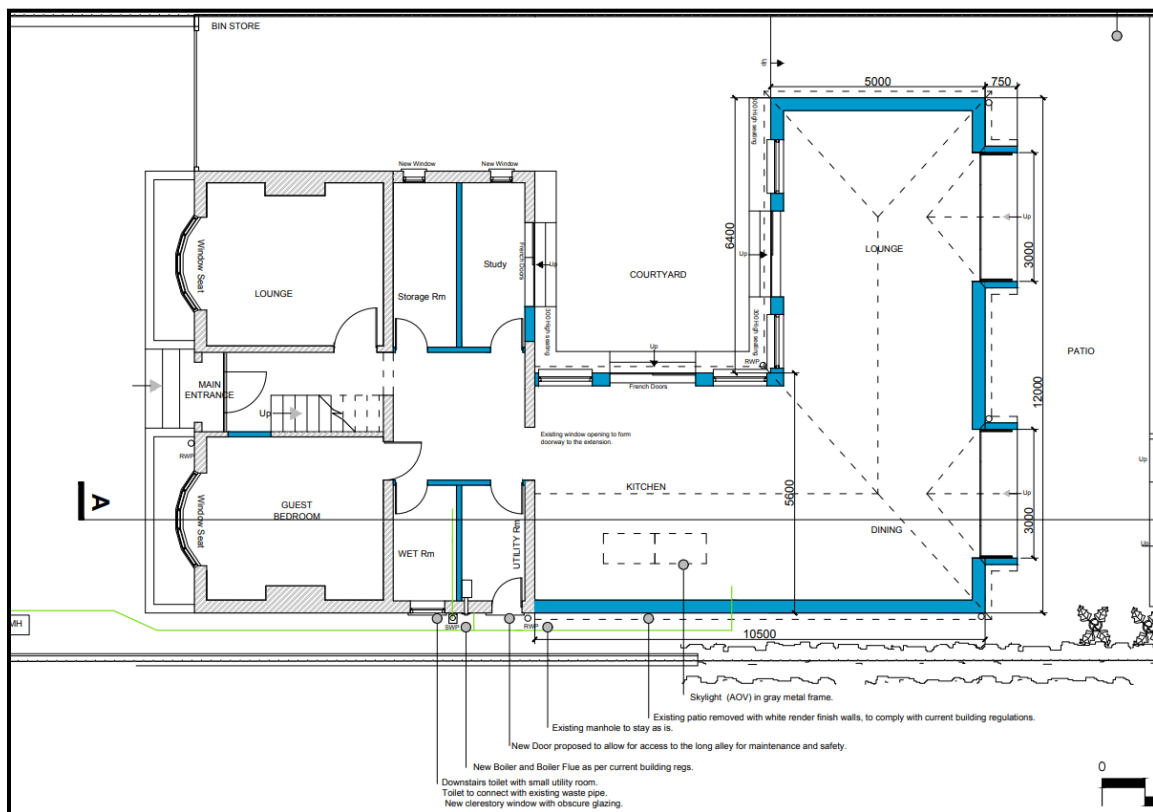


Figure 3 - Proposed Ground Floor Plan (blue area denotes extension)



Figure 4 - Proposed Elevations



Figure 5 - Existing/Proposed Front Elevations for Comparison

6. In support of the application, in the Design & Access Statement, the applicants note that the house does not provide adequate living space on the ground floor, and the larger kitchen/diner/living room is urgently needed for the whole family to be together with a larger kitchen area with space for a larger dining table to seat the large family and a living space.

## Planning History

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

21/00012/AS - Proposed Ground Floor Rear Extension, Loft conversion. Demolish existing garage. Proposed First Floor Side Extension with car port. Detached home office building. Proposed vehicle crossover – Refused 9<sup>th</sup> February 2021.

## Consultations

**Ward Members:** Cllr Wright has requested the committee determine the application. No comments have been received from Cllr Campkin.

**Kent Highways:** no objection

**Neighbours:** 5 neighbours consulted; one letter of objection received from 385 Hythe Road stating concerns:

- Concern of impacting light/casting shadow; one metre of boundary and cooking smells; footprint is excessive at over 10m long; not in keeping with properties in the area; car parking accommodates 4 vehicles; large structure built in the garden & one being constructed; would devalue property (*Officer comment: property valuations are not a material planning consideration; the garden structures are not for consideration in this application*)

## 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), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

The relevant policies from the 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

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

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

Residential Parking and Design SPD

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

### **Government Advice**

National Planning Policy Framework (NPPF) 2021

10. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the 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;

National Planning Policy Guidance (NPPG)

## **Assessment**

11. The key issues for consideration are:
- Principle

- Visual amenity
- Residential amenity
- Highway Safety

### **Principle**

12. The above related policies and SPD guidance relate to the need for the highest quality of design. It is a requirement that proposed extensions are designed in a manner which is sensitive to the size, scale and materials of the main dwelling, does not cause harm to the character and appearance of the area and does not cause material harm to residential amenity.

### **Visual Amenity**

13. Expanding further to the policy, Supplementary Planning Guidance Note 10 accepts the principle of extensions to dwellings within suburban locations, providing the extension is subordinate, well designed and that the resulting dwelling would be well proportioned and would not result in a visually intrusive building within a street scene or over a wider area.
14. As stated above the earlier application was refused for two reasons both visual amenity (for all forms of the development) and residential amenity (due to the first floor extension element). Whilst the first floor side extension is now no longer for consideration, the single storey rear extension is exactly the same as in the earlier application. As before, the single storey rear extension is designed in an L-shaped form incorporating a courtyard to the side gap. The existing footprint of the dwelling is 80 square metres. Again this extension would more than double the existing footprint of the dwelling by adding a further 98 square metres and in itself provides a massing, form and design which would be out of scale with and would not sit comfortably on the existing dwelling, resulting in an unbalancing of the existing form, adding an unacceptable degree of sprawling development. The resultant poorly proportioned dwelling would be detrimental to the visual amenity of the area. Whilst the extension is to the rear, and therefore not readily visible from the public realm, this does not justify allowing what is an otherwise unacceptable form of development.

### **Residential Amenity**

15. Whilst the previous application was refused in part due to harm to residential amenity this was as a result of the first floor side extension. The eaves height of the single storey extension will be 2.5m. There is a part wall/part fence with

trees/hedging along the boundary with the neighbour at No 385 and the roof will slope away from this particular neighbour. Additionally other than a high level skylight, no windows are proposed on this side elevation. Whilst I note the concerns raised by the objector, in light of the above, and given the single storey nature of the rear extension, I am satisfied that there would be no unacceptable harm caused to the residential amenity of neighbouring dwellings that would warrant the refusal of the application.

### **Highway Safety**

16. There is sufficient off-road parking to serve the property in its extended form. The application also proposes a new vehicle crossover, for a driveway that already has an access point onto the highway at this location. Whilst no visibility splays have been provided, Kent Highways are satisfied that the required splays will only cross land under the control of KCC, as the Local Highway Authority. In addition there are on street parking controls at this location which further ensure good visibility when exiting the proposed vehicle crossover. As such there is no objection to the altered access. I am therefore satisfied that there would be no harm to highway safety as a result of the development.

### **Human Rights Issues**

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

### **Working with the applicant**

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

### **Conclusion**

19. The proposed development is considered unacceptable by virtue of its design, scale and mass resulting in an unsympathetic and incongruous form of development that fails to respect the character and appearance of the existing



dwelling and be harmful to visual amenity. The proposal is acceptable in terms of residential amenity and highway safety. The proposal is considered to be contrary to the provisions of the Development Plan, the NPPF and SPG10 and it is recommended the application is refused.

## **Recommendation**

### **Refuse**

#### **on the following grounds:**

The proposed development would be contrary to policies SP1, SP6 and HOU8 of the Local Plan to 2030 and to the Council's Supplementary Planning Guidance SPG10 Domestic Extensions in Urban and Rural Areas and to Government Guidance contained in the NPPF and is therefore considered development harmful to interests of acknowledged planning importance for the following reasons:

1) The proposed single storey rear extension by virtue of its massing, form and design would fail to represent a modest, sympathetically designed and well proportioned addition to the existing dwelling. As such the extension would result in a poorly proportioned and incongruous form of development which would cause harm to the character and appearance of the dwelling itself and in turn to visual amenity.

### **Note to Applicant**

#### **Working with the Applicant**

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

- 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**

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