



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 15th February, 2023 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), 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.

### Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(c) and Appendix 4

2. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

3. **Public Participation** 3 - 4

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

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 7<sup>th</sup> December 2022.

[\(Public Pack\)Minutes Document for Planning Committee, 07/12/2022 19:00 \(moderngov.co.uk\)](#)

6. **Information/Monitoring Items** 5 - 32

Decisions Received between 1 June 2022 and 31 December 2022

7. **Schedule of Applications**

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

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

(a) **PA/2022/2774 - Oakleigh House, Watercress Lane, Ashford, Kent** 33 - 88

Redevelopment of site to provide 54 apartments for Independent Living for Older People and 5 apartments for Adults with Learning Disabilities, with associated communal facilities, landscaping and parking.

(b) **21/02120/AS - Garages between 11 and 12, Plantation Close, Hothfield, Kent** 89 - 108

Residential development comprising of 4 dwellings, associated vehicular and pedestrian access, parking, hardstanding and landscaping and demolition of existing garages.

(c) **PA/2022/2393 - Land East of 79, Torrington Road, Ashford, TN23 7TG** 109 - 118

Change of use of part of the derelict industrial former Coneybeare Site (Class B2) to be used for a community sheds project (Sui Generis). Locating of two shipping containers for

use in association with the community sheds project.

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|-----|--|-----------|
| (d) | <b>22/00567/AS - Land between 10 and 13, Heathside, Appledore, Kent</b>  | 119 - 136 |
|     | Erection of 1 (no) block of flats comprising 4 (no) apartments including associated vehicular and pedestrian access, parking and landscaping |           |
| (e) | <b>22/00892/AS - The Coach House, The Street, Brook, Ashford, TN25 5PG</b>   | 137 - 158 |
|     | Proposed conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let                            |           |
| (f) | <b>22/00893/AS - The Coach House, The Street, Brook, Ashford, TN25 5PG</b>   | 159 - 168 |
|     | Proposed conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let                            |           |
| (g) | <b>21/00100/AS - Pinnock Yard, The Pinnock, Pluckley</b>   | 169 - 186 |
|     | Erection of 2 dwellings along with associated parking, bin store & bike store  |           |
| (h) | <b>PA/2022/2696 - 72, Meadowbrook Road, Kennington, TN24 9AZ</b>   | 187 - 194 |
|     | Proposed Vehicular crossover   |           |

#### **Note for each Application:**

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

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

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

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

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

DS

6 February 2023

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Queries concerning this agenda? Please contact Member Services 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)

## 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.



## Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

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### Appeals Report

This is the latest information report summarising appeal decisions received between 1 June 2022 and 31 December 2022.

The Department for Levelling Up, Housing and Communities (DLUHC) set National Performance Indicators. These National Indicators specify that no more than 40% of appeals against the Council’s refusal of planning permission should be allowed over a rolling two-year time-frame. 29% of appeals were allowed within the reported timeframe and so, the Council currently sit well within the required threshold.

Date	No of Appeal Decisions	Withdrawn	% Withdrawn	Dismissed	% Dismissed	Allowed	% Allowed
01/06/2022 to 31/12/2022	28	1	3%	19	68%	8	29%

The report identifies decisions made by the Planning Committee and highlights any decisions made contrary to officer’s original recommendation.

Within the reported timeframe the Planning Inspector allowed one appeal (19/00709/AS – known as East Stour Park) that was refused by Planning Committee contrary to officer’s recommendation.

In cases where the Planning Inspector has allowed an appeal contrary to the Council formal decision, a summary of the Inspector’s reasons for doing so have been provided

## APPEALS SUMMARY

TABLE A – Appeals Allowed

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
19/00505/AS	Greenacres Farm Fishery, Sissinghurst Road, Biddenden TN27 8EH	The development proposed is erection of new bailiffs cabin and siting of 4 holiday-lets on site	Approve – Refused at Committee	Allowed (See related Costs application)
<b>Stodmarsh</b>				
The proposal is not in the Stour catchment				
<b>Brief Summary of Inspector's Reasons</b>				
<p>The Inspector identified that the main issues were the effect of the proposed development on the living conditions of neighbouring occupiers with regard to noise and light.</p> <p>The Inspector concluded the noise arising from the occupants of the cabin would be unlikely to result in undue adverse effects on the living conditions of neighbouring occupiers.</p> <p>The Inspector concluded the future occupiers of the holiday lets would be unlikely to generate undue levels of noise. The Inspector stated it is unlikely the holiday lets would be used by large numbers of people intending to host parties and the use in connection with the fishery could be controlled via a suitably worded condition.</p>				

## Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

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The Inspector noted the use of the access from Sissinghurst Road would be intensified. However, the Inspector concluded the number of trips from the cabin is likely to be limited, particularly given the modest number of future occupiers. The Inspector also concluded the number of additional trips from the holiday lets would be limited given their modest size and the noise experienced at the access from the road would also be limited.

The presence of a bailiff together with a condition requiring the implementation of a management plan would also help mitigate against potential harm from noise.

The site does not lie within the Stour catchment.

An application for cost was made against the Council for unreasonable behaviour but this was dismissed in full by the Inspector.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
21/00811/AS	Herwish, Marten's Lane, High Halden, Ashford, Kent,  TN26 3JP	2x mobile homes, 2x utility blocks, 2x caravans and parking for 4 cars.	Delegated refusal	Allowed

### Stodmarsh

N/A – Not in Stour catchment

### Brief Summary of Inspector's Reasons

The Inspector identified that the main issues were the impact on the character and appearance of the countryside, whether the occupiers of the site are gypsies and travellers and whether any harm to the appearance of the countryside is outweighed by other considerations including the needs of the occupiers and their children and their human rights.

The Inspector concluded that there would be visual harm and that this would conflict with Policies ENV3a and HOU6. However, having concluded that the occupants were bone fide gypsies in planning policy terms and that there were health and educational needs which would be disrupted by a road-side existence, the Inspector considered that the needs of the occupants and the overall need for gypsy sites outweighed the visual harm which he considered to be at the “lower end of significant”.

Application reference	Location	Proposal	LPA's Decision Level	Appeal Decision
21/00887/AS	Lower Woolwich, Mounts Lane, Rolvenden, TN17 4NX	Proposed access driveway to serve Lower Woolwich, including change of use of associated agricultural land.	Delegated refusal	Allowed

**Stodmarsh**

N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

**Brief Summary of Inspector's Reasons**

Permeable sub-structure beneath a grass and topsoil surface would minimise any contrast between the proposed driveway and the adjacent grassed fields; surface not built up above ground level and would conserve rolling topography; no indication of intended change to use/appearance of adjacent grazing land. Existing gates to be used; fields either side already enclosed with fencing of various design. Realignment of fencing/gates would have neutral effect. Visually subservient to historic track. Removal of small number of trees not a consequence. Proposed development would not have any adverse impact on the integrity of this tree group

or its contribution to landscape. Nearby PROW by the topography and by existing mature trees and hedgerows. Notwithstanding its length, the development would be neutral in landscape terms and therefore would not have any adverse impact on the purposes for which the AONB is designated.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
21/01644/AS	Rock Hill Road, Little Houses, Egerton, Ashford TN27 9DL	17.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.	Delegated refusal	Allowed

**Stodmarsh**

N/A

**Brief Summary of Inspector's Reasons**

The Inspector concluded that the main issue was the potential visual impact of the proposed mast on the character and appearance of the area including the adjacent Egerton Conservation Area. In this regard she found no significant visual harm and allowed the appeal.

## Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

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Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision type/
21/01361/AS	Land North East of 74, North Street, Biddenden, Kent	Outline planning application (to consider access) for up to 50 dwellings (including 40% affordable housing), community orchard and allotments, informal public open space, sustainable drainage system, vehicular access point and associated ancillary works.	Officer recommendation – Non-determination	Hearing / Allowed

### Stodmarsh

N/A – The site is located outside of the Stour catchment.

### Brief Summary of Inspector's Reasons

The Inspector identified that the main issues to be whether or not the development would be in a suitable location having regard to the scale of the development and the overall spatial strategy for the area; the effect of the proposal on the landscape and character and appearance of the area; the effect of the proposal on the setting and significance of heritage assets; and the effect of the proposal on trees.

The Inspector found that, notwithstanding other developments and allocations coming forward within Biddenden, the scale of the proposal would be a suitable windfall, proportionate to the size of the village, the service provision currently available, and commensurate with the ability of those services to absorb the level of growth. The Inspector found that the impact of cumulative growth would be moderated by the different timescales that committed developments would be delivered. The site was identified as being within walking distance of the village services, particularly when taken with works to widen the existing footfall into the village.

Also, services could be accessed by bus, and the proposal included the provision of additional bus stops which would encourage travel by public transport, for both occupiers of the site and existing village residents. As such, the Inspector found that the proposal would not harmfully undermine the overall spatial strategy for the area and would accord with plan policy.

With regard to Landscape impacts, the Inspector found the change from an open field to a housing development, together with loss of hedgerow, would inevitably result in urbanisation and erosion of the rural character and appearance of the site and the setting of Biddenden. Whilst this harm would be localised and limited in extent, the Inspector nonetheless found harm to the landscape and character and appearance of the area contrary to Local Plan Policies SP1, ENV3a, ENV5, SP6 and HOU5.

In relation to heritage assets, The Inspector identified less than substantial harm to the significance of the Biddenden Conservation Area, and to the significance of The Laurels, 41 North Street and 66-68 North Street grade II listed buildings. The harm derives from the urbanisation of the rural setting. In each case, the harm would be less than substantial and contrary to Policies SP1, SP6, HOU5 and ENV5 of the Local Plan.

The site contains a large Tree Protection Order and a number veteran trees. The site boundaries also include fairly extensive tree cover. The vast majority of trees at the site would be retained and incorporated into the development and during the course of the appeal, a revised Illustrative Masterplan and associated Tree Retention Plan was submitted to demonstrate how development could be laid out without undue impact on trees. In view of this and the imposition of suitable conditions, the Inspector concluded that trees would not be unacceptability harmed by the proposal.

The appellant's Unilateral Undertaking (UU) included obligations made to the Council and Kent County Council that would meet the tests within the Community Infrastructure Levy Regulations 2010. This includes 40% on-site affordable housing, 20% of dwellings as accessible and adaptable dwellings meeting Building Regulations standard M4(2) and 5% of dwellings as self-build and custom build units. The UU also includes obligations that would secure the provision and future management and maintenance of on-site open space and allotments. Financial contributions were also secured towards healthcare, indoor sports, outdoor sports, strategic parks, play areas, footpath improvements, community learning, libraries, youth services, social care and a monitoring fee, as well as an informal natural green space contribution in the event that on-site open space provision had not been approved by the Council before development commences.

The Inspector found whilst there has been progression on the Stodmarsh mitigation strategy, the Council cannot demonstrate a 5 Year Housing Land Supply. As such, the proposal for up to 50 dwellings on the site would make an important contribution to reducing

the deficit. Also, the provision of up to 20 affordable dwellings of a mixture of tenures would be an important public benefit of the proposal that was given significant weight by the Inspector. Other benefits identified included direct and indirect economic benefits, provision of bus stops, footpath improvements and biodiversity net-gain.

Taking account of all of the above, the Inspector concluded that the proposal would conflict with the development plan when it is read as a whole. Nevertheless, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development (tilted balance) set out in paragraph 11(d) of the NPPF therefore applies, and the Inspector found that material considerations would outweigh the conflict with the development plan.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision type/
21/01284/AS	Land off Front Road, Woodchurch, Kent	Outline planning application (to consider access) for erection of up to 40 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works.	Officer recommendation – Non-determination	Hearing / Allowed

**Stodmarsh**

N/A – The site is located outside of the Stour catchment.



### Brief Summary of Inspector's Reasons

The Inspector identified that the main issues to be the effect of the proposed development on the character and appearance of the area and whether the site would be a suitable location for housing with particular regard to the spatial strategy and its scale.

In relation to character and appearance, the Inspector found that the proposed development would introduce a large amount of housing and associated urbanising features such as roads, parking and domestic gardens into open rural land. This would be harmful to the characteristic sense of openness and rural qualities on this site and undermine the close relationship between Woodchurch and the countryside. The proposed development was considered to have a harmful effect on the character and appearance of the immediate site and surroundings. The Inspector also found that the scheme would introduce built development closer to Townland Farmhouse, a grade II listed building, and this would undermine the openness of its traditional farmstead setting and therefore would fail to preserve the setting of the Grade II listed Townland Farmhouse. Any harm to the setting of heritage assets, however, would be outweighed by the public benefits of the scheme including affordable housing. Nonetheless, the scheme would be considered contrary to Local Plan Policies Policy HOU5, SP1, SP6 and ENV3a.

With respect to the spatial strategy, the Inspector concluded the site would be a suitable location for housing with regard to the spatial strategy. It was considered that the scale of the proposal would be suitable particularly given the current service provision including, grocery shop, post office, primary school, village hall, recreation ground, pubs and church. It is also served by a bus service that provides regular links to Ashford and Tenterden. As such, the Inspector found that the proposal would not harmfully undermine the overall spatial strategy for the area and would accord with plan policy.

The appellant's Unilateral Undertaking (UU) included 40% affordable housing, with a split of 10% affordable rented and 30% shared ownership housing. As well as 5% of dwellings being self build and custom plots. The UU also includes obligations that would secure the provision and future management and maintenance of Healthcare, Primary Education contributions, Indoor Sports, Outdoor Sports, Play Area, Strategic Park, Informal Natural Greenspace, Community Learning, Library and Youth Services, Social Care. This was considered these were necessary, relevant and related in scale and kind in order to mitigate the impacts of the proposed development on these services. Given the various trigger points for obligations, the inclusion of the monitoring fee was considered proportionate and reasonable.

The Inspector found whilst there has been progression on the Stodmarsh mitigation strategy, the Council cannot demonstrate a 5 Year Housing Land Supply. As such, the proposal for up to 40 new homes would be a significant social benefit that contributes to the government’s target to significantly boost the supply of homes and address the needs of groups with specific housing requirements including affordable housing and people wishing to commission or build their own homes. Future occupants would also likely to contribute to the local economy and there would be temporary economic benefits of employment and investment during construction. Furthermore, the development would create a new area of public open space and recreational footpaths. Taking all the above into account, the overall benefits of the scheme would be considerable.

Overall, whilst the Inspector concluded that the proposal would conflict with the development plan when it is read as a whole, the moderate adverse impacts of the development would not significantly and demonstrably outweigh the benefits and the proposal was approved with conditions attached.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision type/
20/01473/AS	Planesfield, Pot Kiln Lane, High Halden, TN26 3HU	Change of use of land for a gypsy traveller site and the stationing of two static caravans, one touring caravan, the erection of stable block, hardstanding parking and turning areas and installation of subterranean sewerage biodigester (revision to planning permission 15/01374/AS).	Delegated – Refusal	Written Representations / Allowed

**Stodmarsh**

N/A

**Brief Summary of Inspector's Reasons**

In terms of planning history, the appeal site was first occupied by a gypsy and traveller family in 2010. A three year temporary permission was given on appeal in 2011 (Ref: APP/E2205/A/10/2142029). A further temporary permission was then given by the Council until 2018. A 2017 appeal decision granted another temporary period until September 2021 (Ref: APP/E2205/W/16/3155433). The site has now been sold to the appellant and is currently occupied. Permission is sought for an additional static caravan compared to the previous permissions and this has been stationed on the land. The proposal also includes a stable block which did not form part of the original permission and an enlarged parking/turning area.

Since the earlier appeals, there have been a number of changes in planning policy. In particular, the Planning Policy for Traveller Sites (PPTS) and the National Planning Policy Framework have been published and revised. Furthermore, the Ashford Local Plan 2030 was adopted in 2019.

The Inspector identified that the main issues to be the effect of the proposed development on the character and appearance of the area and whether any harm arising would be outweighed by other material considerations including the need for and likely future provision of sites for gypsies and travellers in the Borough.

With respect to character and appearance, the Inspector found that the site is well integrated into the surroundings and its presence within the wider landscape is discrete, even with though there is now an additional static home. Nevertheless, because the site is separated from other developments the impact of it on the rural character of the locality is magnified. Through the passage of time, the caravans may have become accepted visually into the local scene. But these were only expected to be temporary and the proposal intrudes into undeveloped countryside thereby detracting from it. There is, therefore, limited harm to the character of the area although this is not significant given the retention and supplementing boundary vegetation. Further, its residential use is consistent with the pattern of scattered development nearby. As such, subject to a landscaping condition, the Inspector found the proposal meets relevant criteria within Policy HOU16 and would not trigger a conflict with Policies SP1, SP6 and ENV3a.

## Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

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In relation to the need for future provision of sites for gypsies and travellers in the Borough, the Inspector found that the Council does not have a 5 year supply of sites as required by the National Planning Policy Framework - Planning Policy for Traveller Sites nor can it meet the identified need for sites now or in the foreseeable future. This inspector notes that this position has persisted for some time and therefore permitting a single pitch is a matter of substantial weight in favour of the proposal. This benefit, the Inspector reasons, outweighs the small negative effect on the character of the countryside.

Also, contrary to earlier planning decisions, the Inspector found that permanent planning permission is justified and, as a consequence, there is no interference with the appellant's human rights and, in exercising the public sector equality duty, the needs of the appellant would be met in so far as they are different to those without a relevant protected characteristic.

Therefore, for the reasons given, the proposal was considered acceptable and the appeal was allowed subject to conditions.

Page 16

Application reference	Location	Proposal	LPA's Level	Decision	Appeal Decision
20/00667/AS	Land adjoining The Paddocks and Orchard Cottage, Church Road, Sevington, Ashford TN24 0LD	Outline Application to consider access and layout for the erection of 3 buildings to provide B1 office space with associated parking	Officer recommendation approve	– Committee decision – refuse	Allowed

### Stodmarsh

N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

This appeal resulted as a consequence of a committee overturn.

**Officer's recommendation** – In summary, officer's considered that the proposed development would be acceptable in principle in relation to Policy EMP1, layout, impact on the visual amenity, impact on neighbouring residential amenity, highway safety and the highways network, setting of neighbouring listed buildings and biodiversity.

**Committee decision** – In summary, the committee refused the application on the basis that it would be contrary in principle due to the sensitive rural location and EMP5, harmful to the natural character of the landscape, erosion of an important rural gap, significant adverse impact upon the amenities of local residents, harmful to the rural highway network, harmful to wildlife movements and adversely affecting local biodiversity and harm to the setting of three Listed Buildings.

### **Brief Summary of Inspector's Reasons**

The Inspector identified that the main issues were:

1. Whether it is necessary for the proposed development to be located on this site.
  - The Inspector concluded that the proposal would comply with Policy EMP1 in principle.
2. The effect of the proposed development on the character and appearance of the surrounding area.
  - The Inspector concluded that the Council refused the application as contrary to Policy EMP5, however the proposal is compliant with Policy EMP1 as new employment premises in the rural area and is therefore acceptable in principle. The Inspector noted that whilst the proposed development would significantly alter the overall character and appearance of the appeal site from an undeveloped field to several commercial buildings with a substantial footprint and a significant amount of hardstanding for access and car parking, its commercial use and the level of built form would not be out of character with the surrounding area and the recent neighbouring developments.
3. Whether the proposed development would result in the loss of an important rural gap between the settlements of Ashford and Sevington.

- The Inspector concluded that the surrounding developments have eroded the rural nature of Sevington and, as such, there is no clear distinction or gap between this village and the adjacent urban settlement of Ashford. As the two adjacent settlements of Sevington and Ashford have largely been combined, due to previous development, the proposed development would not result in the merging of two separate settlements. Also, a large proportion of the appeal site's green surroundings would remain as is.
4. The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties.
    - The Inspector concluded that although the proposed development may be partially visible from the rear of nearby properties, it would be separated by a sufficient distance, whereby any impacts from the proposed development would be minimal. Due to the nature of the proposed development, it would not result in a significant or disturbing level of noise for the neighbouring occupiers.
  5. The effect of the proposed development on highway safety.
    - The Inspector concluded that regardless of the trips generated from the proposed development, due to the positioning of the appeal site, vehicles entering and exiting the appeal site would spend a limited
    - amount of time on the local highway network and would have a limited impact on its overall use. Additionally, HGVs could turn within the appeal site. Due to the location of the appeal site, vehicle movements would not have a significant impact upon the overall road network.
  6. The effect of the proposed development on local biodiversity.
    - The Inspector concluded there is no evidence to suggest the site's specific use as a corridor for wildlife. Whilst the level of open space would be reduced by the proposed development, ample space around the proposed development would remain for wildlife movement. Suitable recommendations are made within the submitted ecological appraisal to ensure the protection of any identified habitats and species from the proposed development, which can be secured by condition.
  7. The effect of the proposed development on the setting of the three grade

II listed buildings, Ashdown Cottage, Orchard Cottage and Maytree Cottage.

- The Inspector concluded that due to the separation distance between the sites and their limited visual interaction, the proposal would not detract from the setting or significance of the three listed buildings.

An award of costs was sought against the Council for acting unreasonably however this was dismissed in full.

TABLE B: APPEALS DISMISSED OR WITHDRAWN

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
1	20/00154/AS	Land to the west of Callywell Lane, Aldington	Erection of 33 dwellings including the creation of access, green space, a communal green and landscaped areas and associated infrastructure	This site is located in the Stour catchment (see Inspector's summary below).	Non determination appeal

## Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
1 Cont'd	<p>The appeal was dismissed. The site comprised a windfall site as opposed to a site allocation in the local plan. The Inspector dismissed the appeal for the following reasons:</p> <ul style="list-style-type: none"> <li>• Short term visual harm is significant, reducing over time as planting establishes. The proposal would be contrary to the development plan.</li> <li>• Harm to the significance of the conservation area and the setting of Nos. 1 &amp; 2 Clap Hill (Grade II listed). The benefits associated with the scheme would not outweigh the less than substantial harm to heritage assets.</li> </ul> <p>The Inspector considered a scheme of this size as windfall as there is no size definition in the Local Plan and that the scale of the development in relation to the village was acceptable. The development was locationally sustainable being within easy walking distance of day to day services.</p> <p>As the Inspector dismissed the appeal an Appropriate Assessment was not undertaken in respect of the impact on Stodmarsh Lakes.</p>				
2	19/00624/AS	Land south east of Bridge Close, Appledore Road, Woodchurch	Development of 31 dwellings, new access, parking and associated landscaping including 40% affordable housing and self build plot(s).	19/00624/AS	Land south east of Bridge Close, Appledore Road, Woodchurch



Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
2 Cont'd	<p>The appeal was dismissed. The site is allocated in the Local Plan (Policy S62) with an indicative capacity of 30 dwellings. The application site was smaller than the site allocation omitting land to the south. Reasons for dismissal:</p> <ul style="list-style-type: none"> <li>Proposal would create an overtly 'urban estate' appearance and insufficient landscaped buffer to the countryside resulting in visual harm.</li> </ul> <p>The Inspector found the development to be acceptable in all other respects.</p>				
3	21/00795/AS	10 Eggringe, Singleton	Two detached two storey dwellings with associated access	N/A - The proposal is not a qualifying development (i.e. not caught by Natural England's Advice).	Delegated refusal
4	20/01852/AS	Home Farm, Hythe Rd, Smeeth	Prior notification for change of use of agricultural building and land within its curtilage to a flexible commercial use (storage/work shop).	N/A	Delegated refusal

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
5	21/01866/AS	2 Blossom Lane, Ashford, Kent, TN25 4GE - Boughton Aluph, Kent	Change of use of amenity land to residential garden and erection of fencing	NA	Delegated refusal
6	21/01959/AS	Shipleigh Cottage, Ashford Road, Kingsnorth, Ashford, Kent, TN23 3EW	Vehicle crossover and hardstanding [re submission of 21/00317/AS]	N/A	Delegated refusal
7	22/00075/AS	Nutshell Cottage, Bethersden Road, Smarden, Ashford, Kent, TN27 8QF	Demolition of previous extension and erection of single storey rear extension	N/A	Delegated refusal
8	2101067AS & 2101335AS	Blue Barn Farm, Blue Barn Equestrian Centre, Ashford	2101067AS Outline planning application the construction of 40 dwellings and 40 commercial units	The site is located just outside the Stodmarsh Catchment	Delegated refusal

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
		Road, Great Chart	(E(g)(i)) together with 4 custom build plots. 2101335AS Outline planning application for the construction of a mixed-use development comprising 25 dwellings and 25 commercial units (E(g)(i)).	area but, if connected to mains drainage would drain to Ashford WWTW within the Stour Catchment	
8	Update				
Cont'd	<p>It was previously reported that both appeals were dismissed.</p> <p>Following the Inspector's decision the appellant submitted a challenge to the decision to the High Court. The basis of the challenge related to the Council's 5 years housing supply position in that the Inspector failed to have regard to the extent of the housing land supply shortfall in his decision making. The High Court challenge was successful and the appeal decision quashed on 16 August 2023. The Inspectorate were ordered to re-determine the appeal, however before this could happen, the appellant withdrew their appeal, on 18 October 2023, stating that it was their intention to proceed with a revised proposals on the site.</p>				
9	21/00385/AS	Land between Old Watch House and Chi An Geltyon, 2A The Street,	Erection of dwelling with associated access and landscaping	N/A	Delegated Refusal

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
		Appledore, Kent, TN26 2DA			
10	20/01794/AS	Twixus, Bedlam Lane, Smarden TN27 8PG	Proposed Replacement of an Existing Dwelling and Associated Out-buildings with a new Two Storey Dwelling with Garage including part Land Change of use from Agricultural to Residential at Bedlam House (Formerly Twixus)	N/A	Delegated refusal
11	21/00972	Holmwood, Cherry Orchard Lane, Bonnington TN25 7AZ	Erection of new dwelling	N/A	Delegated refusal
12	21/00126/AS	Land east of Ashford Road, Kingsnorth	Outline application for up to 15 dwellings, a replacement	The site is located in the Stodmarsh Catchment	Delegated Refusal

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
			Medical Centre and Pharmacy, together with all necessary infrastructure.	area (see Inspector's summary below)	
12 Cont'd	<p><u>Issue 1: The suitability of the appeal site for the proposed development having regard to the impact on character and appearance with particular regard to the 'green buffer', the 'Ashford Green Corridor', and potential coalescence.</u> The Inspector concluded that, with regard to the effect on the countryside, the green buffer and its characteristics, the separation of settlements and landscape and visual impacts, the development would result in moderate harm to the character and appearance of the area, in conflict with policies SP1, SP2, S4, SP6, EMP1, HOU5 and SP7 of the Local Plan. However, the Inspector found the impact on the Ashford Green Corridor to be limited, with any harm offset by the areas of open space proposed, therefore there would be no conflict with Policy ENV2 of the Local Plan. The Inspector was also satisfied that the proposal would largely retain important features within the site. The urbanisation of the site and loss of some hedgerow when set against the additional planting proposed would demonstrate regard for the landscape characteristics and significance of the site, in line with policies ENV3a and ENV5 of the Local Plan.</p> <p><u>Issue 2: The effect of the proposal on the provision of health care facilities within Ashford Borough.</u> The Inspector concluded that Kingsnorth Medical Centre does not appear capable of expansion to cater for the future growth of South Ashford. The pressing need to find a suitable site to accommodate an appropriate facility remains unfulfilled. The Ashford Infrastructure Delivery Plan fails to provide firm proposals to cater for the future growth envisaged in the Local Plan. The alternative sites explored are unsuitable for a variety of reasons. The proposal would provide a new medical centre to serve existing and new patients, allowing for improved care and treatment. It would not undermine the delivery of health facilities within Ashford Borough. The Inspector therefore attributed the benefits of the healthcare facilities proposed substantial weight.</p> <p><u>Issue 3: The effect of the proposal on the integrity of designated Habitats Sites (Stodmarsh).</u></p>				

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
	<p>The Inspector allowed the appellant to update their Nutrient Strategy during the course of the appeal hearing to reflect up to date guidance (2022) from Natural England. The appellant's revised position was that the development would be nutrient neutral. The Inspector had considerable doubts over the adopted land use classification across the entire site such that the pre-development nutrient calculation carried out by the appellant cannot be relied upon. As a result, the Inspector concluded that the development would have the potential to adversely affect the integrity of Stodmarsh. The proposal would conflict with Policies HOU5 and SP1 of the Ashford Local Plan 2013 and paragraph 180 of the NPPF.</p> <p><u>Conclusion / Planning Balance</u>                      The Inspector noted that the Council is unable to demonstrate a five-year housing supply, however, the presumption in favour of sustainable development does not apply as the proposal would harm the integrity of Stodmarsh habitats sites. The Inspector applied significant weight to the new homes proposed to boost housing supply and the additional employment opportunities provided by the new medical facilities, as well as related education and training. The Inspector concluded that there would be some conflict with Local Plan policies, mainly relating to the scheme's green buffer location, and the impact on character and appearance, and conflict with the development plan overall. When weighed against the combined substantial benefits including the Council's housing land supply position this harm would be outweighed by the benefits. However, the scheme would adversely affect the integrity of Stodmarsh habitats sites and this provides a clear reason for refusing the development. Therefore, the appeal was dismissed.</p>				
13	21/00927/AS	Land to south of Hookstead Green, Ashford Road, High Halden	Erection of up to 28 dwellings together with all necessary infrastructure.	N/A – outside the Stour Catchment	Hearing: dismissed. Important decision and summary of Inspector's 3 main findings below
13 Cont'd	<p><u>Issue 1: whether the appeal site is a suitable location for housing, having regard to local and national policies?</u>                      ALP allocation site (S33) for 35 homes in High Halden (HH). Inspector noted the 62 further 'windfall' dwellings had been approved since ALP adoption via Policy HOU5. With the appeal proposal, that would equate to 90 additional dwellings.</p>				

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
	<p>With the allocated S35 site, that would give a total of 125 new homes in HH in a short period of time. Inspector considered this a 'very significant' increase in the size of HH village and its population. Limited services near to HH village green so, in practice, a long walk from the site via narrow footway alongside busy A28 (Ashford Road). Limited bus services to HH. Overall, Inspector concluded HH not a suitable location for the additional residential development proposed by the appellant citing conflicts with ALP Strategic Policies SP1/SP2 as well as Policy HOU5.</p> <p><u>Issue 2: the effect of the proposed development on the character and appearance of the area</u>                      Site contributes to the rural character of HH village, which is formed by the surrounding countryside that can be seen around and beyond the development along the A28 (Ashford Road). HH has clearly had on-going infill development over time. However, the appeal site is the last significant gap between development in the village. The loss of this gap, and the views into the countryside that it affords, would cause harm to the rural character of HH village. Inspector considered the proposal harmful finding it would be 'uncommonly intensive' and having a 'suburban' residential appearance/layout extending substantially rearwards from the A28 (Ashford Road)</p> <p><u>Issue 3: housing land supply / Stodmarsh / planning balance</u>                      The Inspector accepted the significant impacts of nutrient neutrality following ALP adoption in terms of issuing planning permissions in the Stour Catchment area and that, at present, the Council cannot demonstrate a deliverable 5 year housing land supply with the figure lying somewhere between 4.54 and 3.5 yrs. Progress with the Council's strategic mitigation solution to Stodmarsh noted. Planning balance: planning benefits (28 new dwellings boost to housing land supply and construction phase economic benefits) would not outweigh planning harm (disproportionate enlargement of HH given scale of development since 2019 ALP and location of site not being well located to the limited services that exist).</p>				
14	21/01469/AS	The Little Black Dog, The Street, Great Chart,	Change of use of building from former public house to form a single dwelling house,	The application lies within the Stour	Delegated refusal

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
		Ashford, Kent, TN23 3AN	with off street parking and garden area; alterations to fenestration.	catchment (i.e. caught by Natural England's Advice).	
14 Cont'd	<p>The main issues were consideration of the effects on the host non-designated heritage asset and whether the proposal would preserve or enhance the character or appearance of the Conservation Area (CA); and the loss of an existing community facility.</p> <p>The Inspector was of the opinion that the proposal had not demonstrated that harm to the host non-designated heritage asset building would not occur and that the character or appearance of the CA would be preserved or enhanced. Consequently, the proposal was considered to conflict with Policies ENV13 and ENV14 of the Ashford Local Plan 2030 that require, amongst other matters, proposals to preserve or enhance the heritage assets of the Borough and the character and appearance of the CA.</p> <p>In respect of the loss of the community facility, the Inspector noted that the history of this public house with low level of use, its size and its poor infrastructure points to the premises not being a commercially sustainable enterprise either now or in the future. Consequently, it was concluded that the loss of this existing community facility would be unlikely to be avoided irrespective of those objectives of the Framework that seek to retain accessible local services and community facilities.</p> <p>In respect of the adverse impacts of the development on the Stodmarsh Lakes European Designated Nature Conservation Sites, this has not been considered fully as the appeal was dismissed for the reason stated above.</p>				
15	20/01782/AS	Rear of Poplar Farm, Poplar	Erection of up to 23 dwellings together with	N/A	Delegated refusal



Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
		Road, Wittersham, Tenterden TN30 7PD	all necessary infrastructure on land at rear of Poplar Farm, Wittersham		
15 Cont'd	<p>The main issues were the effects of the proposed development on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB); the effect of the proposed development on the setting of listed buildings; whether the proposal is in a suitable location, and; financial obligations.</p> <p>The Inspector stated that the proposed large residential development would be relatively dense on the space available with a wider access from Poplar Road. Moreover, although the dwellings would be set away from the site edges with non-urban type boundaries the scheme would nevertheless extend across the breadth and depth of the site which extends some way into the AONB. The unfettered appeal site provides a gentle and tranquil transition with the adjacent buffer zone to the countryside beyond which can be appreciated not only from the surrounding dwellings but also glimpsed from the nearby footpaths. The simple and expansive beauty of the appeal site would be eroded by the proposed suburban-style development and its enlarged access and other hard-surfaces in this semi-rural-type location. It was therefore concluded that the proposed development would harm the spacious beauty of the AONB. New landscaping in addition to retention of existing trees, hedges, pathways and a re-built access wall would not be adequate mitigation. Accordingly, the proposal in respect of the character and appearance of the area including the AONB, is contrary to Policies SP1, SP2, SP6, HOU1, HOU5, HOU6, ENV3B, ENV13 and IMP1 of the ALP, and Paragraphs 130 and 176 of the Framework.</p> <p>In respect of the harm to the setting of the listed buildings, the Inspector concluded that the appeal proposal would cause harm to the setting of listed buildings contrary to Policy ENV13 of the ALP which is clear that development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh harm or loss.</p>				

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
			<p>In respect of the sustainability of the location, following the assessment of the facilities and services available in Wittersham, the Inspector concluded that given the distances involved it is likely that those day to day services would be accessed by a private motor vehicle rather than by public transport. Indeed, the limited availability of public transport in this location would inevitably result in a dependency on private motor vehicles by future occupiers of the new dwellings in respect of access to the day to day services in nearby villages. As a result, in respect of a suitable location, it was recognised that the proposal would fail to meet the aims of Policies SP1, SP2, SP6, HOU1, HOU5, HOU6, ENV3B, ENV13 and IMP1 of the ALP, and the Framework when read as a whole.</p> <p>Finally, the Inspector considered the Council's 5 YHLS situation and acknowledged that the tilted balance would normally be engaged in such situations. However, regard was had to Paragraph 11 (d)(i) of the Framework which states that where harm to areas and assets of particular importance such as the AONB and listed buildings provides a clear reason for refusal, the 'tilted-balance' does not apply. It was therefore concluded that there were no considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan policies and the Framework.</p>		
16	22/00138/AS	Castweazel Oast, Fosten Lane, Biddenden, Kent, TN27 8EW	Two storey rear extension	N/A – The site is located outside of the Stour catchment.	Delegated refusal
17	21/00745/AS	Pilgrims, Pilgrims Lane, Chilham, CT4 8AA	The development proposed is the erection of detached 4-5 bedroom live-work dwelling and detached	The application lies within the Stour catchment (i.e. caught by	Delegated refusal

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
			double-garage (with all matters reserved).	Natural England's Advice).	
18	19/00228/AS	Herwish, Marten's Lane, High Halden, Ashford, Kent, TN26 3JP	Lawful Development Certificate – Use of wooden shed as a separate dwelling	N/A – No bearing on a LDC	Delegated Refusal
19	21/00783/AS	Old Elmstone Cottage, 98 North Street, Biddenden, Ashford, Kent, TN27 8AE	Outline planning permission to consider access for the erection of a detached 2 storey dwelling	N/A - withdrawn	Withdrawn

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<b>Application Number</b>	PA/2022/2774	
<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 5 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) 97 ‘-’	(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.

## 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. A two-storey sheltered housing block known as Oakleigh House to the north and a three-storey general needs housing block known as the Star block to the south have now been demolished and the site is enclosed by security hoardings. The remainder of this parcel comprises maintained green space.



**Figure 1: Site location plan (note buildings now demolished)**

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 the former 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 erection of buildings to provide independent accommodation for older people and accommodation for adults with learning disabilities on the western parcel of land. It is proposed to provide 24 off-street parking spaces on the adjacent site to the east. 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 54 flats with communal facilities, including a lounge, a hair and therapy suite, an office, meeting room, mobility scooter parking, office and foyer all within the main three-storey building as shown in **Figure 3** below.



**Figure 3: Proposed communal areas**

9. The accommodation for adults with learning disabilities would comprise 3 apartments within a two-storey building and two wheelchair accessible apartments within a single storey building adjacent to the north boundary.
10. The buildings would be arranged around open courtyards with the principal entrances located near to the junction of Watercress Lane, Beaver Lane and Cross Stile and from Beaver Lane.
11. As illustrated in **Figure 4** 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 4: Elevation bay study**



12. A total of 24 off-street parking spaces are proposed around the development and a further 22 off-street parking spaces are proposed to be located around the periphery of the eastern parcel of open space and accessed from Watercress Lane, Beaver Lane and Cross Stile as shown in **Figure 2** above. These would be unallocated and provided for the use of the development and the surrounding dwellings. The development would incorporate areas of private amenity space and communal landscaping, including to the boundaries.

## Planning History

13. 21/01250/AS: 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. REFUSED 23/09/2022

**Reason for refusal 1:** *The proposed development would be contrary to Policies SP1, SP6, HOU3(a, c & h), TRA3(a), ENV1, COM1, COM2, IMP1 of the Ashford Local Plan 2030, and would therefore give rise to harmful development contrary to issues of acknowledged planning importance, for the following reasons;-*

*(a) The proposed accommodation for adults with learning disabilities would result in the loss of an existing neighbourhood open space that contributes to a positive sense of place. The loss would be harmful to the health and well-being of the local community and harmful to the character of the surrounding area. The applicant's proposals seeking to mitigate for that loss would not result in equivalent or better provision of open space in terms of quality and quantity in a suitable location.*

*(b) The development would fail to provide sufficient car parking to meet the reasonable needs of occupiers and their visitors which would result in increased demand for on-street car parking in the surrounding area that would interfere with the free flow of traffic, prejudice the safety of road users and, through the reduction of on-street space for parking by those reliant on the availability of that resource, would adversely affect the amenity of existing residents.*

**Reason for refusal 2:** *The proposed development would be contrary to COM1, COM2, IMP1 of the Ashford Local Plan 2030, and would therefore give rise to harmful development contrary to issues of acknowledged planning importance, for the following reasons;-*

*(a) In the absence of any agreed mitigation, the Local Planning Authority is unable to conclude that the proposed development would not adversely affect the integrity of the Stodmarsh Designated Nature Conservation Habitat as required by the Conservation of Habitats and Species Regulations (2017 as*

*amended). The proposed development would therefore be harmful to matters of national and international ecological importance.*

*(b) The necessary s.106 planning obligations have not been entered into in respect of (i) art and creative industries, (ii) indoor sports provision, (iii) informal natural green space, (iv) outdoor sports provision, (v) strategic parks, (vi) voluntary sector, (vii) adult social care, (viii) community learning, (ix) libraries, (x) health care and (xi) accessible and adaptable dwellings.*

*Therefore, the proposed development is unacceptable by virtue of failing to acceptably mitigate the increased demand for services and facilities that it would generate and failing to meet the reasonable costs for the monitoring of the performance of the necessary planning obligations.*

## Consultations

14. 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 97 occupiers of buildings in the vicinity of the application site. The statutory consultation period ended on 23.12.2022.

**Ward Members:** One response of no objection.

**ABC Cultural Services:** no objection subject to securing financial contributions towards art and creative industries, indoor and outdoor sports provision, strategic parks, voluntary sector and informal natural green space plus 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. *(Officer comment: relevant contributions to be secured through planning obligations. See Table 1 below. Relevant condition secured at the end of the report.)*

**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 waste storage provision.

**ABC Housing Services:** support.

**Kent County Council Economic Development:** no objection subject to securing financial contributions towards Adult Social Care, Community Learning and Libraries and a condition to secure high speed broadband infrastructure. *(Officer comment: relevant contributions to be secured through planning obligations. See Table 1 below. Relevant condition secured at the end of the report.)*

**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 and scheme design relating to highways works. (*Officer comment: relevant conditions secured at the end of the report*).

**Kent County Council Public Rights of Way:** no objection.

**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.

**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:** further information required to determine impacts on designated sites and to enable the Local Planning Authority to undertake a Habitats Regulations Assessment prior to the grant of planning permission.

**Kent Ramblers:** no objection.

**Ashford Access Group:** no response.

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

**Neighbours –** no responses received.

## Planning Policy

15. 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).

16. 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  
HOU6 Self and Custom Built Development  
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  
IMP4 Governance of public community space and facilities

17. 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  
Building Research Establishment (BRE) guidance – ‘Site Layout Planning for Daylight and Sunlight: a good practice guide’ by PJ Littlefair (2022).

## Assessment

18. The key areas for consideration are as follows:
- (a) Principle of development
  - (b) Impact on open space
  - (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) Sustainability and climate change
  - (i) Housing Land Supply
  - (j) Habitats Regulations
  - (k) Planning Obligations
- (a) Principle of development**
19. 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.
20. 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.

21. 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.
22. 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.
23. 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) Impact on open space**

24. 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.
25. 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). As shown in **Figure 5** below, parts of the application site are identified in the OSS as 'South Ashford Housing' and

the OSS is therefore relevant to the assessment of this application.

26. 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.
27. The 'South Ashford Housing' open spaces are 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 from Open Spaces Strategy**

28. The OSS identifies the application site as being of 'Satisfactory' design value and 'Good' condition. The contribution of the site to the local character of the area is considered under the design and townscape assessment below. The proposed building on the Beaver Lane parcel would have a larger footprint than the previous Star Building in this location and the incorporation of parking on the Cross Stile parcel would by definition result in some reduction in open space.
29. The application is supported by an Open Space Assessment which assesses the development against policy COM2. This demonstrates there is a total of 3.37ha of informal public open space within a 400m radius of the site. 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. Whilst there is some disagreement between the applicant and the Cultural Services team about which amenity spaces should be included in this calculation I am satisfied that they all comply with the OSS's definition of open space, even if they are not identified in the document.

30. I note that the previous reason for refusal referred only to the loss of open space arising from development on the Cross Stile parcel of land. These proposals do not include any buildings in this location. As shown in **Figure 6** below, the incorporation of off-street parking to its edges would result in some loss of open space; however the site would remain visually open, retain free public access and be genuinely useable and accessible. Rather than resulting in any material diminution in the amenity value of the space, the proposals make provision for a comprehensive landscaping scheme which would significantly improve the quality of this open space and its contribution to the local community.



**Figure 6: Landscape Concept Plan**

31. The Cultural Services team supports the approach to landscape enhancements set out in the submitted Landscape Statement and requests that delivery is subject to further public consultation. I recommend that evidence of consultation is required as part of the landscaping details to be submitted. I note they also request capital investment in the existing open space to the south west of the site which formed part of the previous planning application, however as the proposals are for substantially less development, this open space is not proposed for enhancements at this time. In my view the incorporation of enhancements to open spaces not forming part of the



planning application are not required to make the development acceptable.

32. In summary there are clear benefits from sensitively incorporating parking in this location, including by enabling a higher quality layout to Oakleigh House (from removing the need for large access roads and additional onsite parking) and by providing a flexible parking resource for the existing community. I am satisfied that these proposals address the first part of the previous reason for refusal relating to loss of open space.
33. It has been demonstrated that the local community benefits from access to a sufficient quantity of open space in the area in accordance with the Council's adopted OSS and Open Spaces SPD. The proposals would secure enhancements to existing open spaces for the benefit of existing and future residents in the vicinity of the site. I am satisfied that the proposals comply with the requirements of Policy COM2 of the ALP.

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

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.

39. Prior to the previous application the applicant engaged with key stakeholders, including Officers and the community via an interactive design process. The proposals were also 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**

40. 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 current proposals do not include any built form on the currently open parcel of land to the east, they do include the creation of hardstanding to facilitate car parking around the periphery of the site. This would result in a small reduction in open space and cause some harm to visual amenity; however as discussed below I am satisfied that the harm from such loss would be offset by the enhanced quality of the public and semi-public open spaces within the development. In this respect the retained open space would continue to contribute positively to the local character of the area in accordance with criterion (c) of Policy HOU3a of the ALP.

41. 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 on the former Oakleigh House site have been designed to retain a view 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 and Beaver Lane. The buildings would be set back from the roads with well-defined private and public spaces and landscaped frontages, including where off-street parking is proposed.

42. 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 the accommodation has been designed around two landscaped courtyards which also maximise sunlight and daylight into the site interior. Internally, the communal areas would be located fronting Watercress Lane.

43. As shown in **Figure 7** below, drop-off facilities and parking would all be distributed off-site around the building. This layout would benefit the residents by providing high quality green courtyard garden spaces around them. Pedestrian access would be provided to the main entrances and in some cases private front doors directly off the street. This will ensure the street scene has some life and activity and will encourage residents to go out for

walk in the neighbourhood. The existing public right of way would be stopped up.



**Figure 7: Access arrangements**

44. 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. The proposals also address the first reason for refusal of the previous application insofar as it would not result in the loss of an existing neighbourhood open space; it would not be harmful to the health and well-being of the local community and it would not be harmful to the character of the surrounding area.

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

45. 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.

46. 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 former Star building. The building heights would be reduced to two-storeys where the

Watercress Lane and Beaver Lane elevations adjoin the northern boundary.



**Figure 8: Massing diagram**

47. As shown in **Figure 9** below, the 2 single-storey units would be comparable in height and form to the adjacent bungalow. The height of this building would also reflect the proximity of this part of the development to 333 Beaver Lane. The buildings would all feature traditional pitch roofs in keeping with the surroundings.



**Figure 9: Single storey wheelchair-accessible apartments**

48. 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 block fronting Watercress Lane has also been articulated with a series of gables and bays to give greater vertical emphasis to the longer facade. As noted by

the Design Review Panel the use of repetition is a positive element of the proposal.

49. In summary, I consider that the height, form, scale and massing of the development would be of a high quality for this suburban site and 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**

50. 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 south west**

51. 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.

52. 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**

53. 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.

54. The proposed accommodation for adults with learning disabilities would comprise 3 x 1-bedroom flats/Units at ground floor and 2 x 1-bedroom flats at first floor.

55. 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 (45 units/83%) and 2-bed 3 person flats (9 units/17%). I am satisfied that the range of accommodation types and sizes is appropriate to the mix of dwelling types and sizes in the local area and that as a whole the development proposals would comply with the broad objectives of Policy HOU18.

56. All Units 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 benefit from gallery access creating dual or triple aspect apartments that face onto both the public street and the private courtyards 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 (4 x 2-bedroom flats for independent living for older people and 2 x 1-bedroom flats for adults with learning disabilities), with the remainder all exceeding M4(2) requirements.

57. 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.

58. 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.
59. Policy HOU6 of the ALP requires all sites within and on the edge of Ashford and Tenterden delivering more than 40 dwellings to supply no less than 5% of serviced dwelling plots for sale to self or custom builders. Whilst this development is for over 40 Units on the edge of Ashford, I am satisfied that the flatted nature of the scheme and the specialist type of accommodation being provided mean that this requirement cannot be reasonably accommodated on this site and that the absence of serviced plots is justified in this instance.

**(e) Amenity impacts**

60. 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.
61. The application site is located in an established residential area of Ashford and there are a number of dwellings located on Beaver Lane and Watercress Lane with potential sensitivity to the redevelopment of the site.
62. The proposals include the creation of off-street parking on the open space to the east, however this would not result in any significant adverse impacts on the amenities of existing residents of surrounding buildings, including 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**

63. The parking bays would all be located at the perimeter of the site to ensure the retention of a long open aspect over the open space from the front of the 5 dwellings. The open space would be retained as publically accessible and feature enhanced landscaping, including new trees throughout. The development would also safeguard the amenities of the 3-storey dwellings at 23-31 Cross Stile.
64. The new buildings would be located on a site formerly occupied by buildings. Although the replacement buildings would in some parts 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 (a two storey detached dwelling) and 25 Watercress Lane (a detached bungalow) directly to the north of the site; both of these dwellings and their gardens share side boundaries with the application site. The planning application is supported by a Daylight, Sunlight and Overshadowing assessment in accordance with the requirements of the BRE guidance.
65. Prior to its demolition, the footprint of the former two-storey Oakleigh House was set back from the front building line of 333 Beaver Lane and extended along the length of the rear garden boundary. Although the replacement building would occupy a larger footprint and extend further along the boundary than the previous building in this location, it would be lower in height adjacent to the garden boundary. The Daylight, Sunlight and Overshadowing assessment concludes that the proposals would have a beneficial impact on daylight and sunlight to this property and would have no impact on overshadowing of its rear garden space.
66. 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 to the rear of these dwellings would prevent any unacceptable harm to amenity, including in terms of loss of light



or overshadowing, outlook or privacy.

67. The proposed development would step down to 2-storeys at the closest point to the south of the bungalow at 25 Watercress Lane. The Daylight, Sunlight and Overshadowing assessment concludes that the proposals would have no adverse impacts on the daylight or sunlight received to this property or to its garden. I note that it is proposed to create a 2.4m high boundary along the shared side boundaries with these properties which will further mitigate any impacts. In response to Kent Police's comments regarding the importance of establishing appropriate perimeter, boundary and divisional treatments to clearly distinguish private from public and communal spaces, I recommend that further details of all boundary treatments be secured by condition.
68. The scale of the development and its location within a residential area could give rise to temporary construction related impacts on amenity. I therefore recommend conditions be imposed 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.
69. Overall I am satisfied that the proposals would safeguard and provide 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**

70. 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.
71. 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. With the exception of off-street parking, the development would not make provision for onsite vehicle access.
72. The proposals do include new surfacing to facilitate parking and resurfacing of parts of the existing carriageway. The Highways Authority has advised that the carriageway works may not be acceptable from the perspective of future maintenance. On the basis that these works are not integral to the delivery of the development I am satisfied that further details can be secured by condition.
73. In recognition of the scale of the development, I consider it reasonable to impose a planning condition requiring 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**

74. 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. For the purposes of the Use Classes Order the development would comprise residential units (use Class C3) which Policy TRA3(a) dictates should provide 1 space per residential unit on average in this location; however it has been established that the development would provide specialist accommodation for older people and for adults with learning disabilities.
75. The proposals make provision for a total of 46 off-street car parking spaces, including 22 around the edges of the proposed buildings and to be accessed from Beaver Lane and Watercress Lane (including 2 disabled spaces and one pick-up/drop-off space). A further 24 car parking spaces would be provided around the edges of the adjacent open space to be accessed from Watercress Lane and Cross Stile.
76. Whilst the provision is below the '1 space per residential unit on average' requirement, Policy TRA3 allows for departures from the parking standards in cases where an operator or potential occupier requires fewer parking spaces to cater for their specific operational needs and where such requirements can be clearly evidenced and where their presence has wider planning benefits.
77. The Highways Authority is satisfied that the specialist nature of the residential use warrants an approach to parking provision that is proportionate to its future needs and these have been evidenced. Specifically the proposed parking ratio of 0.8:1 is higher than other similar developments, including at East Stour Court (parking ratio of 0.6:1) and Farrow Court (parking ration 0.5:1) and has been agreed as acceptable by the Highway Authority.
78. Acknowledging the proximity of the development to bus stops and the provision of secure mobility scooter parking and charging facilities, the parking arrangements would be acceptable taking account of the typically low levels of car ownership (estimated to be 19%) by occupiers of specialist accommodation such as this. I also note that the spaces around the adjacent open space would be unallocated and designed to be a flexible resource for the wider community to use which would be a benefit of the scheme. As recommended by the Highways Authority the provision of these spaces shall be secured by condition prior to first occupation of the development.
79. The proposals would provide 9 more parking spaces and 8 fewer units than

the previously refused scheme and are considered to address the previous reason for refusal relating to parking provision.

- **Electric vehicle charging (EVC)**

80. The proposals include provision of 12 active EVC points to be located adjacent to the main entrances to both buildings which would be in excess of the minimum number of active EVC points recommended by the Highway Authority. I recommend that further details of EVC, including specification and provision for passive charging be secured by condition to help stimulate the take-up of EV's by residents through good on-site infrastructure provision.

- **Cycle parking**

81. 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 6 Sheffield stands to provide parking for 12 cycles. These would be easily accessible to the main building entrance, appropriately integrated into the landscaping strategy and sited to benefit from passive surveillance. Subject to a condition to require further details of design and to ensure they are covered and secure, I concur with the Highway Authority that the proposals are acceptable in this regard.

- **Refuse strategy**

82. 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.
83. 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).

**(g) Landscaping**

84. As shown in the Landscape Concept Plan in **Figure 12** 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, Watercress Lane, communal courtyard gardens and community green space.



**Figure 12: Landscape Concept plan**

85. 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, including 3 trees on the Cross Stile open space, significantly more would be planted. The tree planting strategy shown in **Figure 13** below includes the creation of avenues of tree planting along Beaver Lane, Watercross 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 13: Tree planting strategy**

86. 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, low level natural play features using timber / natural stone elements (this could follow an ecological theme, such as bug themed timber play equipment) and ecological features such as meadow areas and bird and bug boxes.
87. 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.
88. 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 offer maximum visual interest and biodiversity benefits in accordance with relevant planning policy and guidance and make a significant contribution to the quality of the development and create an area of high quality public realm.

- **Ecology and biodiversity**

89. 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.

90. 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.
91. 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**

92. 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.
93. 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.
94. 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.
95. 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.
96. 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**

97. 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.

**(h) Sustainability and climate change**

98. The proposed development aspires to be highly sustainable and the planning application is supported by an Energy Statement. The proposed energy strategy is based on the established energy hierarchy of be lean (using less energy), be clean (supply energy efficiently) and be green (use renewable energy).
99. The proposed buildings have been designed to incorporate passive measures, including by minimising air leakage through high standards of airtightness within each unit and high levels of thermal efficiency including through enhanced roof, wall and floor insulation and high performance windows and doors. The energy supply will be based on zero fossil fuel use through the installation of Ground Source Heat Pumps (GSHP) comprising 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.
100. The energy strategy would provide for 43.3 tonnes of carbon saving (76%) each year and provide a solid basis for achieving zero carbon development.
101. 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.

102. 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.

**(i) Housing Land Supply**

103. 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.
104. However, an Inspector published an appeal decision, (reference APP/E2205/W/21/3284479 - Land between Woodchurch Road and Appledore Road, Tenterden) 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.
105. 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 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.
106. On the basis of the above 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:-

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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>



- 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.'*

107. 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.

108. 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.

**(j) Habitats Regulations**

109. 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.

110. 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.

111. 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.

112. 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. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.

113. 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.
114. 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.

**(k) 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:
- (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 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.
117. 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.

118. 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 Units</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 Units] 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 Units.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any Units.</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>£6091.20</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Upon occupation of 75% of the Units.</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: £10801</p> <p>(capital only – contributions are derived from the latest</p>	<p>Upon occupation of 75% of the Units.</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 £7812  Plus  Commuted maintenance sum £5850  Indexation: BCIS General Building Cost index 2012	Upon occupation of 75% of the Units.	<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 £4848.90</p> <p>Plus</p> <p>Pitch maintenance 10 yrs £2894.45</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Upon occupation of 75% of the Units.</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, 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 £2682</p>	<p>Upon occupation of 75% of the Units</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 and COM2</b>, Public Green Spaces</p>



	'Hubs' identified in the Local Plan 2030.	Plus  Commuted maintenance £846  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	£1566  Indexation: BCIS General Building Cost index 2019	Upon occupation of 75% of the Units.	<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 assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places locally in the Borough.</p>	<p>£47.06 Per Dwelling (x18)</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the Units and balance on occupation of 50% of the Units</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 Units.</p>
10.	<p><b><u>Community Learning</u></b></p> <p>Project detail: Towards additional</p>	<p>£16.42 Per Dwelling (x18)</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 Adult Education Centre and outreach service for the additional learners from development.	Indexation: BCIS General Building Cost Index from Oct 2016	occupation of 25% of the Units and balance on occupation of 50% of the Units	<p>'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of Units.</p>
11.	<p><b><u>Libraries</u></b></p> <p>Project detail: Towards additional book stock, services, and resources for the new borrowers generated by this development.</p>	<p>£48.02 Per Unit (x18)</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	Half the contribution upon occupation of 25% of the Units and balance on occupation of 50% of the Units.	<p><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.</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</b></p>

				<b>and kind</b> considering the extent of the development and because amount calculated based on the number of Units.
<b>Other Obligations</b>				
<b>Monitoring</b>				
	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development completed.</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years.</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><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

119. 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

120. 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.

## Conclusion

121. The proposed development has been designed to address the reasons for refusal of planning application reference 21/01250/AS. Specifically, the proposed buildings would comprise a sustainable redevelopment that includes brownfield land in an accessible location. Whilst no buildings are proposed on the locally valued open space between Cross Stile and Watercress Lane I have identified that the provision of off-street parking around the periphery would result in some harm. The applicant’s case is the community has access to a sufficient quantity of open space in accordance with the requirements of the relevant policies and guidance and no objection is raised by Cultural Services with a request being made for enhancements to the quality of the retained open space within the site for the benefit of the community.
122. The benefits of the development include the social benefits in meeting a need for specialist housing in the form of accommodation for older people and for adults with learning disabilities, the aforementioned improvements to open space and the related enhancements to ecology and biodiversity and the provision of an additional flexible parking resource for existing residents.
123. 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.
124. 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 an appropriate quantum of sensitively designed car

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

125. The adverse impacts I have identified in relation to the loss of open space would not 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.
126. 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.
127. 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 Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Planning Applications and Building Control 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 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 alone or in combination with other plans or projects; and with delegated authority to the Planning Application Page 74 Building Control 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 and provision of EVC
10. Details and provision of secure cycle parking
11. 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.
12. Before and after construction of the development, highway condition survey for surrounding footway and verges
13. Provision of measures to prevent the discharge of surface water onto the highway
14. Details and provision of new roads, footpaths and raised table
15. Provision of refuse storage
16. Details of any necessary public sewer diversions
17. Details of foul and surface water sewerage disposal
18. Details and provision of SuDS scheme including verification
19. Details of renewable energy strategy, including solar PV
20. Water use not to exceed 110 litres per person per day
21. Details and provision of on-site hard and soft landscaping, including boundary treatments and allotment/growing beds
22. Details of hard and soft landscaping enhancements for Cross Stile open space, including evidence of public engagement and consultation and a timetable for delivery

23. Landscape Management Plan
24. Details and provision of external lighting strategy
25. Details and provision of biodiversity enhancement measures
26. Details of provision of Fibre to the Premises
27. Site Inspection

#### Notes

- Site subject to S106 Agreement
- 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 PA/2022/2774)

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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.

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<b>Application Number</b>	21/02120/AS
<b>Location</b>	Garages between 11 and 12, Plantation Close, Hothfield, Kent
<b>Grid Reference</b>	Easting (x) 597092; Northing (y) 145173
<b>Parish Council</b>	Hothfield
<b>Ward</b>	Upper Weald
<b>Application Description</b>	Residential development comprising of 4 dwellings, associated vehicular and pedestrian access, parking, hardstanding and landscaping and demolition of existing garages.
<b>Applicant</b>	Assistant Director Housing Sharon Williams (ABC)
<b>Agent</b>	Mr Asri Asra
<b>Site Area</b>	0.16 hectares (approx. 1600sqm)

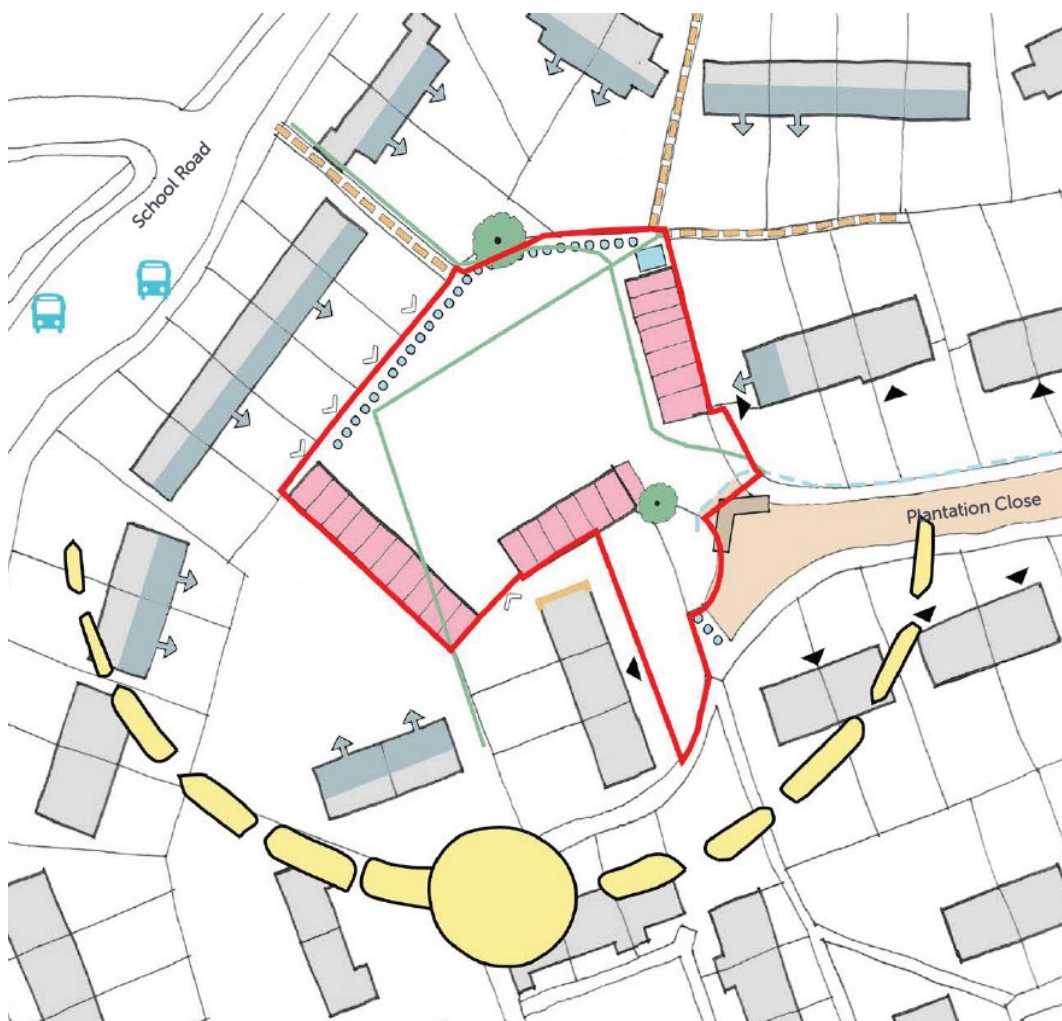
## Introduction

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.

## Site and Surroundings

2. The application site is approximately 0.16 hectares (ha) and located within the village of Hothfield. It comprises 22 garages arranged in three rows around a turning head at the end of Plantation Close. A total of 14 of the garages are let. The surrounding area is predominantly residential in nature with dwellings adjoining the site to the north, south, east, and west.
3. Plantation Close is a cul-de-sac accessed from Coach Drive. The site is a short walk from the local school, post office and village hall. The nearest bus stops are on either side of School Road, a 1-minute walk away, serving a bus route between Biddenden to Ashford Town Centre.
4. The properties to the northwest of the site on School Road are predominantly 2 storeys terraced housing, with bungalows adjacent to the east and south of the site on Plantation close. The surrounding residential houses were developed in the 50s/60s, with a few older farmhouses in the wider area. The existing garages on the site were built towards the end of the 1970s.

5. The garages are accessed via Plantation Close or via the public footway from School Road. The site also includes area in front of no's 9-11 Plantation Close at the end of the turning head. Rear gardens to the adjacent houses on School Road directly faces the site along the northwest corner. A number of the houses have direct rear garden access (via gates) to the site and have utilised the site for informal vehicular parking. A substation, enclosed by steel fencing, is located to the north of the site; at the end of a row of garages.
6. The site is largely level with a slight slope downward (approximately 0.4m) from the northwest. The area free of garages abuts rear gardens that are enclosed by a combination of boundary treatments including close boarded timber fence and gates, low level brick wall, railings and planting/shrubs.
7. A site location plan is as shown in Figure 1 below.



**Figure 1: Site Location Plan**



**Figure 2: Aerial View**

### **Background and Proposal**

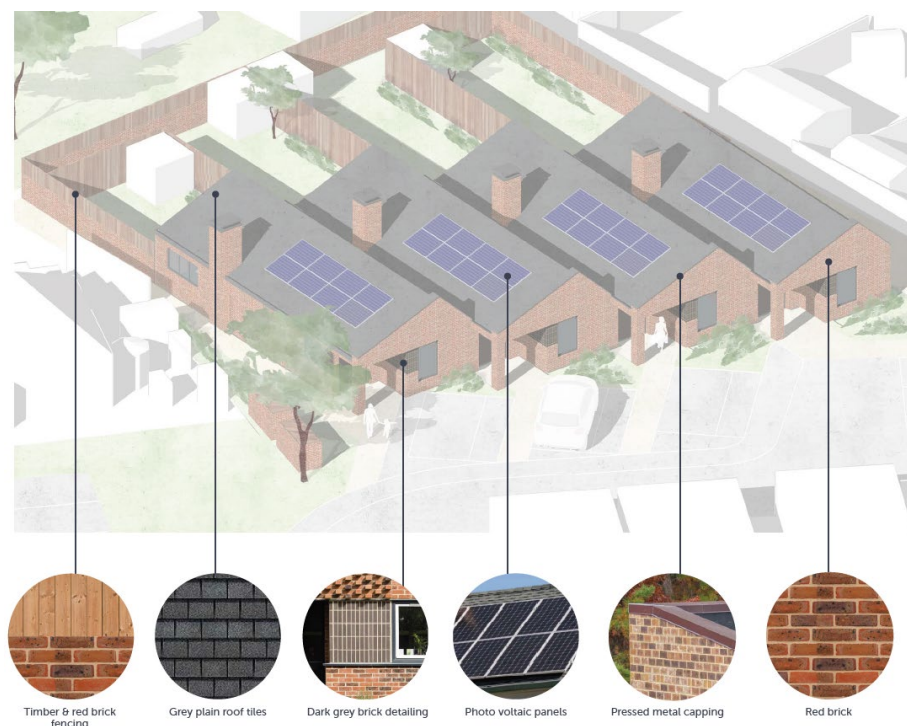
8. The application seeks planning permission for the demolition of 2 rows of garages (16 out of 22) and the construction of 4 single storey one bed terraced dwellinghouses arranged in a staggered fashion to the western side of the turning head. The proposed dwellings will be wheelchair accessible and affordable. With regard design, the proposal would have shallow asymmetric pitched roofs and would be finished in red brick, grey brick (horizontal banding to create interest), dark grey powder coated aluminum fenestration and a grey tiled plain roof. The driveways and privately maintained access road would be block paved. The dwellings would be set back approximately 1.2m from the boundary with neighbouring dwellings to the southeast and 2.4m from the boundary to the northwest.
9. The proposal seeks to utilise the existing access via Plantation Close. A new shared surface street is proposed to serve the proposed 4 new homes and associated vehicular and pedestrian access requirement. To ensure legibility and safety for pedestrians, a 1.5m wide delineated shared surface footway is proposed connecting the existing public footpath from School Road to the footway adjacent to no.12 Plantation Close. The existing pedestrian access for adjacent properties to the northwest and southeast of the site would be retained and combined with rear garden access for the proposed homes.
10. It would make provision for one disabled space per dwelling to the front of each unit and two visitor parking spaces, providing a total of six spaces to meet the needs generated by the future residents of the development. Further to this, 6

garages would be retained and to further alleviate parking on the existing turning head, new parking adjacent to no 9-11 Plantation Close is also proposed (3 parking spaces). Other offsite works include provision of dropped kerbs to Council owned properties in Plantation Close.



**Figure 3: Block Plan**





**Figure 4: Elevations and materials**

## Planning History

- The site has a history of use as agricultural land, until its development to domestic garages in the late 1970s.
- The site does not have any relevant planning history.

## Consultations

11. 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 the properties in the vicinity of the application site.
  - KCC Highways – no objection raised.
  - KCC Ecology – Due to the lack of habitat features on-site/habitat connectivity, we are satisfied that there is unlikely to be any protected species/biodiversity interest. No objection has been raised. An informative and condition requiring submission of an ecological enhancement plan is recommended to be attached to the permission.
  - ABC Environmental Protection – no objection raised subject to conditions in relation to EV Charging, land or groundwater contamination, unexpected contamination and an informative in respect of construction hours.

- Hothfield Parish Council - Hothfield Parish council are content with this application and welcome the commitment to residents for proposed dropped kerb and hardstanding improvements to Plantation Close to help alleviate the loss of a parking area. However it is felt that further consideration should be given to demolishing some or all of the remaining garages with a view to providing allocated parking as required by the new development and existing householders (including residents of Common Way) not able to make use of a drop kerb arrangement.

## Neighbours

6 letters of representations received objecting to the planning application and raising the following matters:

- Increase in pressure of parking in the area on surrounding roads
- Would block right of way leading from no.10 School Road
- Construction traffic would be nightmare for residents
- Will make the quiet cul de sac very noisy and dangerous for our children whilst building work is going on
- Removal of the said car park will also deny access to the foot paths/alleyways leading to the car park and public transport.
- It would remove access to the Footpaths through the village and access to the public transport.

## Planning Policy

12. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
13. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
14. The Local Plan polices relevant to this application are as follows:
  - SP1 Strategic Objectives
  - SP2 The Strategic Approach to Housing Delivery
  - SP6 Promoting High Quality Design
  - HOU3a Residential Windfall Development
  - HOU12 Residential Space Standards (internal)
  - HOU14 Accessibility standards

- HOU15 Private external open space
- ENV1 Biodiversity
- ENV7 Water Efficiency
- ENV9 Sustainable Drainage
- TRA3a Parking Standards for Residential Development
- TRA6 Provision for Cycling
- EMP6 Promotion of Fibre to the Premises (FTTP)

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

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

- Fibre to the Premises SPD, 2020
- Dark Skies SPD, 2014
- Residential Space and Layout SPD, 2011
- Sustainable Drainage SPD, 2010
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010

#### **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
- Kent Downs AONB Landscape Design Handbook
- Kent Downs AONB Management Plan 2021-2026

#### **Government Advice**

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance
- National Design Guide 2021
- Technical Housing Standards – nationally described standards
- Article 6(3) of the Habitats Directive; Habitats Regulations 2017

### **ASSESSMENT**

16. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Five Year Housing Land Supply
- Character and Appearance
- Impact on Highways

- Impact on Residential Amenity
- Impact on Ecology
- Stodmarsh Catchment Area

### **Principle of development**

17. The site lies within the settlement confines of Hothfield on previously developed land and is bounded by existing residential development. The proposal is a relatively modest scale which ensures the proposal can be satisfactorily integrated into the existing settlement. Therefore, the proposal, being compliant with HOU3a (Residential Windfall Development Within Settlements), is acceptable in principle provided the relevant criteria under Policy HOU3a are met. The criteria include the impact upon the character and appearance of the area, impact on the residential amenity of neighbouring dwellings, and undue impact on landscape, highway impact or ecology – all considered below.
18. The Strategic Housing Market Assessment (SHMA), updated in January 2017, sets out a need for 368 new affordable dwellings per year. The SHMA indicates that there will be a shortfall in all affordable housing if reliant upon open market schemes delivery through planning policy, especially a large shortfall of social and affordable rented homes. Ashford borough is growing significantly and this will have a proportionate effect on the demand for affordable housing. It is understood that by October 2017 there were 1668 live households registered with an increasing level of applications each month. In conclusion, there is an identified need for affordable housing in Ashford. Therefore, the proposed provision of 4 affordable homes would provide a significant social benefit and make a contribution towards this identified need. Should planning permission be granted, this element of affordable housing would be secured by a suitably worded condition.

### **Five Year Housing Land supply**

19. 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<sup>[1]</sup>. The statement concludes that the Council can demonstrate 4.54 years' supply of land for housing.
20. Recent appeal decisions have found the housing land supply in a range between the July 2021 update and 3.5 years. With this being the case the Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged. Paragraph 11(d) of the NPPF states:

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<sup>[1]</sup> Five Year Housing Land Supply Position Statement [Five Year Housing Land Supply Update 2021-2026](https://www.ashford.gov.uk)  
([ashford.gov.uk](https://www.ashford.gov.uk))

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

21. However, paragraph 11(d) criterion (i) is subject to *footnote 7* of the NPPF. *Footnote 7* lists the policies in the NPPF that protect areas or assets of particular importance. The policies referred to include those in the Framework relating to habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest.
22. For the reasons specified, it is the Council’s position that, for the purposes of determining this application, *footnote 7* is clearly applicable, and thus would disengage the ‘tilted balance’ towards the grant of planning permission where a 5 year housing land supply cannot be demonstrated contained within paragraph 11 (d). However, as planning permission will only be granted if a favourable Appropriate Assessment is in place, the tilted balance would be academic and would not be relevant to the decision. It would only be relevant if the application were to be refused on other grounds but with the nutrient neutrality issue satisfactorily addressed.
23. In this particular case, it is considered that the application is consistent with the Development Plan but the position on 5-year housing land supply only serves to reinforce the recommendation.

### **Character and Appearance**

24. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance, such as village design statements.
25. The Character Appraisal of the area (i.e. study of the local vernacular, proportions and materiality) has been carried out. It is noted that the majority of the neighbouring houses are bungalows and semi-detached houses dating back to around the 1950s/60s. Aside from the older farm houses further away from the site, the houses surrounding Plantation Close are fairly uniform although there are slight variations in respect of detailing and porch designs. In respect of roof forms, it comprises a mix of hip, side gable and mansard roof with shallow pitches. The key elements include entrance porches, headers above windows and brick chimneys. In terms of the materials palette, it is

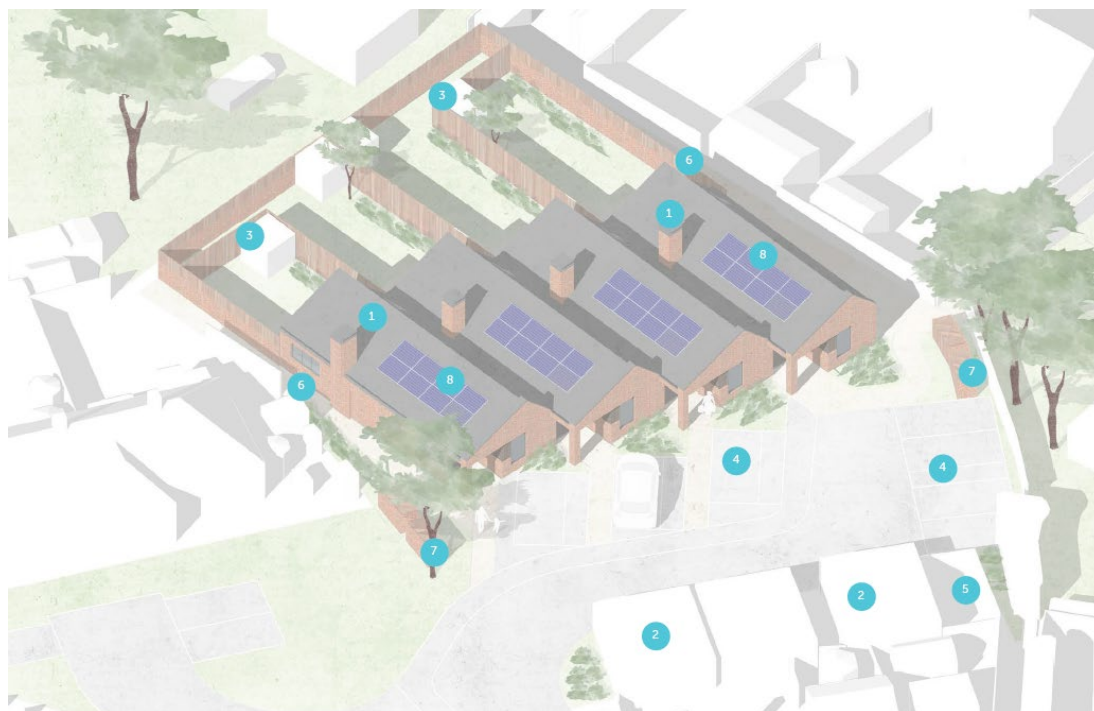
predominantly brick with variation in brick colour, UPVC/metal fenestration and tiled roofs.

26. The proposal is for the erection of 4 single storey one bed terraced dwellinghouses arranged in a staggered fashion. They have been designed to M4(3) Wheelchair standards. The dwellings would be finished in red brick, dark grey powder coated aluminium fenestration, grey brick detailing (horizontal banding detail) and a grey tiled roof. The dwellings would have asymmetrical shallow pitched roofs with recessed entrance with roof oversailing above thereby forming a covered porch. This asymmetric roof form, and horizontal grey brick detailing to entrance porches and raised parapets adds a crisp and contemporary feel to an otherwise quite traditional building form.



**Figure 5:** Front elevation

27. External refuse store of brick and timber construction for each property has been proposed either side of the terrace to minimise impact on the elevation. The small areas of landscaping proposed to the front of each unit would help improve the streetscape as well as provide some relief area between the homes, parking spaces and footpaths.



**Figure 6:** Roof and garden view

28. In respect of landscaping, private external amenity for each dwelling is proposed in the form of a secure, rear garden and has been designed to allow for a sitting out area, clothes drying area, small shed and area of play as well as space to plant shrubs and small trees. Where rear garden walls face onto public footpaths, they will be of brick construction (1200mm) with timber fencing above (600mm). All existing boundary treatment such as rear garden fences and gates of no 10-18 School Road would be retained. Where existing garages forming boundary treatment with adjacent houses are demolished, new brick walls of similar height are proposed to retain existing amenity and sense of enclosure currently enjoyed by the neighbouring properties.
29. Having regard to the above, it is considered that the design of the proposed development would be of a good standard and consistent with the established development within the wider area. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, HOU3a of the Local Plan and paragraph 130 of the National Planning Policy Framework.

### **Residential Amenity**

30. The application site has an irregular shape, constitutes backland development and is surrounded by houses on all sides with an access via Plantations Close. It is noted that regard has been had to the residential amenity of the neighbouring occupiers and appropriate separation distances have been retained between the proposed dwellings and the neighbouring properties. Having regard for the sufficient separation distances, it is not considered that

the proposed development would cause loss of light, sense of enclosure or overshadowing to the neighbouring occupiers. Also, regard has been had to ensure that there is no unacceptable loss of privacy to the neighbouring occupiers.



**Figure 7:** Separation distances

### **Living conditions of the future occupants**

31. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. The proposed units, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. The dwellings would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. Each dwelling would have adequate external amenity area or access to communal areas. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

### **Impact on Highways**

32. Policy TRA3(a) requires that development to provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It requires a 1 bedroom house to provide 1 parking space, 2 and 3 bedroom houses will be expected to provide 2 spaces per unit; and 4 bedroom houses will be expected to provide 3 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces.



33. The parking requirement for 4 dwellings would therefore be 4 car parking spaces plus 1 visitor space. The proposal would make provision for 1 disabled parking space per unit (4 spaces in total) plus 2 visitor parking spaces. The disabled parking spaces would be equipped with EV Charging facilities. It is understood that these would be provided via a wall mounted socket charging point (such as a Solo Smart Charger) fixed onto the side external wall adjacent to the front entrance for three of the properties, with one of the properties EVC to be provided via a stand to minimise trailing cables across public footway. The proposal would therefore comply with policy TRA3a of the local plan and paragraph 112 of the NPPF.
34. Cycle parking has been provided in line with ABC Local Plan 2030 Policy TRA6. A garden shed with capacity for 2no cycle spaces has been allowed for within the rear garden of the dwellings. Furthermore, direct pedestrian external access is proposed to the rear of each garden; via the northwest footpath for Plots 03-04 and via the southeast footpath for Plots 01-2, which means any bicycles do not have to be taken through the dwelling to access the highways.
35. A layby for maintenance vehicles for the substation is proposed in the scheme directly adjacent to the substation. Swept path analysis has been carried out which demonstrate that a refuse vehicle, pantechnicon and fire tender will be able to serve the dwellings on street and swept path analysis has been provided to show a refuse vehicle can turn at the end of Plantation Close. Site investigation has noted that the existing turning head at the end of Plantation Close is sometimes utilised for informal parking for the adjacent dwellings and has resulted in refuse lorry utilising the existing parking/garage area for turning. Therefore, to ensure that the turning head at the end of Plantation Close is kept clear at all times for refuse and emergency services, the proposal seeks to provide three marked parking bays in front of no 9-11 Plantation Close. It is necessary to clarify that these three marked parking bays would be in addition to 6 parking spaces provided for the future occupants.
36. In respect of internal pedestrian links to the existing network on Plantation Close, new shared surface street is proposed to serve the proposed dwellings and associated vehicular and pedestrian access requirements. To ensure legibility and safety for pedestrians, a 1.5m wide delineated shared surface footway is proposed connecting the existing public footpath from School Road, across the front of the houses and cross to the footway adjacent to no.12 Plantation Close. Further, a footpath is proposed to the north and south of the houses to provide access to rear gardens of new houses as well as existing houses on School Road and Plantation Close.
37. Regard must also be had to whether the loss of garages would result in an unacceptable impact on the highway network. Paragraph 110 of the NPPF states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

38. A public consultation exercise was carried out prior to the submission of the formal application. Whilst concerns were raised in respect of the loss of the garages, efforts have been made to ensure that the impacts arising as a result of this loss of garages are the minimum required. A garage survey was undertaken by Ashford Borough Council (ABC). Owners of the existing 22 garages were contacted, and of these, 8 responded expressing the view that they use their garage currently, and would like to continue to have a space to park their car. Therefore, only limited number responses have been received from the current occupants of the garages.
39. A survey has been carried out on the site to confirm how many of the existing garages are in use for parking. It is noted that out of 22 garages in Hothfield Close, 8 were vacant and 14 rented. To assess the frequency of use, cameras were set up at the site access by K&M Traffic and these monitored the level of movements into and out of the site for a 24 hour period on Wednesday 16th June, Thursday 17th June and Saturday 19th June 2021. The results of this survey showed that only three of the garages were used for parking on the Wednesday, Thursday and on the Saturday. It is however noted that there were additional vehicles entering and exiting the site across all three days and these were associated with parking on the hardstanding. The maximum parking accumulation across the three days on the hardstanding was 22 vehicles.
40. An overnight parking stress survey was completed on Wednesday 16th June and Thursday 17th June 2021 by K&M Traffic Surveys. The survey was carried out in accordance with the Lambeth methodology to assess the road network within a 200 metre walk distance of the site frontage. The survey demonstrated that there were 49 observed free parking spaces on the Wednesday night and 43 observed free parking spaces on the Thursday night. The existing site contains 22 garages; however the above survey shows that only three of the garages are in use for parking and the maximum number of vehicles on the hardstanding was 22. A total of 25 vehicles will therefore be displaced and the above survey demonstrates that there is adequate on street parking to accommodate these displaced vehicles. Even if all garages were in use, excluding the six to be retained, then a maximum of 16 cars would be displaced as a result of the proposals. The above also shows that a maximum of 22 vehicles currently park on the hardstanding. A total of 38 vehicles could therefore be displaced, however as the survey demonstrated, these vehicles could be accommodated on street.
41. Further information has been provided in respect of the garage sites within Hothfield. There are three garage sites in proximity to the application site within Hothfield. The stats for each garage site is as stated below:

Plantation Close – 8 Void of 22 garages (14 rented)  
Beech Drive - 1 Void  
Sackville Close – 4 Voids  
Thanet Terrace – 11 Voids

The above makes it evident that there are surrounding garages where there is capacity for the existing demand to be easily absorbed.

42. In the light of the above, it could be reasonably be concluded that the demolition of the existing garages and the development of four residential dwellings would not have a detrimental impact on the existing on-street parking provision i.e. the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network (relevant test in the NPPF) and would therefore accord with paragraphs 110 and 111 of the NPPF.
43. Further to the above conclusions, it is necessary to state that the off-site works include dropped kerbs to be provided to 10 no's ABC owned homes on Plantation Close with a view to reduce any parking stress in the area. However, having regard for the findings within the number of surveys as presented above, it is not considered that the proposed loss of garages would cause unacceptable highway impact. Therefore, it is considered that it would not be reasonable to impose a condition to require such a provision i.e., it would fail to meet the six tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects) for the use of conditions as set out in the Planning Practice Guidance.
44. KCC Highways have made provided no comment in respect of the proposals. Notwithstanding this, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, conditions should be attached to ensure that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). In respect of off-site works, a condition is recommended to be attached requiring completion of highway improvements of new improvements (dropped kerbs) as shown on the drawing 15761-H01-rev P3 to be implemented prior to first occupation of the dwellings.

#### **Stodmarsh Catchment Area**

45. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
46. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.

47. The importance of this advice is that the site falls within the Stour catchment and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission.
48. 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 Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.
49. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
50. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
51. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), it is recommended 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) 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.

### **Impact on Ecology and Trees**

52. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great

crested newts could be expected. The application site is in a rural location. The application has been supported by a Phase 1 Habitat Survey.

53. KCC Biodiversity have been formally consulted on the application. They have advised that “due to the lack of habitat features on-site/habitat connectivity, we are satisfied that there is unlikely to be any protected species/biodiversity” interest.” In light of the above, the impact on ecology is considered acceptable.
54. The application has been accompanied by a tree survey. A total of 4 individual trees and 3 small groups were inspected, ranging from under 15-60 years of age and all planted or self seeded since the estate was developed. All the surveyed trees are located in adjoining gardens. One tree, T3, Alder graded as Category U is at risk of collapse in to the site by virtue of its poor condition. healthy with most having considerable future growth potential. The Tree Constraints Plan has been included with the report produced provides guidance on the potential influence above and below ground elements of trees could have on any redevelopment proposals. Overall, no significant effects are envisaged on the nearby trees as a result of the proposed works. Therefore, the impact on existing trees is considered acceptable.

### **Human Rights Issues**

55. 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).

### **Conclusion**

56. The application site meets the definition of previously developed land (PDL) as defined at Annex 2 of the NPPF. NPPF strongly advocates the use of PDL where possible. Therefore, having regard for the merits of this case, it is considered that the use of the site for the creation of 4 affordable dwellings of a good standard would provide a significant benefit to the community together with making the most efficient use of previously developed land. It would enhance the character and appearance of this part of the village. It would cause no harm to the residential amenity of the neighbouring occupants or the highway safety and is considered acceptable in all other material respects.

## **Recommendation**

### **Permit**

- A. 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 their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Planning Applications and Building Control 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 and any associated issues relating thereto; and,
- B. 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. 3-year standard time-limit condition
2. Approve Plans condition
3. Affordable Housing
4. Construction Management Plan
5. EV Charging Points
6. Land Contamination
7. Unexpected Contamination
8. Parking and turning space to be provided
9. Bicycle Storage
10. Bin Storage
11. Sustainable Drainage Scheme
12. Material samples
13. Landscaping scheme
14. Reveals of 100mm
15. Remove PD rights
16. Biodiversity enhancement scheme
17. Broadband
18. Site inspection

### **Notes to Applicant**

1. Working with the Applicant

2. List of plans / documents approved
3. Breeding Birds informative

### **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 21/2120/AS)

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<b>Application Number</b>	PA/2022/2393
<b>Location</b>	Land East of 79, Torrington Road, Ashford, TN23 7TG
<b>Grid Reference</b>	Easting (x) 601265; Northing (y) 141707
<b>Parish Council</b>	N/A
<b>Ward</b>	Norman
<b>Application Description</b>	Change of use of part of the derelict industrial former Coneybeare Site (Class B2) to be used for a community sheds project (Sui Generis). Locating of two shipping containers for use in association with the community sheds project.
<b>Applicant</b>	Assistant Director Housing Sharon Williams (ABC)
<b>Agent</b>	Mr Daniel Scarsbrook (ABC)
<b>Site Area</b>	551sqm

## Introduction

1. This application relates to a Community sheds project proposed by Ashford Borough Council.

## Site and Surroundings

2. The application site is land approximately 551sqm in size located to the east of Ashford Muslim Community Centre, at 79 Torrington Road. The site is predominantly of hard landscaped with an area of soft landscaping running parallel to the East Stour River bank. There is a mature Willow tree to the east of the site and hedging to the boundary with Torrington Road. A Public Right of Way (PROW AU88) crosses adjacent to the western boundary of the site.
3. The site is secured on three sides by metal palisade fencing and brick wall, while the eastern boundary is the East Stour River. There are metal palisade gates to the north and southern boundaries, two 1m wide for pedestrian access and a double set of gates 4m wide for vehicular access.
4. A site location plan is as shown in Figure 1 below.



Figure 1: Site Location Plan

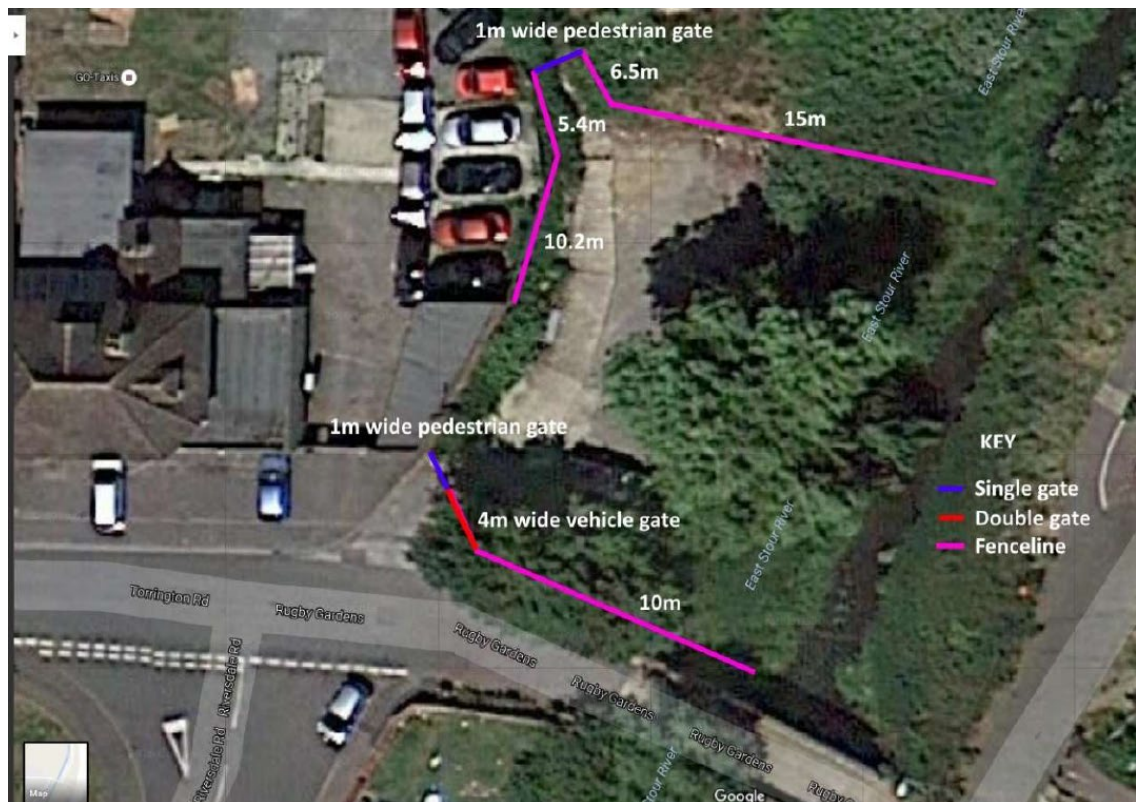


Figure 2: Aerial View



Figure 3: Street view

### Background and Proposal

- The application seeks planning permission for a change of use of a former derelict industrial site (former Coneybeare Site - Class B2) to be used for a community sheds project (Sui Generis). To facilitate the use, two shipping containers and a portable toilet are proposed on the existing hard surface. The proposal would utilise the existing access with two new car parking spaces proposed to the existing hardstanding area. It is anticipated that these parking spaces would be utilised for people with mobility difficulties.

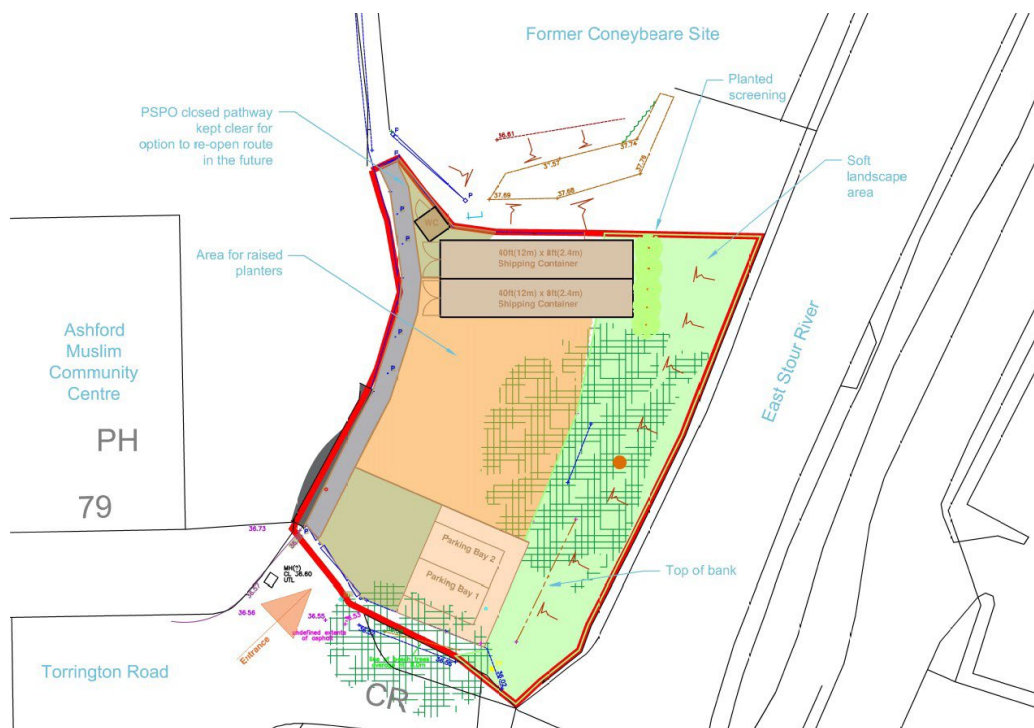


Figure 4: Block Plan

6. The Community Shed Project is an initiative to provide a facility where people can regularly meet, talk, share practical skills in gardening and making/repairing things either for themselves or for others, and come away feeling fulfilled. It is understood that as this project develops and evolves, future improvements to the facilities are envisioned including new community sheds and connecting the site to mains water, sewers and electrics. The idea behind the Shed Project is to share and learn new skills and help the community.

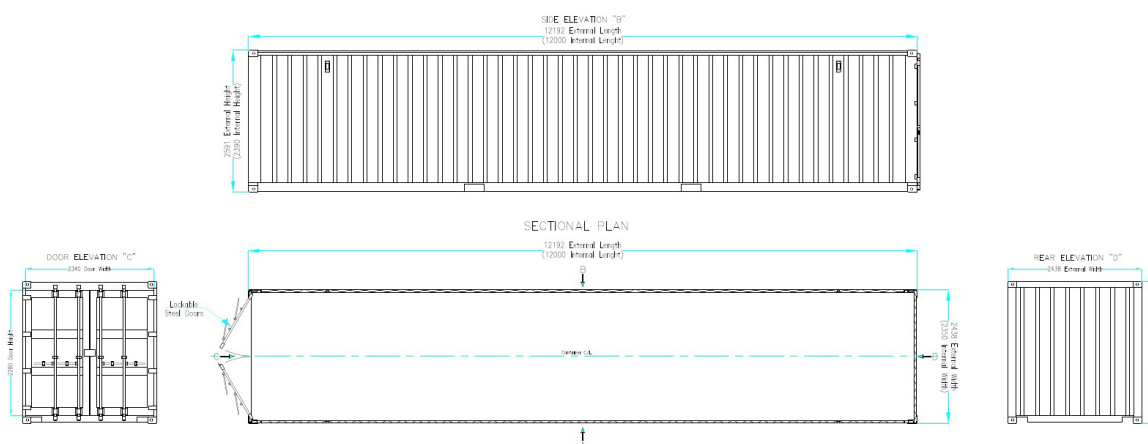


Figure 5: Shipping Container plans and elevations



Figure 6: Image of typical Shipping Container



Figure 7: Portable Toilet Block

### Planning History

- 16/01646/AS – Erection of 2.4m palisade fencing and gates. Approved.

### Consultations

- KCC Highways – no objection raised.

### Neighbours

- No representations received.

### Planning Policy

7. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
8. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
9. The Local Plan polices relevant to this application are as follows:
  - SP1 Strategic Objectives
  - SP2 The Strategic Approach to Housing Delivery

- SP6 Promoting High Quality Design
- ENV1 Biodiversity
- ENV 2 Ashford Green Corridor
- ENV 6 Flood Risk
- TRA3b Parking for Non-Residential Development
- TRA6 Provision for cycling
- COM1 Meeting the Community's needs

### **Government Advice**

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance
- National Design Guide 2021

### **ASSESSMENT**

10. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Character and Appearance
- Impact on Highways
- Impact on Residential Amenity
- Flood Risk

### **Principle of development**

11. The site lies within the settlement confines of Ashford. It seeks permission to change the change of use former derelict industrial site (former Coneybear Site - Class B2) to be used as a community facility (Sui Generis). The site will include raised planters and soft landscaping utilised for planting which will both improve the appearance of the site and encourage biodiversity. Also, the project would bring the community together, improve health and wellbeing. The proposal is in line with Local Plan aspirations and therefore the principle is considered acceptable.

### **Character and Appearance**

12. The site is located on the edge of a residential area. There is a pub over the river bridge to the east and the immediate neighbours to the west are Ashford Muslim Community Centre. The Ashford Green Corridor runs south to north on the east side of the site. The river bank and cycleway on the opposite side of the river is classed as Open Space. Beyond this, there is a car park and the A2042. The Rugby Gardens Bridge also provides pedestrian access to The Outlet Shopping Centre.

13. The proposal is for a change of use to transform waste ground into a community gardeners sheds project. The land appears to have been a vehicle access route

through to the Coneybeare site. The two shipping containers and a portable WC would be sited to the north and placed side by side whilst allowing the southern part of the site to be used for raised planting beds. It is understood that the shipping containers would be used as storage. The shipping containers would be typical metal corrugated containers painted dark green.

14. In respect of the visual impacts, as the project evolves in an organic fashion with the site covered in raised planter beds, it would significantly enhance the character of the site and improve biodiversity. The proposal seeks to retain the existing trees on the site. A suitably worded condition could be attached to secure the retention of the existing trees. Whilst the shipping containers and the portable WC would be visible from the public realm, it is not considered that it would cause undue harm to the character and appearance of the streetscene. Therefore, the proposal would comply with paragraph 130 of the NPPF.

### **Impact on Highways**

15. The proposal would make provision for two car parking spaces within the site on the existing hardstanding. The site lies within easy walking distance to the bus stops and train station. Also, on-street parking is prevalent in the area. The D&A submitted with the application makes it apparent that 4-10 members would use the site any given point. Therefore, the proposed use of the site for community sheds project would not result in undue pressure of parking or traffic in the area.
16. Sustainable transport modes, including walking and cycling, are possible given the site's urban location and high levels of accessibility. There would be no impact on the PROW and cycles can be stored in the storage shipping container. It is therefore considered acceptable in terms of highways impact.

### **Residential Amenity**

17. In respect of the residential amenity, it is not considered that the proposed change of use from industrial use Class B2 to Sui Generis (Community Sheds Project) would cause harm to the residential amenity of the neighbouring occupants. A suitably worded condition could be attached to ensure that the site is used for approved purposes only.

### **Flood risk**

18. The site lies within flood risk zones 2 and 3. Environment Agency Standing Advice Annex 3 Flood risk vulnerability classification sets out what development types would fall under Essential Infrastructure, Highly Vulnerable, Low Vulnerable and Water Compatible developments. According to the EA standing advice, the proposed development would fall under water compatible classification. Therefore, having regard for the advice above, given the limited area of land under consideration and the nature of the use of the site, it was not considered necessary to obtain a site-specific flood risk assessment in this

instance. It is a general practice to require an evacuation plan in case of major flood events however, given that the site is open and the members using the site would be working on the ground level in the open area, it is not considered reasonable to attach such a condition in this instance. Overall, the proposal is considered acceptable in terms of the impacts from the risk of flooding.

### **Human Rights Issues**

19. 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).

### **Conclusion**

20. The proposed change of use from Class B2 to Sui Generis is considered acceptable and would not cause harm to the character and appearance of the street scene. By virtue of the nature of the proposal it would cause no harm to the residential amenity of the neighbouring occupants and is considered acceptable in all other material respects.

### **Recommendation**

#### **Permit**

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

**(with delegated authority to the Strategic Development and Delivery Manager or Planning Applications and Building Control Manager to make or approve**



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

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

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

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

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

3. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the commencement of use of the approved development for its permitted use.

a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work).

b) If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

4. The premises/site shall be used for The Community Sheds Project and for no other purpose, including any other purpose in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** In order to preserve the amenity of the locality.

5. 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.

### **Notes to Applicant**

1. Working with the Applicant
2. List of plans / documents approved

### **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 PA/2022/2393)

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**Telephone:** (01233) 330683

<b>Application Number</b>	22/00567/AS	
<b>Location</b>	Land between 10 and 13, Heathside, Appledore, Kent	
<b>Grid Reference</b>	595457/130453	
<b>Parish Council</b>	Appledore	
<b>Ward</b>	Isle of Oxney	
<b>Application Description</b>	Erection of 1 (no) block of flats comprising 4 (no) apartments including associated vehicular and pedestrian access, parking and landscaping	
<b>Applicant</b>	Ms Sharon Williams, Ashford Borough Council Housing Services	
<b>Agent</b>	Ms A Asra, BPTW, 40 Norman Road, Greenwich, London, SE10 9QX	
<b>Site Area</b>		
(a) 12/4R	(b) Appledore R	(c) KCCE X, KCC H&T X EH X

## Introduction

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

## Site and Surroundings

2. The application site comprises an irregularly shaped, open, parcel of land that lies between Nos 10 and 13 Heathside, within the built up confines of Appledore Heath. Located on the edge of the settlement with agricultural fields, open countryside to the east, the site is not subject to any landscape restrictions and lies within the Old Romney Shorelines Settlement Landscape character area, where the overall guidelines for the area are to conserve the landscape.

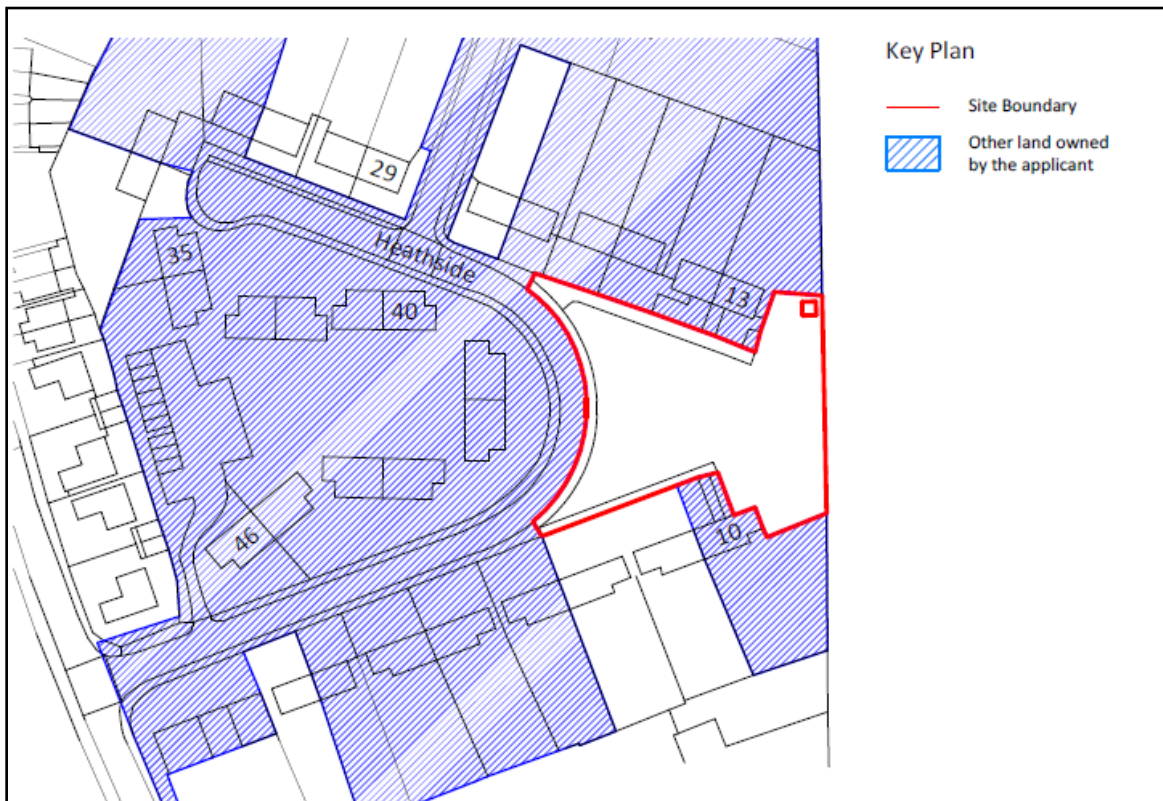


Figure 1: Site Location

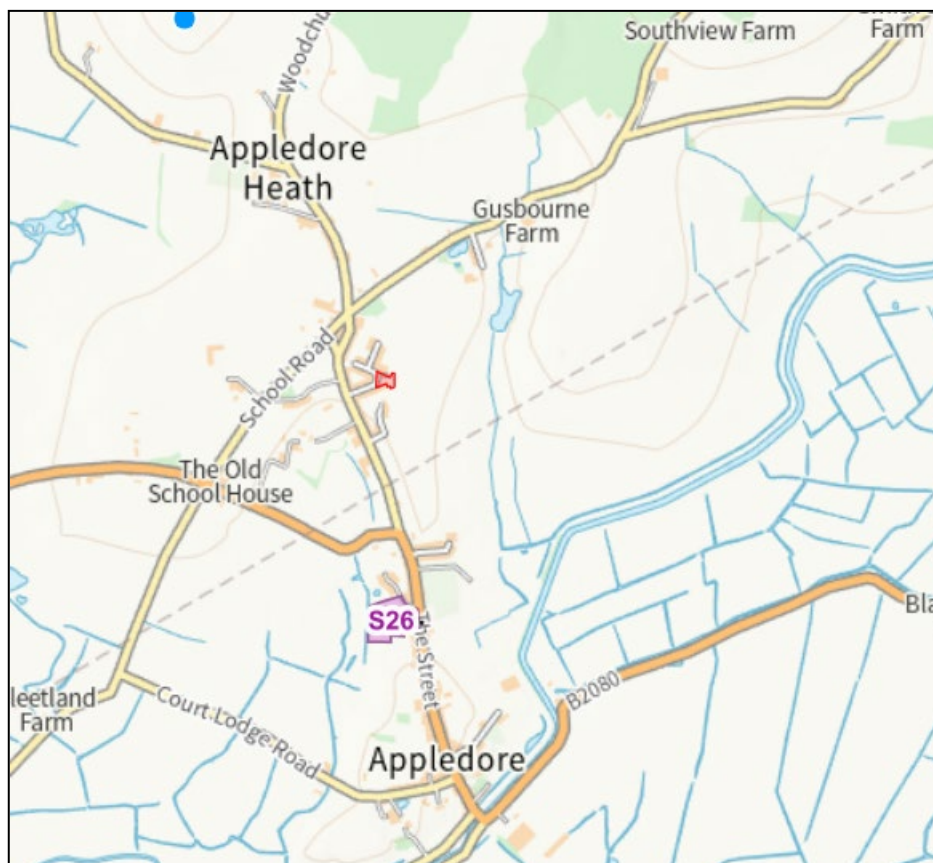


Figure 2: Site is relation to nearest settlements  
Page 120

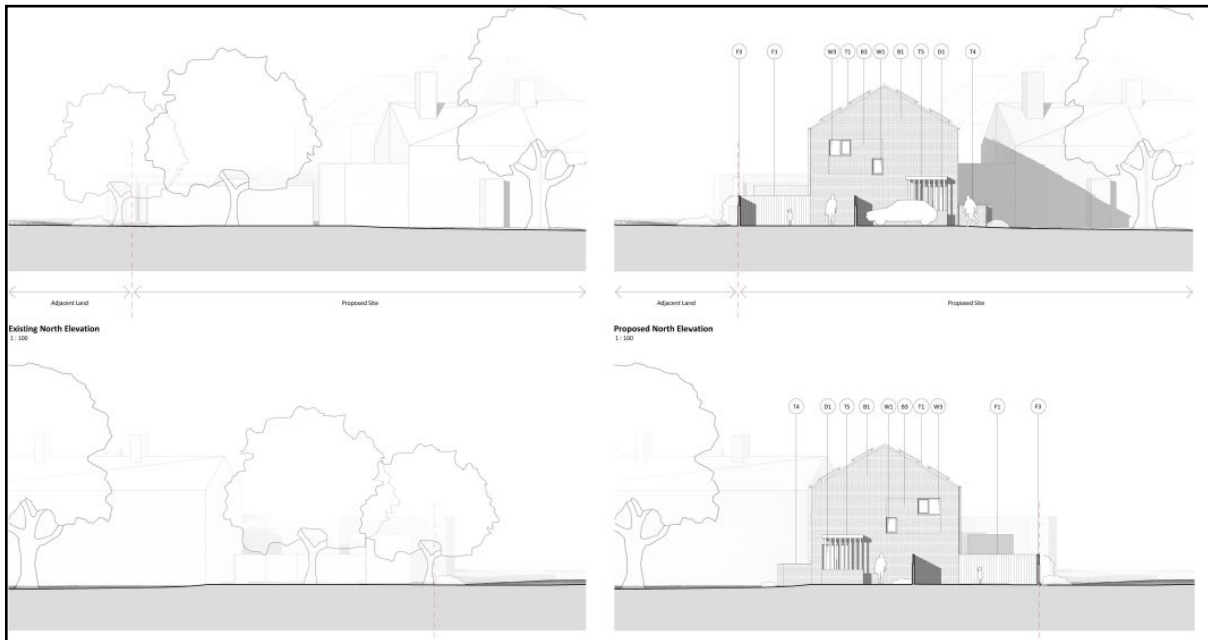
## Proposal

3. Planning permission is sought for the erection of a single two-storey block of flats comprising 4 one-bedroom 2 bed space units (2 flats on the ground floor and 2 flats on the first floor), with associated vehicular and pedestrian access, parking and landscaping.
4. Facing west is a small area of open space which the access road to the proposed flats would loop around. 10 car parking spaces are proposed in total, with 4 dedicated bays for the residents of the proposed flats located directly in front of and adjacent to the building, a dedicated bay for no.10 Heathside, and 5 visitor spaces on the turn of Heathside (west of the site).
5. The form and massing of the block has been designed to closely match that of the adjacent houses with a simple gable-pitched roof form with entrance doors to ground floor flats located at the front of the building. Front doors to first floor flats are to be located to the side and external canopies are provided to denote and give focus to the side entrances.
6. A muted material palette comprising grey plain roof tiles, red bricks, and dark beige windows with double soldier brick detail is proposed along with solar panels on both the front and rear roof slopes.
7. Private external amenity space for each flat is proposed in the form of a secure rear garden with direct access from each unit. Two existing category B Elm trees in the centre of the open space are to be retained with one category B Norway Maple tree to be removed. 3 new trees are proposed within the green space opposite the building.

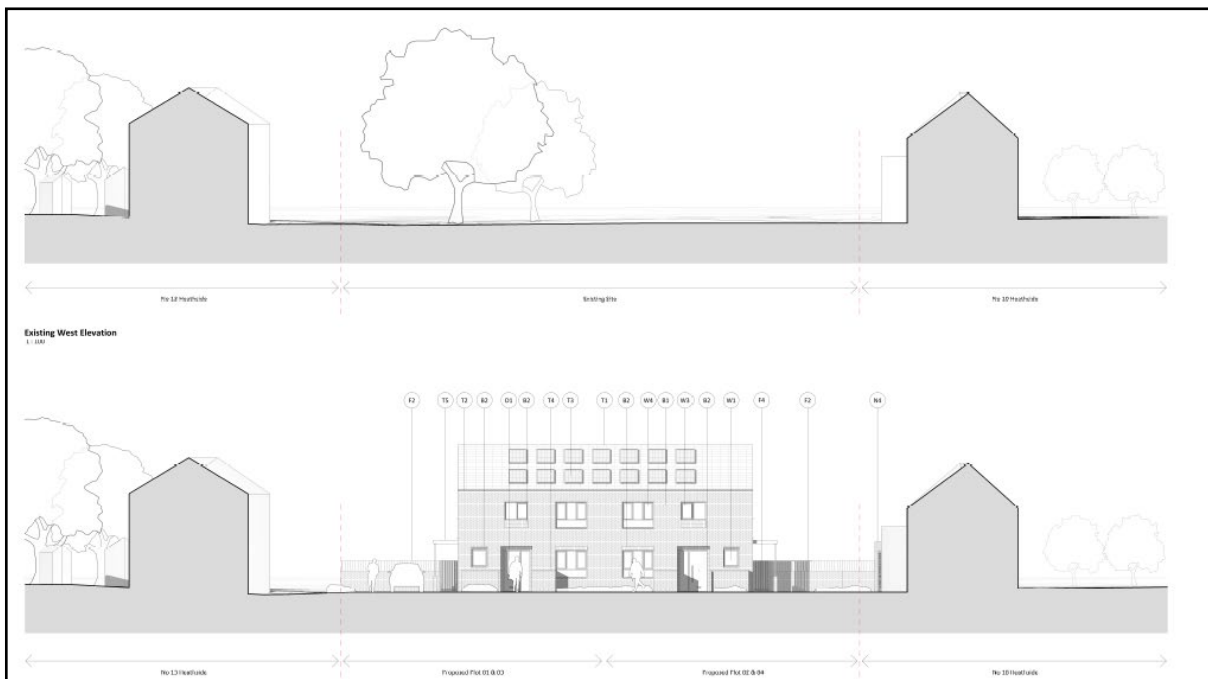


Figure 3: Existing Street View





**Figure 6: Existing and Proposed Elevations North and South Elevations**



**Figure 7: Existing and Proposed Elevations West Elevation**

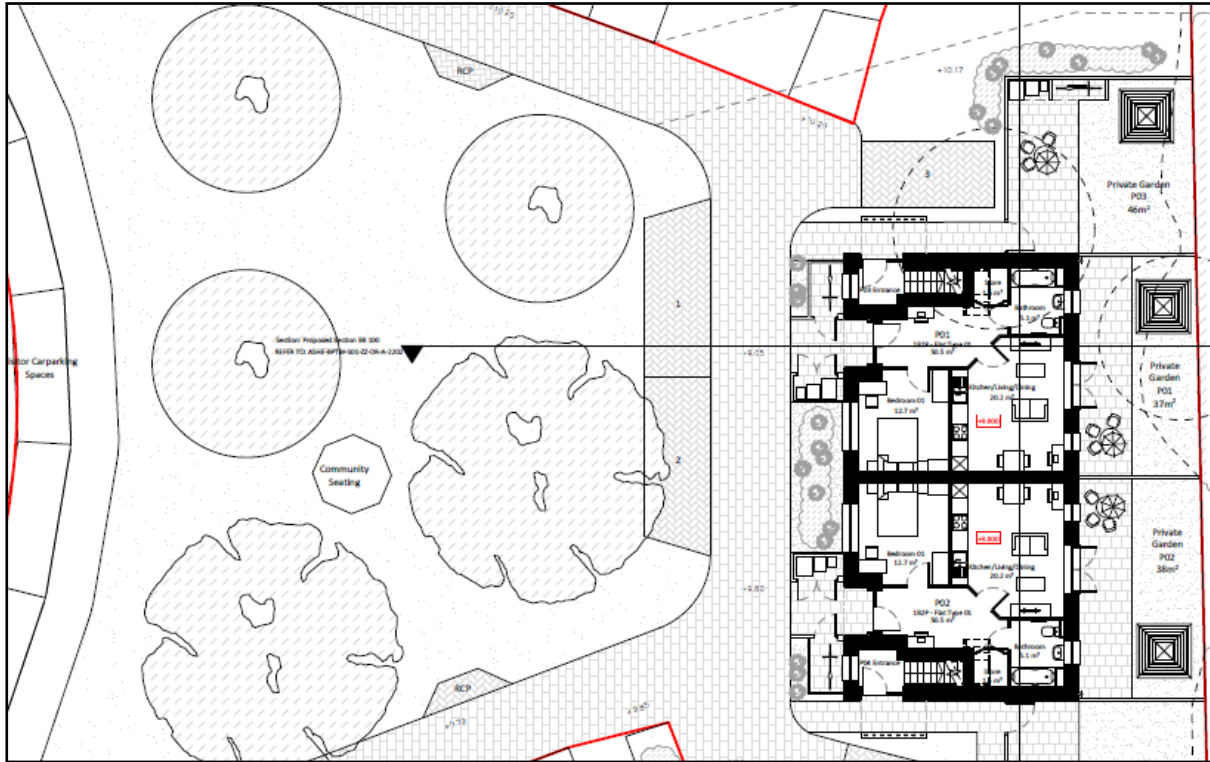


Figure 8: Proposed Ground Floorplan

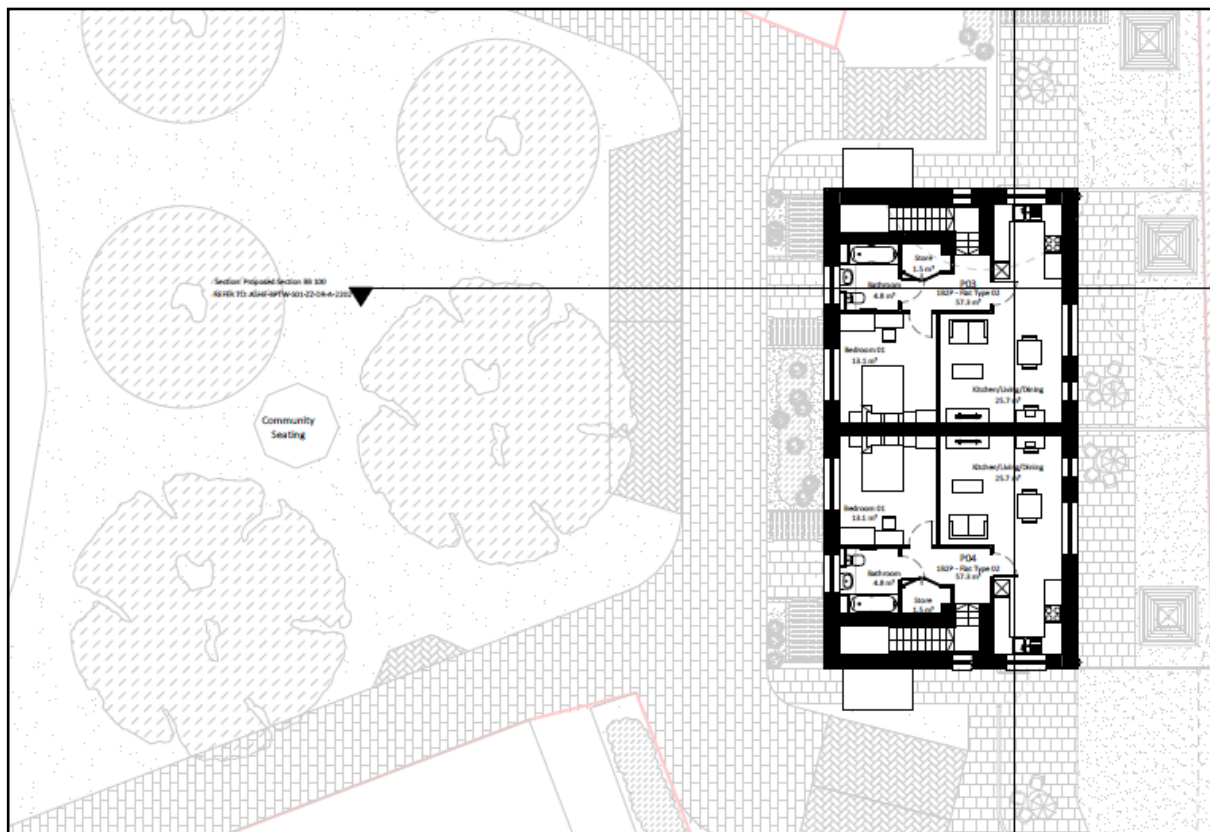


Figure 9: Proposed First Floorplan



## Planning History

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

DC	FA	14/01532/AS	Erection of 2 No 2 bedroom dwellings	WITHDRAWN	27/02/2015
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## Consultations

**Ward Member:** Is a member of the Planning Committee (Chair)

**Appledore Parish Council:** Object on the basis of highway safety

- There is already a lack of parking for the existing homes.
- Most homes only have one official parking space, whilst the occupants have at least 2 cars.
- Area proposed for additional parking on the bend is already parked along.
- Application provides just 4 spaces for the flats with one for visitors whilst the occupants will most likely have 2 cars each.
- Road to the flats will remove parking to 6 homes.
- Application produces 10 spaces whilst removing 12 spaces and an additional 8 spaces will be needed for the new flats.
- Number of cars parked will reduce the visibility of children who play in this open space.

**KCC Highways and Transportation:** Proposal does not meet the criteria to warrant involvement from the Highway Authority.

**KCC Ecological Advice:** Sufficient ecological information has been provided. Request conditions regarding lighting design and ecological enhancements.

**Environmental Protection:** No Objection subject to conditions regarding electric car charging points and reporting of unexpected contamination.

**Neighbours:** 12 consulted. 4 letters of objection received stating the following

- Proposed building is an eyesore and does not fit in with the surrounding houses.
- Site is on the EA flood zone and regularly floods in heavy or prolonged periods of rainfall.  
**Officer Comment:** The site does not lie within a designated Flood Zone 2 or 3.
- Site is used by local children to play on. It is also the only green space left on Heathside and Appledore, apart from the recreation ground.

- Proposal will greatly reduce the green open space available to the detriment of air quality and ambience within the estate.
- Supporting documents states there are a number of sources of contamination from infill, high water table and possible gasses. There is also an electrical sub station on the site.  
**Officer Comment:** The site does not lie within an area of known contaminated land. Reporting of any unexpected contamination would be required as a condition of any planning approval, should Members be minded to approve the application.
- Proposal will remove established footpath access into the field at the rear of the proposed site, with no provision on submitted plans to maintain or replace this established footpath.  
**Officer Comment:** Said footpath is neither a public right of way nor a bridleway.
- Site is unsuitable for building - no provision in plans showing the location of site office and or storage facilities for tools and materials.  
**Officer Comment:** Such details would be required as a condition of any planning approval, should Members be minded to approve the application.
- Proposed location for trades to park while working on site, will impact all residents and the local area.
- Issue of parking in Heathside and the road is narrow as it is.
- No mention of what will be done to reduce noise and dust pollution for the duration of the build or how the building site will be secured to stop children playing on the green space they currently use when not flooded.  
**Officer Comment:** Noise and disturbance arising from the construction works would be dealt with under separate legislation. The applicant would however be required to adhere to the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays.
- Widening the access to 3m to allow vehicle tracking and to enable vehicles to pass and drive around 2 way will bring the slip road into very close contact with existing trees on the site.
- Comment regarding 10 new parking spaces is also misleading as only 4 new spaces will be built. One resident will have their existing space moved presumably without their consent, and the 5 other "new" spaces are where cars already park on the road.  
**Officer Comment:** Drawing ASHE-BPTW-S01-ZZ-DR-A-0101 sets out the proposed parking, the impact of which is assessed later in the report.

- Proposal will block views of Mill Hill as well as blocking direct sunlight,  
**Officer Comment:** Loss of a view is not a material planning consideration and therefore cannot be afforded any weight in the determination of this application.
- Proposal will remove the access to number 10's back gate and no provision shows in plans for this to be maintained.  
**Officer Comment:** Access to No 10's back garden is provided for within the proposed plans.
- Imperative that fire appliance access is available and as a resident of the proposed development.  
**Officer Comment** Widening the access to 3m would allow a fire appliance to access to the proposed building.
- Proposal is too weak on carbon reduction measures.
- No infrastructure to support the new housing developments. There is one primary school, in Hamstreet & public transport is very limited with one bus a day in and out. The railway station is three miles way.

## Planning Policy

9. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
10. The relevant policies from the Development Plan relating to this application are as follows:-
  - SP1 – Strategic Objectives
  - SP2 – The Strategic Approach to Housing Delivery
  - SP6 – Promoting High Quality Design
  - HOU3a – Residential Windfall Development
  - HOU12 – Residential Space Standards (internal)
  - HOU14 – Accessibility standards
  - HOU15 – Private external open space

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light pollution and promoting dark skies

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

TRA3a – Parking Standards for Residential Development

TRA6 – Provision for Cycling

EMP6 – Promotion of Fibre to the Premises (FTTP)

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

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

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

Residential Parking and Design SPD 2010

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

Landscape Character SPD 2011

#### **Government Advice**

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

- 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 11 – Presumption in favour of sustainable development.

- Paragraph 47 – Determination in accordance with the development plan.

- Paragraph 59-76 – Delivering a sufficient supply of homes.
- Paragraphs 91-95 – Promoting healthy and safe communities.
- Paragraphs 102-107 – Promoting sustainable transport.
- Paragraphs 117-121 – Making effective use of land.
- Paragraphs 124-132 – Achieving well-designed places.
- Paragraphs 148-165 – Meeting the challenge of climate change and flooding.
- Paragraphs 178-183 – Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

## 12. **Assessment**

13. The main issues for consideration are:

- a) Principle of Development and Visual Impact
- b) Residential Amenity
- c) Highway Safety and Impact upon the Local highway network
- d) Ecology
- e) 5 Year Housing Land Supply

### **Principle and Visual Amenity**

14. Falling within the built-up confines of Appledore Heath the proposal is considered acceptable in principle. Appledore Heath is listed under policy HOU3a of the Local Plan 2030 as a settlement suitable for new residential development provided, it complies with the following criteria
- i. It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
  - ii. It would not create a significant adverse impact on the amenity of existing residents;
  - iii. 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);
  - iv. It would not result in significant harm to the landscape, heritage assets or biodiversity interests;

- v. 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;
  - vi. It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
  - vii. 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,
  - viii. It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
15. This is consistent with the NPPF and development plan policy SP6 which require development proposals to be of high-quality design and demonstrate careful consideration of and a positive response to character, distinctiveness and sense of place.
16. The layout of the proposed development has been designed to reflect the established pattern and grain of development which is largely characterised by two-storey terraced dwellings, evenly spaced with a regular building line, fronting the road with private gardens to the rear.
17. A well-proportioned building, the development would sit comfortably on the site and would respond positively to its context. Set back from the main road, the proposed building would not appear visually prominent or intrusive and has been designed to reflect the traditional building styles that characterise the street and surrounding area. The muted palette of conventional materials (grey roof tile, red brick and dark beige window frames) is acceptable and would complement and blend in with the surrounding built form. Centrally placed within the site the development ensures that views of the field and countryside to the east remain, maintaining a sense of space and openness.
18. On balance no significant or unacceptable harm to the street scene or surrounding area would be caused and the proposal complies with both policies HOU3a and SP6 in respect of visual impact. Subject to being acceptable matters which are assessed below, the proposal is acceptable in principle

### **Residential Amenity**

19. In consideration of the amenity of the future occupiers, the proposed flats, would comply with the relevant space standards for external and internal amenity space.
20. No windows are proposed within the development which would cause unacceptable overlooking and given the orientation of the building, and spacing between nos. 10 and 13 Heathside, it is not considered that the proposed development would be overbearing.

21. On balance, no significant or unacceptable harm to the residential amenity of the adjacent neighbouring dwellings results from this development.

### **Highway Safety & Parking**

22. Objections over the issue of parking have been raised by both the parish council and neighbours.
23. It is a requirement under policy TRA3a that proposals seeking the provision of one-bedroom, two-bed space dwellings should secure the provision of one off-road parking space per dwelling. One parking space per dwelling is proposed to be provided. The proposal is thus policy compliant in this regard.
24. One additional, dedicated space for 10 Heathside is proposed; increasing the total number of spaces for this property to two. Additionally, five visitor spaces /spaces for existing residents of Heathside are to be formalised on Heathside. Formalising this existing parking space in the street significantly improves the current situation, resulting in a net increase in residents' parking. Given the size of the units proposed, the proposal is unlikely to generate significant demand for parking, over and above that which is proposed
25. The proposed layout, with an access looping round, allows vehicles to enter and exit in forward gear which is acceptable. A refuse collection point is proposed in close proximity to Heathside and each property has its own refuse storage area. One bicycle space is shown for each property. On balance, the development is considered acceptable on the matter of parking and highway safety.

### **Ecology**

26. A Preliminary Ecological appraisal has been submitted in support of the application and concludes that the site is of limited ecological value and that no further surveys and/or mitigation is required. The Biodiversity Officer at KCC has been consulted and is satisfied that sufficient ecological information has been submitted
27. The site is dominated by amenity grassland with scrub and scattered trees. The habitats found are common and widespread and are considered to be of limited botanical/habitat diversity. It is recommended that any future development plans should incorporate opportunities to enhance the biodiversity of the site, with landscaping plans incorporating a range of native herbaceous and shrub species which will benefit species such as bees, butterflies, moths, bats and birds. This could be sought as a condition of planning approval.
28. On balance in light of the information submitted, no significant or unacceptable ecological harm would result from this proposal subject to conditions regarding ecological enhancements.

## **5 Year Housing Land Supply**

29. The Council can currently demonstrate a 4.54 year supply of housing land. Given that a five year supply of housing land cannot be demonstrated, Paragraph 11 part d of the NPPF (2019) is engaged. This states that for decision taking, planning permission should be granted unless: “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
30. In my view, the proposal is consistent with the policy requirements in the Local Plan 2030 and would deliver sustainable development. In line with Paragraph 11 of the NPPF (2019) the proposal should therefore be permitted

## **Human Rights Issues**

1. 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**

2. 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**

2. In conclusion, the development plan allows for infill development within the built confines of Appledore Heath. This site lies within the built confines and it is considered that the proposed development by virtue of its scale, design, height, form, and materials would not be out of character or cramped in the context of the existing development on Heathside.
3. No unacceptable harm to residential amenity would result from this proposal and the development is acceptable in terms of highway safety and impact upon ecology. The development makes a small contribution to the Council’s 5 year housing land supply which factors in windfall sites such as this making an important contribution.



4. With no significant or unacceptable harm identified and no matters raising an overriding objection to the grant of permission, the proposal is considered acceptable and it is therefore recommended that the application is approved subject to conditions.

## Recommendation

### Permit

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

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

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

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

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

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

3. No development shall take place on site until a Transport Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall include:

- a) parking for vehicles of site personnel, operatives and visitors;
- b) wheel washing facilities

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and neighbour amenity.

4. The development shall be carried out in accordance with the details of external materials specified in the application.

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

5. A landscaping scheme for the site (which may include 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 prior to first occupation of the dwellings hereby approved. 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

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

6. Prior to the first occupation of the dwellings a lighting design plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The proposed plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and will be maintained thereafter.

**Reason:** To protect the existing populations of the protected species

7. Prior to completion of the development a scheme for the enhancement biodiversity shall be submitted to and approved in writing by, the local planning authority. The approved scheme shall include a native species-only landscape scheme and shall be implemented in full and retained thereafter

**Reason:** To enhance biodiversity and the ecological value of the site and surrounding area

8. Prior to the first occupation of the dwellings, each dwelling shall be provided with at least one electric vehicle charging point. All Electric Vehicle charger points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging point shall thereafter be retained and available, in working order for the charging of electric vehicles. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-schemeapproved-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 the incorporation of facilities for charging plug-in vehicles.

9. The areas shown on drawing number 1897 - 110B as vehicle parking space and turning shall be retained for the use of the occupiers of the flats, visitors to the development, and existing residents of Heathside, , and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

10. The area shown on the drawing number 1897 - 110B as covered and secure bicycle storage space shall be retained for the use of the occupiers of the flats, 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 access to this reserved bicycle storage space.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

11. No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays.

**Reason:** To protect the amenity of local residents.

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

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

### **Working with the Applicant**

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

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

In this instance

- was provided with pre-application advice,

- the application was acceptable as submitted and no further assistance was required.

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

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/00567/AS)

**Contact Officer:** Laura Payne  
**Email:** [Laura.Payne@ashford.gov.uk](mailto:Laura.Payne@ashford.gov.uk)  
**Telephone:** (01233) 330738

<b>Application Number</b>	22/00892/AS	
<b>Location</b>	The Coach House, The Street, Brook, Ashford, TN25 5PG	
<b>Grid Reference</b>	606932 / 144744	
<b>Parish Council</b>	Brook	
<b>Ward</b>	Bircholt	
<b>Application Description</b>	Proposed conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let	
<b>Applicant</b>	Churchill Property Trading Limited	
<b>Agent</b>	Mr Bax, Kent Planning Consultancy Ltd	
<b>Site Area</b>	0.0236 hectares	
(a) 12/42R & 1S	(b) R	(c) KCC Bio X; EA X

## Introduction

1. This application is reported to the Planning Committee at the request of Councillor William Howard who is a member of the planning committee.

## Site and Surroundings

2. The application site is located on the eastern side of The Street and is within the built confines of the village of Brook. The site comprises a vacant single storey outbuilding (known as the Coach House), which is grade II listed, as well as a small grassed area containing two trees and an area of hardstanding. The entire application site is also located within the North Kent Downs Area of Outstanding Natural Beauty. The Coach House building is currently vacant, it was previously used in association with the Honest Miller Public House for storage. The Honest Miller Public House is currently vacant and not trading.
3. To the north and east of the application site is the Grade II listed Honest Miller Public House and its car park and beer garden also owned by the applicant. Beyond the Public House are fields / paddocks owned by the

applicant and beyond that agricultural fields. To the south and north of the application site are residential properties which form part of the linear development of the village of Brook.

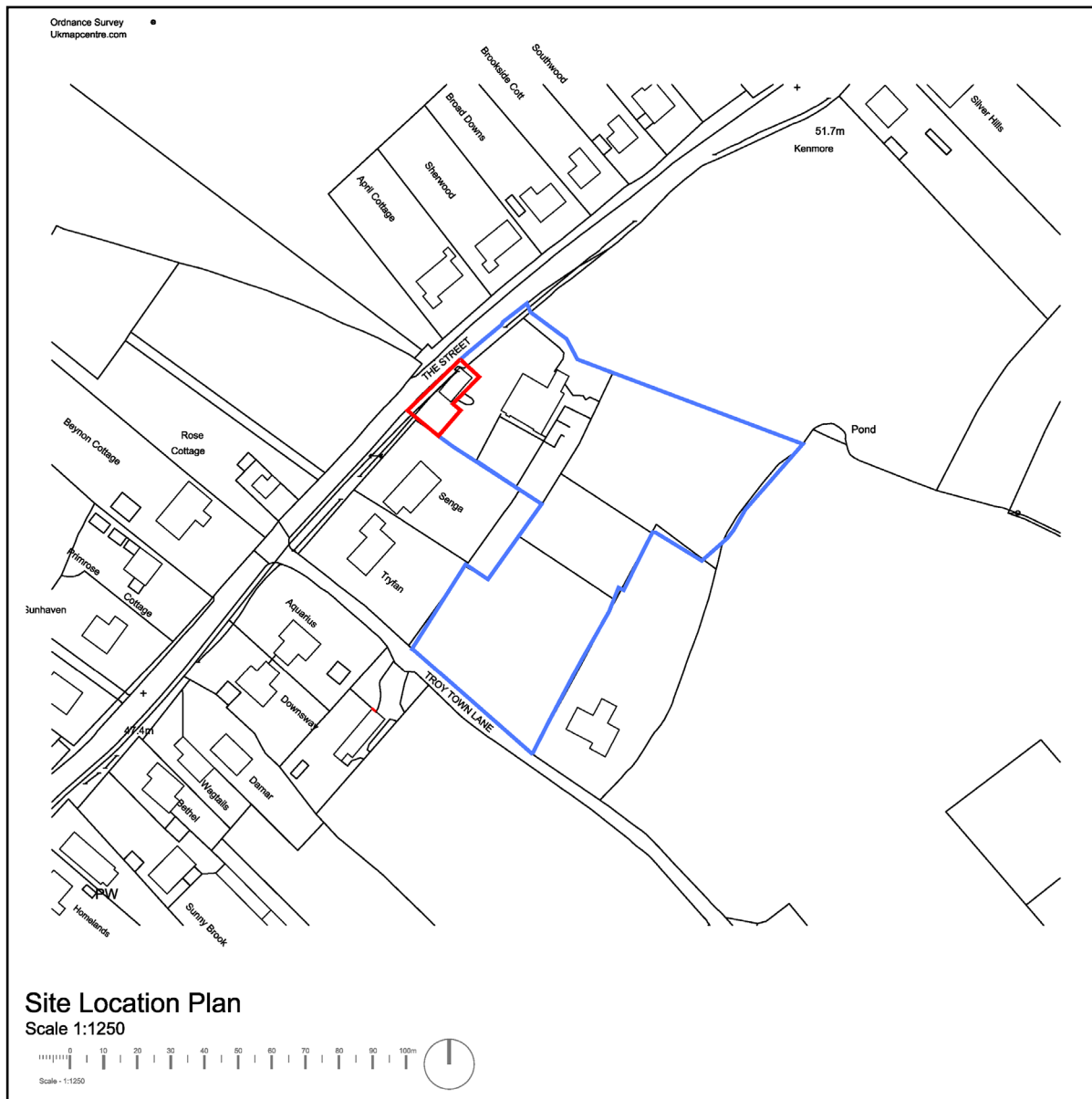


Figure 1: Site Location Plan

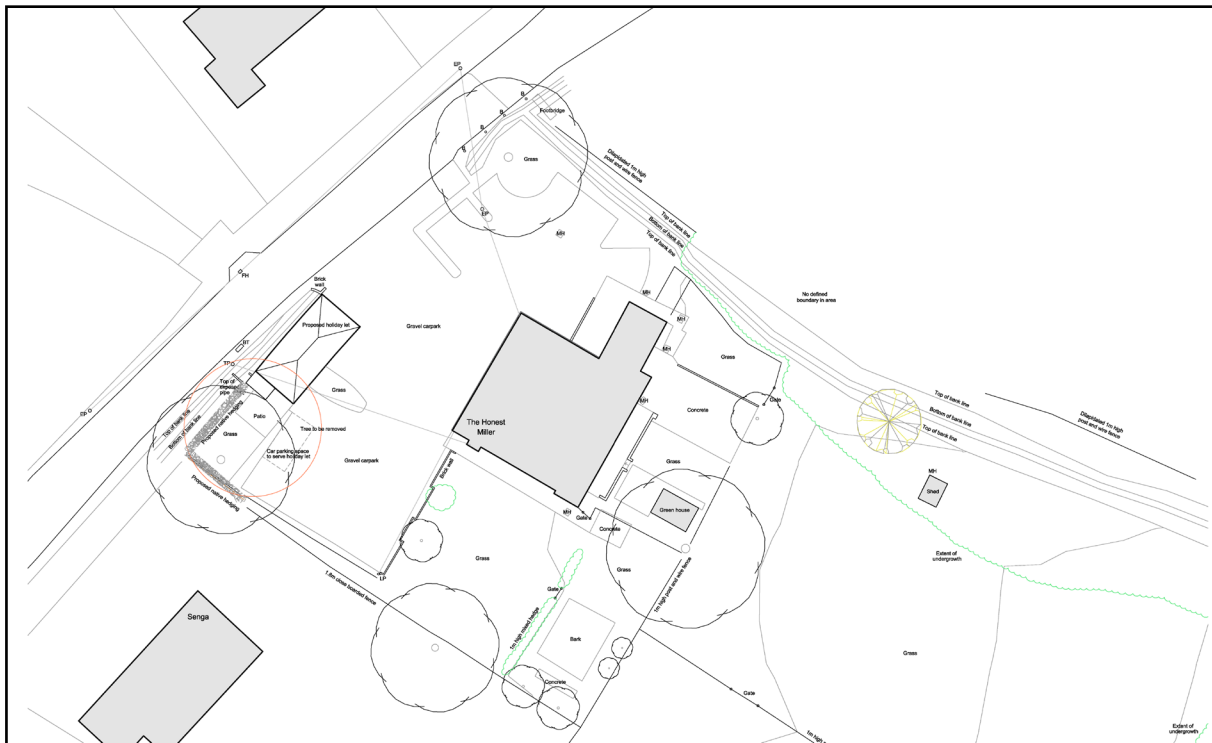
## Proposal

4. Planning permission is sought for the conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let, with associated outdoor amenity space and parking provision. The proposed conversion works would involve the creation of an open plan living room and

kitchen at ground floor level and two bedrooms and a bathroom at first floor level.

5. In relation to external works to the building, the proposal would install a new door and window in the north east elevation of the building (both of which would retain the existing shutters), as well as re-opening a window at ground floor level and adding a small roof light in the south east elevation of the building. In addition to this the application would reintroduce a door and add a first floor window in the south west elevation of the building. Lastly, the proposal would add a small single storey lean-to plant room extension to the south west elevation of the Coach House building.

**Figure 2 - Proposed Block Plan**



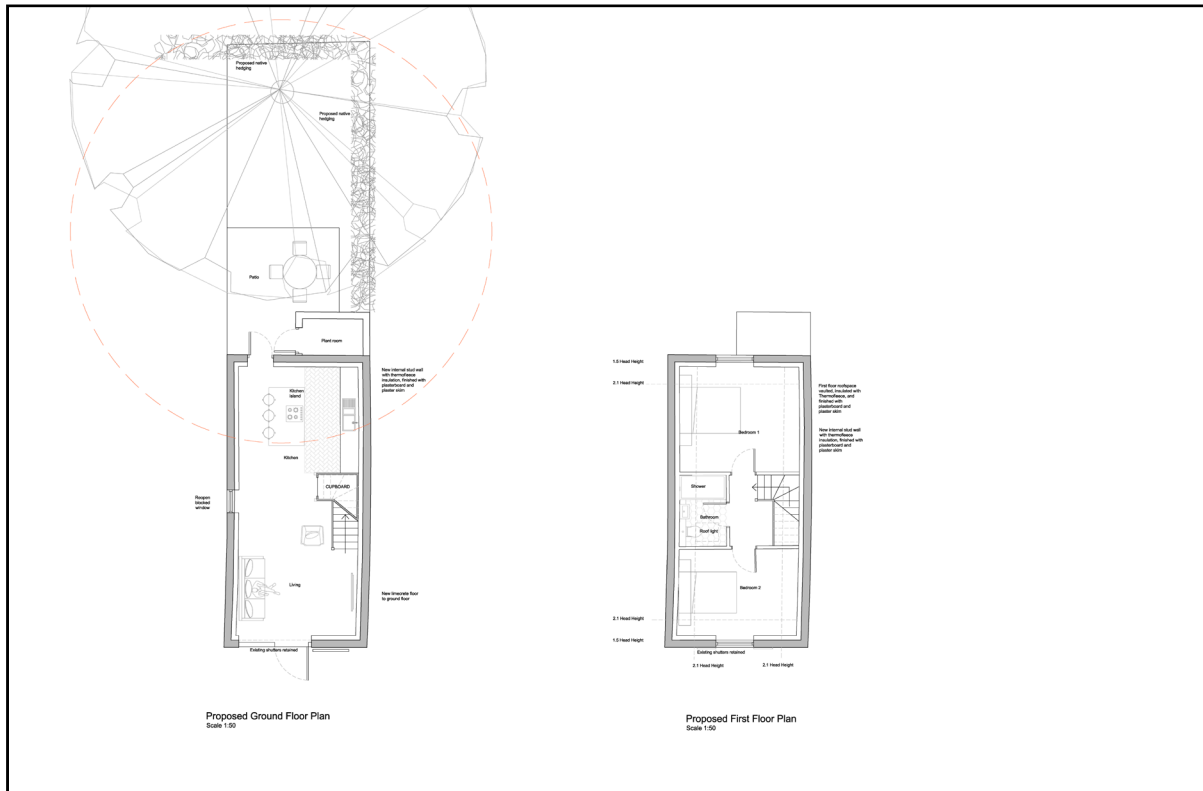


Figure 3 - Proposed Floor Plans

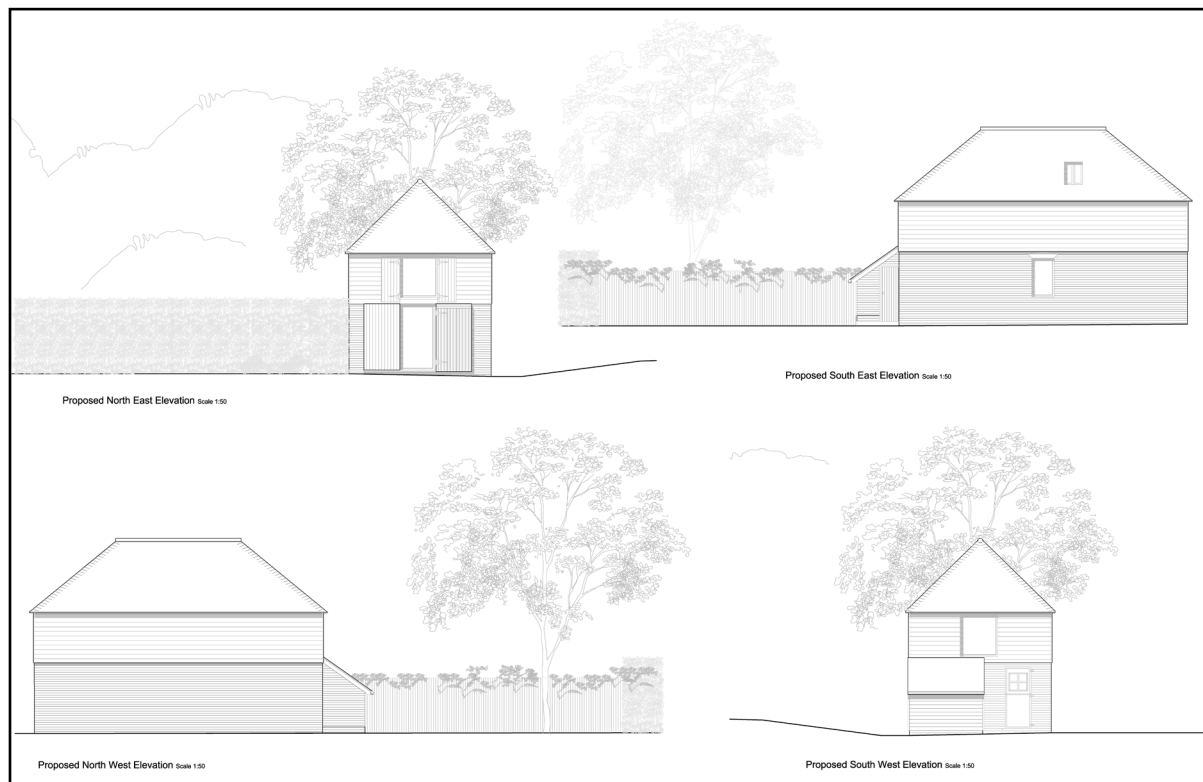


Figure 4 – Proposed Elevations



## Planning History

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

- An application for the change of use of the area of land to the east of the Honest Miller Public House for glamping including 6 bell tents and outbuilding to house toilets, showers and washing up area was approved on the 13th June 2019 (application reference 19/00947/AS).
- A planning application for the proposed refurbishment of the Public House, including extensions and fenestration alterations, provision of parking area and seating area with pergola. Conversion of Coach House into a Holiday Let and the erection of 4 no. dwellings with associated parking, garaging, access, landscaping and biodiversity enhancements (application reference 21/01569/AS) was appealed on non determination on the 10th June 2022. This followed on from the agent being advised that the application could not be supported at officer level. As part of the Council's appeal statement of case, the deemed grounds of refusal were:
  1. Inappropriate and unacceptable siting of the proposed 4 houses.
  2. The unsustainable location of the proposed 4 dwellings and resultant unacceptable additional vehicle movements.
  3. The unacceptable visual impact of the proposed dwellings on the AONB, the village setting and the overall countryside locality.
  4. The detrimental impact of the proposed residential dwellings on the character and appearance of the setting of the listed buildings on site (i.e. the Honest Miller and the Coach House).
  5. The detrimental impact of the proposed extensions and alterations to the Honest Miller Public House building and the addition of intrusive external works to the Coach House building and insufficient information was provided with regard to the significance of the internal fabric of both heritage assets. (I would note at this stage that the applicant has removed the 2 offending roof lights from the north west elevation of the building and provided more information with regard to the proposed internal works inside the Coach House building. Therefore, based on the advice of the conservation officer, I believe that unlike the refused scheme, this current application just for the conversion of the Coach House would be acceptable in heritage terms).
  6. One of the proposed dwellings (plot 1) would have a detrimental impact on the amenities of adjoining occupiers.
  7. The proposal failed to demonstrate that wastewater from the proposed holiday let and the proposed dwellings would not add to current

problems of increasing nitrogen and phosphorus levels at Stodmarsh Lakes.

8. The failure to complete a S106 legal agreement securing contributions relating to infrastructure provisions (including affordable housing).

This appeal is still awaiting a decision from the Planning Inspectorate.

- The associated listed building consent application which corresponds with the appeal proposal (application reference 21/01570/AS) and is for the proposed refurbishment of the Public House, including internal alterations, extensions and fenestration alterations, and works of conversion of the Coach House into a Holiday let, is currently pending consideration. The works proposed to the Coach House in the said listed building application are more intrusive than those proposed in the current application.
- A planning application for the erection of 2 no. dwellings with associated parking, garaging, access and landscaping in the southern section of the current appeal site (application reference 22/00889/AS) is currently pending consideration.
- The listed building consent application (application reference 22/00893/AS) which corresponds with this current application is currently pending consideration.

## Consultations

7. **Ward Member:** Is a member of the Planning Committee.
8. **Brook Parish Council:** Objects to the application for the following reasons:
  - The Honest Miller, adjoining land and Coach House is a major hub for the village community and was listed as an asset of community value on 21st January 2021. The Coach House and paddock to the rear of the public house are also included within the listing.
  - It was hoped that the new owner of the Public House would invest and re-open the premises. The applicant appears to wish to maximise the development potential of the entire Public House site, which has led to various housing development applications associated with the Public House.
  - The Public House has remained closed since being bought by the applicant, which is depriving the village of a vital community asset. They question whether the applicant will re-open the Public House.
  - This application is acting as a separate entity to the Public House.

- The proposal for the refurbishment of the Coach House cannot be treated in isolation to a refurbishment of the Public House.
- The Coach House enhances the Public House's role as a community asset and is a complimentary use to the Public House. Both should be retained for the benefit of the village.
- They consider that the granting of the change of use to a holiday let, in the absence of any proposals for the Public House, would impact on the reopening of the Public House as a community asset.
- Although the Coach House and the Honest Miller are separate grade II listed properties, they should be considered as a whole, and not treated separately in isolation.
- They suggest that this application could allow a separate residential use (class C3) on site, which could be sold off in the future, to the detriment of the community asset and the setting of the listed buildings.
- The proposal to convert the Coach House will have a serious impact on biodiversity and the environment.
- The application fails to demonstrate that the proposed overnight accommodation would be 'nutrient neutral' and would not detrimentally impact upon Stodmarsh Lakes and its associated catchment.
- The site is opposite a SSSI within Brook, and the scheme could impact the SSSI.
- Brook does not have any cycle lanes or public transport provision, and the scheme would be reliant solely on the use of car(s) which is not sustainable.
- The proposed holiday let would add to increased congestion on the local roads.

(Officer comment – the issues raised by the Parish Council are addressed in the main body of the report).

9. **KCC Ecology:** They advise that sufficient ecological information has been provided to assess the impact of the converted Coach House building. They are satisfied with the conclusions of the bat emergence surveys that bats are unlikely to be roosting within the building or barn. Therefore, they agree that there is no requirement for a detailed bat mitigation strategy to be submitted as part of this application. KCC Ecology do highlight that bats have been recorded foraging within the site, therefore a lighting plan condition should be imposed upon any permission, in order to minimise light spill and potential impacts on bats. They also suggest an informative be added relating to not disturbing breeding birds.

KCC Ecology advise the development is within 100m of the Wye and Crundale Downs SSSI. However, they consider that the conversion of an

existing building to one holiday let is unlikely to have a significant impact on the SSSI and advise that no information is required on this point.

Lastly, they note that there are limited opportunities for ecology enhancements in relation to this scheme. However, they do recommend that 1 bird and 1 bat box are erected on the building. Sympathetic ecological enhancements can be secured by way of a condition.

10. **Environment Agency:** No objections subject to the imposition of a condition relating to finished floor levels and all sleeping accommodation being at first floor level.
11. **Neighbours:** 12 neighbours consulted, as well as a site notice being put up and a press advert placed. 42 letters of objection and 1 letter of support were received in relation to the application. The letters of objection raise the following concerns:
  - The application site forms part of the Public House site (together with the Honest Miller and associated land). The site should not be split up and sold off separately.
  - No mention has been made of the Public House. However, no application should be determined in isolation from the Public House.
  - The Coach House and the Honest Miller are all part of the same listed site.
  - Separating the Coach House from the Honest Miller would reduce the value of the site and make the Public House less appealing for anyone to buy.
  - Works on the Coach House should only be considered after the Public House has been refurbished.
  - The asset of community value designation encompasses everything within the confines of the Honest Miller's land boundary, and this application would flout the terms of the asset of community value. Removing the Coach House from the Honest Miller would harm the Public House and the community asset.
  - The proposal is in affect a change of use to a residential property with nothing stopping the holiday let becoming a separate residential dwelling, which would harm the Public House and be out of character with the site and area.
  - Parking for the proposal would affect the parking for the Public House.
  - The proposal would affect the issue of Stodmarsh, which is unacceptable.
  - The proposal may affect the wider environment and water courses.
  - The plan for community ownership of the Public House includes many uses for this building which would have a more positive impact on the community than a holiday let (i.e. a village shop).
  - The proposal would worsen flooding in the area.

- The windows, roof lights and small lean-to extension to the Coach House would not respect the listed building and are not in keeping with the surrounding area.
- The applicant should confirm that the Coach House would remain as part of the wider Honest Miller site.
- The Coach House is not a good place to locate new tourist accommodation.
- Concerns raised in relation to how the outside space for the holiday let would be screened. A tall fence would not be visually acceptable.
- Any new hedge planting needs to be of native species.

The letter of support makes the following comments:

- The Coach House is a historic and listed building which is currently dilapidated and in danger of falling down. This has been part of the village's character and it would be a shame to lose such a landmark building.
- As the development is within the existing footprint then its conversion to a holiday let would preserve the architecture and give it a sustainable purpose.
- It would be good to encourage people into the countryside to enjoy and share the North Downs.

(Officer comment – the issues raised by local residents are addressed in the main body of the report).

## Planning Policy

12. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
13. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
14. The relevant policies from the **Development Plan** relating to this application are as follows:-

SP1 - Strategic Objectives

SP3 - Strategic Approach to Economic Development  
SP6 - Promoting High Quality Design  
COM1 - Meeting the Community's Needs  
EMP1 - New employment uses  
EMP11 - Tourism  
ENV1 - Biodiversity  
ENV3b - Landscape Character and Design in AONB's  
ENV4 - Light pollution and promoting dark skies  
ENV9 - Sustainable Drainage  
ENV13 - Conservation and Enhancement of Heritage Assets  
TRA3a - Parking Standards for Residential Development  
TRA7 - The Road Network and Development

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

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

Landscape Character Assessment SPD  
Dark Skies SPD  
Sustainable Drainage SPD

#### **Government Advice**

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

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 47 – Determination in accordance with the development plan.
- Paragraphs 92 - 97 – Promoting healthy and safe communities.
- Paragraphs 126 -136 – Achieving well-designed places.
- Paragraphs 152 -169 – Meeting the challenge of climate change and flooding.
- Paragraphs 174 – 188 – Conserving and enhancing the natural environment.
- Paragraphs 189 – 208 – Conserving and enhancing the historic environment.

##### National Planning Policy Guidance (NPPG)

## Assessment

16. The main issues for consideration are:
- Principle of Development
  - Visual Amenity / Heritage
  - Residential Amenity
  - Highway Safety and Impact upon the Local highway network
  - Ecology
  - Flood Risk, Stodmarsh and Nutrient Neutrality

### Principle of Development

17. Central government guidance contained in the National Planning Policy Framework (NPPF) supports sustainable business, enterprise and tourism in rural areas, both through the conversion of existing buildings and well-designed new buildings. The Local Plan also sets out the importance of jobs and economic development. Providing a range of employment in the Borough is important in supporting a growing population and attracting inward investment to respond to the needs of business, which is outlined under Policy SP3. This states that job growth and economic prosperity will be supported in order to enable the achievement of a sustainable economy. This includes promoting rural employment opportunities in sustainable locations in accordance with (as relevant in this instance) policy EMP1.
18. The existing Coach House building was last used in association with the Honest Miller Public House, however, both buildings are currently vacant. The NPPF supports the conversion of rural buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. It is important to note that the application site (Coach House) along with the Honest Miller Public House and land to the east and south east of the Public House all form part of a confirmed asset of community value. Policy COM1 highlights that the loss of existing community infrastructure will be resisted. I am of the opinion that the proposed holiday let accommodation could in fact provide a valuable ancillary use to the Public House use, thereby supporting this community facility.
19. The applicant has stated that the said holiday let would operate in a 'symbiotic relationship' with the Public House, with proposed holiday let use having a strong ancillary role to the Honest Miller Public House use. In addition to this I feel it is also important to note that the car parking provision for the said holiday let could only be accessed via the vehicular access and car park manoeuvring area of the Public House. Therefore, I am of the opinion that the holiday let and the Honest Miller would and should be intrinsically linked. I agree with the objectors and the Parish Council, it would not be appropriate to subdivide the listed buildings and this asset of community value. However, that is not what this application is proposing, and

subject to the proposed holiday let being conditioned to be ancillary to the lawful Public House use of the Honest Miller (which is also owned by the applicant) as well as only being operated by the owner and/or occupiers of the Honest Miller (for the purposes of carrying out a trade or business). I believe that the proposed holiday let would improve the viability of the Public House and would improve the functionality and usability of this asset of community value as a whole increasing its chances of being brought back into use. Such conditions would prevent the Coach House being severed / separated from the Public House which is a legitimate concern that has been raised locally.

20. Policy EMP11 seeks to encourage the sustainable growth of tourism, with the preamble to EMP11 stating that new initiatives must respect the character of an area and should not be harmful to the character of the rural environment. Due to the limited scale of the proposed holiday let accommodation, combined with the close proximity of the proposed holiday let accommodation to the Honest Miller Public House, I am of the opinion that this is an appropriate location for holiday let accommodation. The close proximity to the countryside and surrounding villages also makes this a good location for sympathetic tourism accommodation. A condition can be imposed to keep a register of guests using the holiday let to enable the Local Planning Authority to monitor the occupation if required. I am aware that concern has been raised by objectors as to the proposal becoming an independent dwelling house. That is not what is being applied for in this application and conditions are proposed which will restrict the proposal to holiday let accommodation only and also to restrict the said holiday let accommodation to being ancillary to the main Public House.
21. In light of the above, I consider that the proposed re-use of the vacant Coach House building to provide ancillary tourist accommodation to the overall Honest Miller Public House site, would be an appropriate use. With the above discussed conditions imposed and the proposal being acceptable in terms of heritage, visual amenity, residential amenity, highway safety and ecology I am of the opinion that the development is acceptable in principle.

### **Visual Amenity / Heritage**

22. Local Plan Policies SP1, SP6 and EMP11 seek development that is in appropriate and sustainable locations. Policy ENV3b relates specifically to Landscape Character and Design within AONB's. It highlights that proposals for development within the AONB should conserve and enhance the natural beauty of the Kent Downs and High Weald AONBs.
23. In addition to the above, taking into account the listed status of both the Coach House and the Honest Miller, section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which 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.' The NPPF sets out that great weight should be given to the conservation of a designated heritage assets and any harm to the significance of such an asset should require clear and convincing justification. It recognises that development within the setting of heritage assets can affect their significance. Paragraph 203 of the NPPF states the effect of the development on the significance of a non-designated heritage asset should be taken into account. Policy ENV13 seeks to preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. Policy ENV15 seeks to protect and enhance the archaeological and historic integrity of Scheduled Monuments and other important archaeological sites together with their settings.

24. The conversion of the existing Coach House outbuilding would be sensitively approached with the alterations to the building being kept to a minimum. The proposed alterations to the fenestration and materials of the Coach House are sensitive and aesthetically acceptable amendments to the existing vacant building. The proposed single storey rear lean to addition would be viewed in the context of the larger Coach House building and subject to materials being agreed in the associated listed building application (reference 22/00893/AS), I consider that it would appear as a subordinate and sympathetic addition to the listed building in the wider landscape. Overall I consider that the works to the Coach House would respect both the building's origins and rural setting, and would be aesthetically acceptable in this location. Given the minimal degree and sympathetic nature of the works proposed to the Coach House outbuilding, I am also of the view that the proposal would not harm the settings of the listed Honest Miller and Coach House buildings and would in fact preserve the significance of the listed buildings. I also consider that it important to recognise the fact that the proposed conversion would facilitate the continued survival and sympathetic re-use of a listed building, thereby preserving this historic building for the future which is strongly promoted in the NPPF and the development plan.
25. The proposal would result in the loss of a non protected tree which is close to the listed building and overhangs the roof of the Coach House building. However, the scheme would retain a large tree in the southern section of the site, thereby helping to soften the character and appearance of the site and wider locality. The applicant has also amended the plans to show a native hedge to be planted adjacent to the western boundary of the site, which would help screen the outdoor area of the holiday let, thereby preserving the verdant nature of the public realm. The exact details of the landscaping would need to be agreed by way of a condition.

26. In light of the above the scheme would in my opinion create a visually sympathetic development which is in keeping with the simple character of the site and would ensure that no detrimental visual harm to the landscape or surrounding countryside will be caused. The rural character of the site and surrounding area would be preserved, and the significance of the Coach House and the Honest Miller listed buildings would be retained.

### **Residential Amenity**

27. The nearest residential dwellings to the site are April Cottage which is located approximately 20m to the north of the Coach House building (on the opposite side of The Street) and Senga which is located approximately 19m to the south west of the Coach House outbuilding and approximately 9m from the southern end of the application site. The bulk and mass of the Coach House building would not be altered and given the small scale single storey nature of the proposed lean-to addition, the proposal would not harm the amenities of adjoining residential occupiers in terms of outlook or loss of light. The proposal would add first floor windows in the north east and south west elevations of the Coach House building. Given the degree of separation and oblique relationship between the adjoining properties and the Coach House, I do not consider that the proposal would result in any unacceptable overlooking of adjoining residential occupiers.
28. The proposed holiday let use would not generate any significant increase in noise and disturbance given the small scale nature of the proposal and the location of the site adjacent to a Public House. As the holiday let accommodation would be ancillary to the Honest Miller, I do not consider that there would be any unacceptable amenity issues for guests staying at the Coach House from the Public House use should it become operational again. I therefore consider that the use proposed would not be harmful to the residential amenity in the area.

### **Highway Safety**

29. The proposal would be providing a single parking space for the proposed holiday let unit, which is an acceptable amount of parking provision for a small guest accommodation such as that proposed. Future guests of the holiday let would be able to turn around within the Public House car park, and therefore be able to safely enter and egress the site. Therefore, the proposal would not lead to on street car parking within the locality.
30. As highlighted previously within the report, the proposed holiday let would share the access with the Honest Miller and given the limited scale of the development, the proposal would not lead to any significant intensification of use of the existing public house access. Furthermore, the limited scale of the proposed ancillary holiday let would ensure that the proposal would not result

in a significant increase in trip generation to and from the site. Given the above, I am satisfied that the development would not be harmful to highway safety.

## **Ecology**

31. A Preliminary Ecological appraisal has been submitted in support of the application and concludes that the site is of limited ecological value and that no further surveys and/or mitigation is required. The Biodiversity Officer at KCC Ecology has been consulted and is satisfied that sufficient ecological information has been submitted. KCC Ecology are also satisfied with the conclusions of the bat emergence surveys that bats are unlikely to be roosting within the building. Therefore, they agree that there is no requirement for a detailed bat mitigation strategy to be submitted as part of this application. Any external lighting would have the potential to impact on foraging bats on the site, and therefore I consider it prudent to add a lighting condition to manage any potential light spill.
32. Objectors have suggested that the proposal would impact the Wye and Crundale Downs SSSI which is within 100m of the site. However, KCC Ecology consider that the conversion of an existing building to one holiday let is unlikely to have an impact on the SSSI and advise that no information is required on this point.
33. Lastly, I note that there are limited opportunities for ecology enhancements in relation to this small scheme. However, following the advice of KCC Ecology I consider that the site has the potential to accommodate a bat and bird box, either on the existing building or within the site. Ecological enhancements can be secured by way of a condition.
34. On balance in light of the information submitted, no significant or unacceptable ecological harm would result from this proposal subject to conditions regarding lighting and ecological enhancements being imposed.

## **Flood Risk, Stodmarsh and Nutrient Neutrality**

35. The Coach House building and part of the southern outside space is located within flood zones 2 and 3a, and therefore the building is at risk from fluvial flooding. The applicant has submitted a Flood Risk Assessment, which the Environment Agency has been consulted on and do not raise any objection to. Although the proposal would be introducing a more vulnerable use to the site, the Environment Agency considers the proposed holiday let accommodation to be acceptable, as long as the ground floor finished floor levels are set no lower than 48.23m above Ordnance Datum (AOD), and all sleeping accommodation is placed at first floor level (as stated within the Flood Risk Assessment and shown on the submitted plans). The Flood Risk Assessment

also suggests a number of flood mitigation measures to be included within the holiday let (such as signing up to the Environment Agency's flood line and placing electrical sockets 350mm above ground floor level), and also highlights that safe escape can be made from the south east of the building in the event of a significant flooding event. All the recommendations within the Flood Risk Assessment can be secured by way of a condition. Subject to the recommendations within the Flood Risk Assessment being conditioned, I do not consider that there are any detrimental flooding issues which relate to the scheme.

36. The Council is committed to ensuring that development only takes place if it is sustainable and respects the relevant environmental protections. Part of this consideration is whether there would be a detrimental impact on any European Designated Nature Conservation Sites.
37. The site is located within the Stour River Catchment. The River Stour feeds into Stodmarsh Lakes to the east of Canterbury. Stodmarsh Lakes are a set of lakes that are afforded a range of protection including, a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI). Parts are also designated a National Nature Reserve (NNR).
38. In July 2020, Natural England (NE) issued an Advice Note to Ashford Borough Council titled 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'. This Advice was then updated in November 2020 and again on 16 March 2022. The Advice note sets out that there are excessive nitrogen and phosphorus levels in the Stodmarsh Lakes, and so the water within the Lakes is in an unfavourable condition and has the potential to further deteriorate.
39. In line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development (including overnight sleeping accommodation such holiday lets) within the Stour River catchment, and/or which discharge to particular Waste Water Treatment Works within the catchment, should be the subject of an Appropriate Assessment (AA) under the Habitat Regulations. The AA is required to determine the effect on the integrity of Stodmarsh Lakes. In order for an AA to conclude that there is no significant effect, the decision maker must be satisfied that the development can achieve nutrient neutrality.
40. The applicant has not demonstrated that the proposal is nutrient neutral and therefore as it stands, the potential of the development to cause harm to the integrity of Stodmarsh Lakes has not been ruled out. Whilst the issue relating to the potential implications on Stodmarsh Lakes is not acceptable at present, the applicant has asked for the application to come before Members. This is because if Members are so inclined to agree with the officer's recommendation to approve subject to conditions, and the Council adopting a borough mitigation strategy in relation to Stodmarsh Lakes, then this

application will have an agreed recommendation to permit subject to issues relating to nutrient neutrality being resolved.

## **Human Rights Issues**

41. 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**

42. 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**

43. In conclusion, the proposed development would make a positive contribution to local tourism and the rural economy, and would be a sensitive re-use of a vacant rural building, whilst at the same time preserving the Public House community facility and asset subject to the conditions in respect of ancillary use and ownership as discussed in the report. I do not consider that the proposal would result in any significant or unacceptable visual harm or adversely impact on the listed buildings and their settings. In addition I believe that the proposal would not result in highway safety issues, or harm any residential amenity, and would not harm any biodiversity at the site whilst at the same time providing the opportunity for ecological enhancement at the site. The development poses no unacceptable flood risk. The development is therefore considered acceptable. The proposal would comply with national policy as set out within the NPPF/NPPG and the Development Plan as a whole. Accordingly, I recommend that planning permission is granted subject to the imposition of appropriate conditions and issues relating to nutrient neutrality being resolved.

## Recommendation

### Permit

**Subject to the following Conditions and Notes and issues relating to nutrient neutrality being resolved:**

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

1. The development 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 hereby permitted shall be carried out in accordance with the approved plans and documents.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. The approved Coach House holiday let shall only, be used for holiday let accommodation, and shall not be subdivided nor used as a separate dwelling or any other use and shall not be occupied by any person as his or her sole or main place of residence.

**Reason:** The establishment of a permanent residential use of the site would be contrary to Development Plan policies and detrimental to the character of the area.

4. The holiday let accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the Public House use known as The Honest Miller, The Street, Brook, Ashford, TN25 5PG.

**Reason:** To prevent the formation of a use separate to the Public House, in order to ensure the preservation of this community facility to the benefit of the character of the area and local residents. Also to avoid an over intensification of the shared vehicular access and to avoid any conflict with the adjacent Public House use.

5. The holiday let accommodation hereby permitted shall only be operated by the owners of the Honest Miller Public House and / or the occupiers of the

Honest Miller Public House when the Honest Miller Public House is operating / running as a trade and business.

**Reason:** To prevent the formation of a use separate to the Public House, in order to ensure the preservation of this community facility to the benefit of the character of the area and local residents. Also to avoid an over intensification of the shared vehicular access and to avoid any conflict with the adjacent Public House use.

6. The areas shown on drawing number 3446-31B hereby approved as vehicle parking and vehicle turning areas shall be provided and 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 the reserved parking space(s).

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

7. No external lighting shall be installed on the approved building or within the wider application site, until details have been submitted to, and approved in writing by the Local Planning Authority prior to the occupation of any part of the development hereby approved. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

8. A hard and soft landscaping scheme for the site (which may include 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.

9. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building(s) for its/their permitted use(s).

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.

(b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

10. An up to date register shall be kept, in legible English, of the main or home address of each of the owners of (and, if different, each of the occupiers) and of any guests using each caravan or holiday let and shall make the register available for inspection by the Local Planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

**Reason:** To enable the Local Planning Authority to monitor the occupation of the caravans and holiday lets to ensure that the establishment of a permanent residential use of the site, which would be contrary to Development Plan policies and detrimental to the character of the area, does not take place.

11. No walls and fences shall be installed within the application site, until details have been submitted to, and approved in writing by the Local Planning Authority prior to the occupation of any part of the development hereby approved. The approved scheme shall be erected and maintained in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area.

12. Prior to the completion of the development, details of how the development will offset biodiversity loss/enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented before first occupation and thereafter retained.

**Reason:** To enhance biodiversity and the ecological value of the site and surrounding area.



13. The development shall be carried out in accordance with the submitted flood risk assessment (ref. Flood Risk Assessment in Support of Residential Development at The Coach House, The Honest Miller, The Street, Ashford, Kent / RSPD, Jan 2022) and the following mitigation measures it details (including finished floor levels being set no lower than 48.23m above Ordnance Datum (AOD) and all sleeping accommodation only being placed at first floor level). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

14. 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.

## **Notes to the Applicant**

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

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

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. Nesting 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, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. The building is 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 22/00892/AS)

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<b>Application Number</b>	22/00893/AS	
<b>Location</b>	The Coach House, The Street, Brook, Ashford, TN25 5PG	
<b>Grid Reference</b>	606932 / 144744	
<b>Parish Council</b>	Brook	
<b>Ward</b>	Bircholt	
<b>Application Description</b>	Proposed conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let	
<b>Applicant</b>	Churchill Property Trading Limited	
<b>Agent</b>	Mr Bax, Kent Planning Consultancy Ltd	
<b>Site Area</b>	0.0236 hectares	
(a) 12/42R & 1S	(b) R	(c)

## Introduction

1. This application is reported to the Planning Committee at the request of Councillor William Howard who is a member of the planning committee.

## Site and Surroundings

2. Please refer to 22/00892/AS which precedes this application.

## Proposal

3. Please refer to 22/00892/AS which precedes this application.

## Planning History

4. Please refer to 22/00892/AS which precedes this application.

## Consultations

5. **Ward Member:** Is a member of the Planning Committee.
6. **Brook Parish Council:** Objects to the application for the following reasons:
  - The Honest Miller, adjoining land and Coach House is a major hub for the village community and was listed as an asset of community value on 21st January 2021. The Coach House and paddock to the rear of the public house are also included within the listing.
  - It was hoped that the new owner of the Public House would invest and re-open the premises. The applicant appears to wish to maximise the development potential of the entire Public House site, which has led to various housing development applications associated with the Public House.
  - The Public House has remained closed since being bought by the applicant, which is depriving the village of a vital community asset. They question whether the applicant will re-open the Public House.
  - This application is acting as a separate entity to the Public House.
  - The proposal for the refurbishment of the Coach House cannot be treated in isolation to a refurbishment of the Public House.
  - The Coach House enhances the Public House's role as a community asset and is a complimentary use to the Public House. Both should be retained for the benefit of the village.
  - They consider that the granting of the change of use to a holiday let, in the absence of any proposals for the Public House, would impact on the reopening of the Public House as a community asset.
  - Although the Coach House and the Honest Miller are separate grade II listed properties, they should be considered as a whole, and not treated separately in isolation.
  - They suggest that this application could allow a separate residential use (class C3) on site, which could be sold off in the future, to the detriment of the community asset and the setting of the listed buildings.
  - The proposal to convert the Coach House will have a serious impact on biodiversity and the environment.
  - The application fails to demonstrate that the proposed overnight accommodation would be 'nutrient neutral' and would not detrimentally impact upon Stodmarsh Lakes and its associated catchment.
  - The site is opposite a SSSI within Brook, and the scheme could impact the SSSI.
  - Brook does not have any cycle lanes or public transport provision, and the scheme would be reliant solely on the use of car(s) which is not sustainable.
  - The proposed holiday let would add to increased congestion on the local roads.

(Officer comment – the issues raised by the Parish Council relating to the impact of the scheme on the listed building are addressed in the main body of the report. All other issues raised that do not relate strictly to this listed building application have been considered in the report for application reference 22/00892/AS, which is also before Members to consider at this meeting).

7. **Neighbours:** 12 neighbours consulted, as well as a site notice being put up and a press advert placed. 42 letters of objection and 1 letter of support were received in relation to the application. The letters of objection raise the following concerns:

- The application site forms part of the Public House site (together with the Honest Miller and associated land). The site should not be split up and sold off separately.
- No mention has been made of the Public House. However, no application should be determined in isolation from the Public House.
- The Coach House and the Honest Miller are all part of the same listed site.
- Separating the Coach House from the Honest Miller would reduce the value of the site and make the Public House less appealing for anyone to buy.
- Works on the Coach House should only be considered after the Public House has been refurbished.
- The asset of community value designation encompasses everything within the confines of the Honest Miller's land boundary, and this application would flout the terms of the asset of community value. Removing the Coach House from the Honest Miller would harm the Public House and the community asset.
- The proposal is in affect a change of use to a residential property with nothing stopping the holiday let becoming a separate residential dwelling, which would harm the Public House and be out of character with the site and area.
- Parking for the proposal would affect the parking for the Public House.
- The proposal would affect the issue of Stodmarsh, which is unacceptable.
- The proposal may affect the wider environment and water courses.
- The plan for community ownership of the Public House includes many uses for this building which would have a more positive impact on the community than a holiday let (i.e. a village shop).
- The proposal would worsen flooding in the area.
- The windows, roof lights and small lean-to extension to the Coach House would not respect the listed building and are not in keeping with the surrounding area.
- The applicant should confirm that the Coach House would remain as part of the wider Honest Miller site.

- The Coach House is not a good place to locate new tourist accommodation.
- Concerns raised in relation to how the outside space for the holiday let would be screened. A tall fence would not be visually acceptable.
- Any new hedge planting needs to be of native species.

The letter of support makes the following comments:

- The Coach House is a historic and listed building which is currently dilapidated and in danger of falling down. This has been part of the village's character and it would be a shame to lose such a landmark building.
- As the development is within the existing footprint then its conversion to a holiday let would preserve the architecture and give it a sustainable purpose.
- It would be good to encourage people into the countryside to enjoy and share the North Downs.

(Officer comment – the issues raised by residents relating to the impact of the scheme on the listed building are addressed in the main body of the report. All other issues raised that do not relate strictly to this listed building application have been considered in the report for application reference 22/00892/AS, which is also before Members to consider at this meeting).

## Planning Policy

8. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
9. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
10. The relevant policies from the **Development Plan** relating to this application are as follows:-
  - SP1 - Strategic Objectives
  - SP6 - Promoting High Quality Design
  - ENV13 - Conservation and Enhancement of Heritage Assets

## 11. Government Advice

### National Planning Policy Framework (NPPF) 2021

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 National Planning Policy Framework (NPPF) was introduced in March 2012 and updated in July 2021. It is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.

The general approach to considering applications is set out in paragraphs 199 and 200 of the NPPF, and states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 17 of the Planning Practice Guide states that "Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”

## Assessment

### Heritage

12. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the Local Planning Authority or 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.
13. The proposal will involve the alteration of historic fabric, internally and externally, including the insertion of a first floor, a rooflight over the bathroom, two windows, a door to the rear, and an extension in the form of a lean to. At present, the building is in a poor-fair condition and is currently vacant. The building is of high heritage significance as it is listed in its own right, and was constructed contemporaneously with the Honest Miller Public House. It is important that any applications for alteration of the building through the change of use do not impact the legibility of the structure as an ancillary building related to the public house. The change of use to a holiday let associated with the Honest Miller Public House will ensure the building remains connected with the Public House, whilst also enabling a viable use that will ensure the building’s ongoing conservation.
14. According to the heritage statement, no internal primary phase features remain within the Coach House building. Nevertheless, the external fabric and structure of the building remains much the same as originally constructed. There are features of significance, including the carriage doors at ground floor level and double hoist doors on the first floor. The proposals should seek to ensure the maximum survival of the surviving historic fabric, in addition to ensuring the historic use of the building is still legible.
15. The proposed fenestration makes use of existing openings in most cases, using the existing openings on the north east elevation. The rear (south west) door will utilise a blocked up opening, which is visible from the brickwork



externally. Likewise, the window on the south east elevation will also be created by opening a blocked up window. The only new openings will be the rear window and the rooflight. Both of these openings are necessary for providing light and ventilation into the upper floor, and details of the window joinery can be secured by way of condition. The applicant amended the scheme to remove proposed rooflights from the north west elevation. This amendment in the number of rooflights proposed has reduced the loss of historic fabric.

16. The rear lean to extension should be constructed of brick and cladded in a manner similar to the coach house to reduce the impact of the alteration. The exact details of the materials can be agreed by way of a condition. Due to the very small scale, lean to nature of the design, and the potential to reuse bricks from the host building that are to be removed to facilitate the fenestration, it is not considered that the extension will cause any loss of significance and will not unacceptably alter the character of the heritage asset.
17. There is limited information about the provision of services, which are currently non-existent within the building. However, it is unlikely that the insertion of the required facilities will cause any damage to the historic fabric as these can be fitted to/within the new internal stud wall. The proposed limecrete flooring and the proposed thermofleece insulation are both suitable for use in historic buildings. There is no information about the method of installing the internal floor level and stairs, so this should be included as a condition to ensure that their installation would not impact on the historic fabric of the Coach House building.
18. In light of the above the proposed conversion would facilitate the continued survival and sympathetic re-use of a listed building, thereby preserving this historic building for the future which is strongly promoted in the NPPF and the development plan. It is considered that the development as a whole would not be harmful to the character and appearance of the coach house or the setting of the Honest Miller Public House. Overall, the development would result in less than substantial harm to the heritage asset, where any such harm would be outweighed by the public benefit of ensuring the building is safeguarded and retained in a suitable use.

## **Human Rights Issues**

21. 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

22. 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

23. In light of the above I recommend that listed building is granted subject to the imposition of appropriate conditions.

## Recommendation

### Grant

**Subject to the following Conditions and Notes and issues relating to nutrient neutrality being resolved:**

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

1. The works to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. Full details including source/ manufacturer, and samples (where necessary) of materials to be used and detailed scaled drawings and sections where applicable in respect of all the matters listed below shall be submitted to and approved in writing by the Local Planning Authority before the development is

commenced and the development shall be carried out using the approved external materials.

- Material samples (including those of the proposed fenestrations, the lean-to extension and any repairs to the building).
- Details of rainwater goods which should be black cast iron or aluminium.
- Joinery details for all new windows, rooflight and external doors.
- Details of new first floor and internal stair construction within the Coach House building and its relationship with the existing structure.
- Details of new vents and flues.
- Details of any external lighting.

**Reason:** In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

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

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

## **Notes to the Applicant**

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

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

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 22/00893/AS)

**Contact Officer:** Matthew Apperley  
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**Telephone:** (01233) 330 237

<b>Application Number</b>	21/00100/AS
<b>Location</b>	Pinnock Yard, The Pinnock, Pluckley
<b>Grid Reference</b>	591784,144820
<b>Parish Council</b>	Pluckley
<b>Ward</b>	Upper Weald
<b>Application Description</b>	Erection of 2 dwellings along with associated parking, bin store & bike store
<b>Applicant</b>	Mr G Oxley
<b>Agent</b>	Sevencroft Ltd
<b>Site Area</b>	0.076 hectares

## Introduction

1. This application is reported to the Planning Committee at the request of Cllr. Mrs Clair Bell.

## Site and Surroundings

2. The application site is a triangular plot approximately 0.076Ha in size located close to the hamlet of Pluckley Thorne. It was previously in commercial use but has been vacant for a number of years. The site contains an overgrown open yard area with a small number of dilapidated buildings and structures.
3. The site's southern boundary with Smarden Bell Road is well defined by established trees which are subject to tree preservation order (TPO) with further mature landscaping evident around its boundaries. Access to the site is from Smarden Bell Road.
4. To the north and west of the site is agricultural land and on the opposite side of Smarden Bell Road to the south are Thorne House, a grade II listed building, and the Gooseberry Fields Glamping Site. East of the site is a new development comprising 4 houses with car barns granted at appeal (Ref: 19/01411/AS) and beyond that are further row of dwellings named Thorne Cottages.
5. The site lies within the Mundy Bois Mixed Farmland Landscape Character Area (LCA). The site lies outside of the East Stour Catchment.

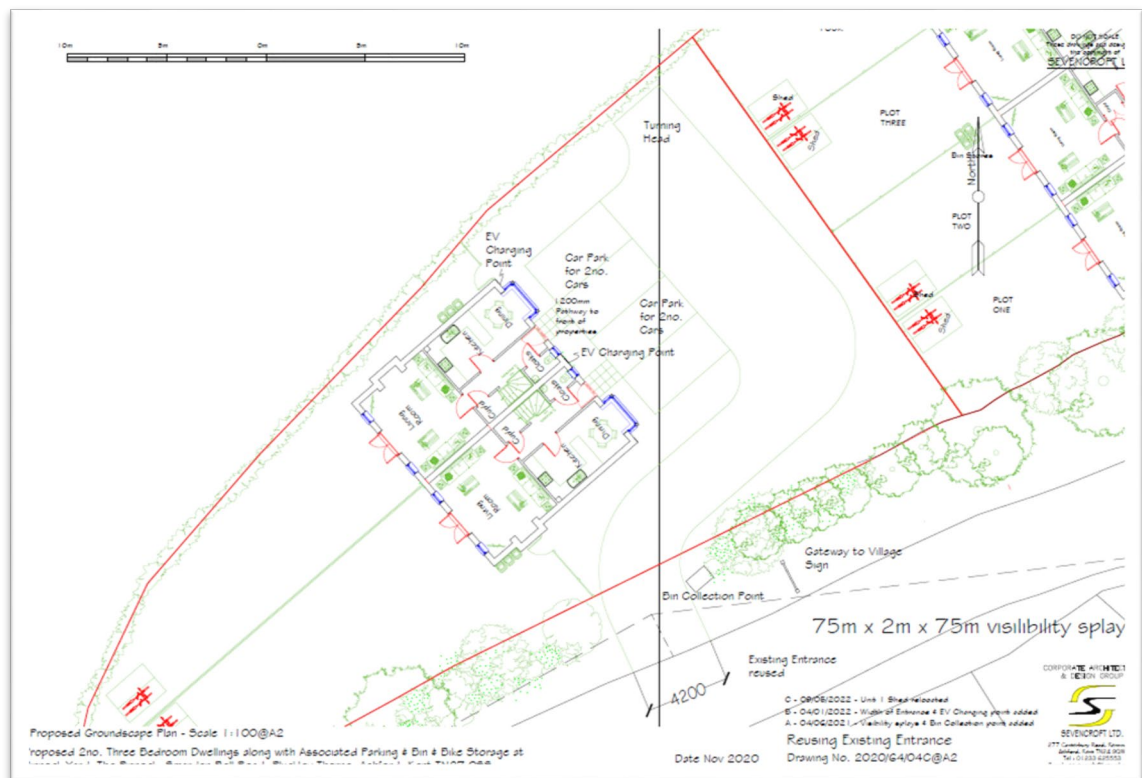
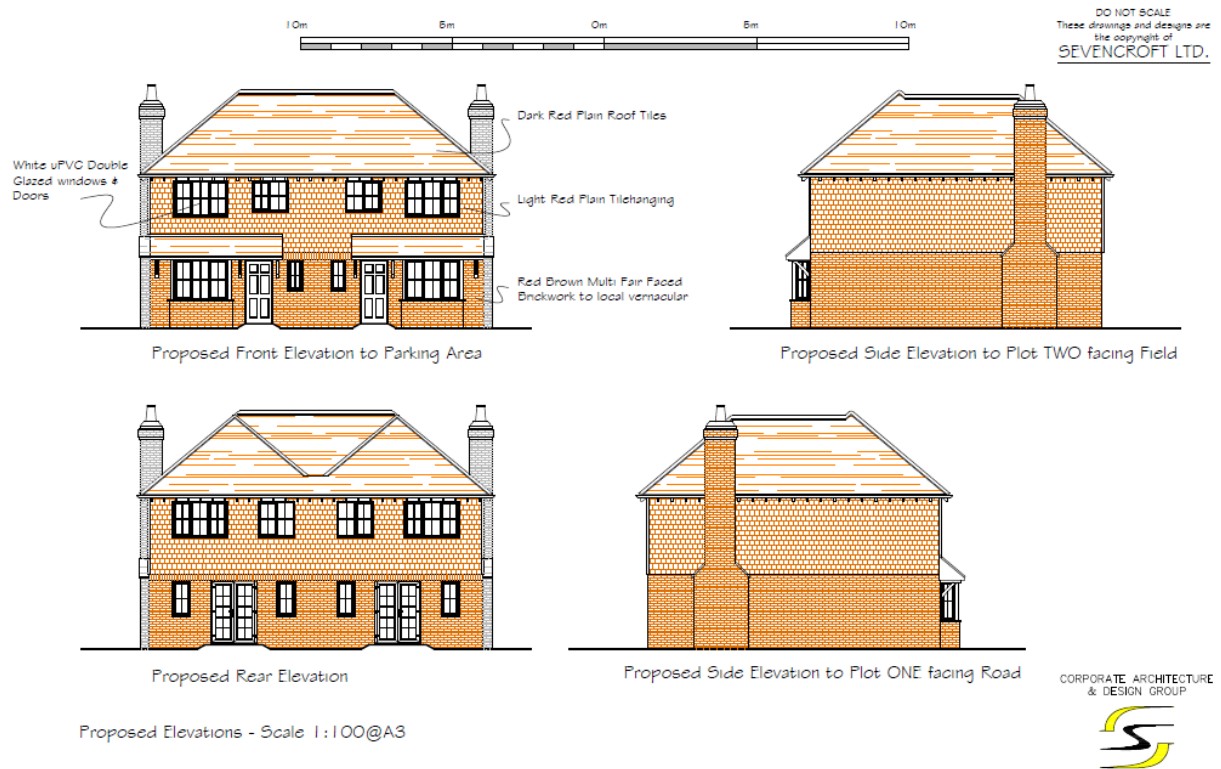


Figure 1 - Site Location & Block Plan

## Proposals

- The application seeks planning permission for the erection of two semi-detached dwellings. The dwellings would be traditionally designed with hipped roofs, symmetrical elevations and chimneys. Materials would be red & brown brick and hanging tiles set under a tiled roof. Each property would have its own private rear garden to the rear, off-road car parking spaces and cycle storage.



**Figure 2 – Proposed Elevations**



**Figure 3 – Proposed Floor Plans**

**Relevant Planning History**

7. Planning permission was granted at appeal in 2020 for the construction of four dwellings, car barns and landscaping (Reference: 19/01411/AS)
8. Planning permission was granted in 2017 for the erection of 4 dwellings arranged as a terrace together with 3 allotments (Reference: 17/00837/AS).
9. In 2014 outline planning with all matters reserved for the erection of a terrace of 4 dwellings was refused (Reference 14/00720/AS).
10. An application for a Lawful Development Certificate for the storing of building materials and operating centre for H.G.V. was granted in 2003 (Reference 02/01720/AS)

### **Consultations**

11. The application has been subject to formal statutory and non-statutory consultation including notification letters sent to the occupiers of 7 properties in the vicinity of the application site.
12. Following receipt of new plans altering the access into the site and relocating cycle storage consultees and neighbours were re-notified of the application.
13. **Ward Member** - The Ward Member, Cllr. Mrs Clair Bell has requested that the application be determined by the Planning Committee.
14. **Pluckley Parish Council** - Object:
  - Sightlines and access are unacceptable on a 60mph road.
  - The site is outside the village boundary.
  - The access would result in loss of TPO hedgerow.
  - The development would impact a grade II listed building.
  - The application makes incorrect statements including the adjoining development of four homes is not affordable housing and therefore is not supported by the Pluckley Neighbourhood Plan, notwithstanding that it has planning approval. A further two homes similarly are not supported by the NP and would make the site overly congested.
15. **KCC Highways** – No objections subject to conditions:
  - Submission of a Construction Management Plan before the commencement of any development on site.
  - Completion and maintenance of the access shown on the submitted plans.
  - Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05metres above carriageway level within the splays.
  - Use of a bound surface for the first 5 metres of the access from the edge of the highway.



- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces and vehicle turning facilities shown on the submitted plans.
- Provision and permanent retention of secure, covered cycle parking facilities.
- Provision and permanent retention of Electric Vehicle Charging facilities.

16. **KCC Biodiversity** – No objection subject to conditions.

- Advises that sufficient information has been provided to determine the planning application.
- The submitted ecological report has detailed that there is potential for protected species.
- A precautionary mitigation approach is needed for reptiles and breeding birds and KCC are satisfied with the principle of that approach subject to condition.
- A signed Impact Assessment and Conservation Payment Certificate has been submitted to demonstrate the site has been accepted in to the District Level Licencing scheme for great crested newts. A condition is recommended so that a copy of the GCN District Level Licence must be submitted to the LPA for written approval.
- To mitigate against potential adverse effects of lighting on biodiversity, and in accordance with the National Planning Policy Framework 2021 KCC recommends that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' should be consulted and the lighting design demonstrate this by condition.
- The report has made a number of recommendations to include habitats/features which will benefit biodiversity. A condition is recommended that an ecological enhancement plan is submitted as a condition of planning permission.

17. **Neighbours** – Across the consultations, 2 objections were received. These are summarised below:

18. Objections:

- The site is on a blind bend and by the 60mph limit.
- It is outside the built confines of Pluckley Thorne.
- Crowding more homes onto this small site, extending into the countryside, would impact adversely the open views and the character of the area.
- The Pluckley Neighbourhood Plan does not support additional homes.
- No affordable housing for which the site was intended.
- Overdevelopment of the site will negatively impact one whole area which contains an important listed building.
- Impact on TPO hedgerow.

## **Planning Policy**

19. 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).
20. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Local Plan to 2030**

SP1 - Strategic Objectives  
SP2 - The Strategic Approach to Housing Delivery  
SP6 - Promoting High Quality Design  
HOU3a – Residential windfall within developments  
HOU12 - Residential space standards internal  
HOU14 - Accessibility standards  
HOU15 - Private external open space  
HOU18 - Providing a range and mix of dwelling types and sizes  
TRA3a - Parking Standards for Residential Development  
TRA5 - Planning for Pedestrians  
TRA6 - Provision for Cycling  
ENV1 - Biodiversity  
ENV3a - Landscape Character and Design  
ENV4 - Light pollution and promoting dark skies  
ENV5 - Protecting important rural features  
ENV7 – Water Efficiency  
ENV8 - Water Quality, Supply and Treatment  
ENV9 - Sustainable Drainage

### **Pluckley Neighbourhood Plan (2017)**

R1 - Landscape Character and Design  
H1 - New Residential Development  
H2A - Design Standards

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

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

Residential Parking and Design Guidance SPD 2010  
Sustainable Drainage SPD 2010  
Landscape Character SPD 2011  
Residential Space and Layout SPD 2011

Dark Skies SPD 2014

### **Informal Design Guidance**

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

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

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

### **Government Advice**

National Planning Policy Framework (NPPF) 2021 & National Planning Policy Guidance (NPPG)

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

Relevant sections of the NPPF include:

- Presumption in favour of sustainable development
- Determination in accordance with the development plan
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change and flooding
- Habitats and biodiversity

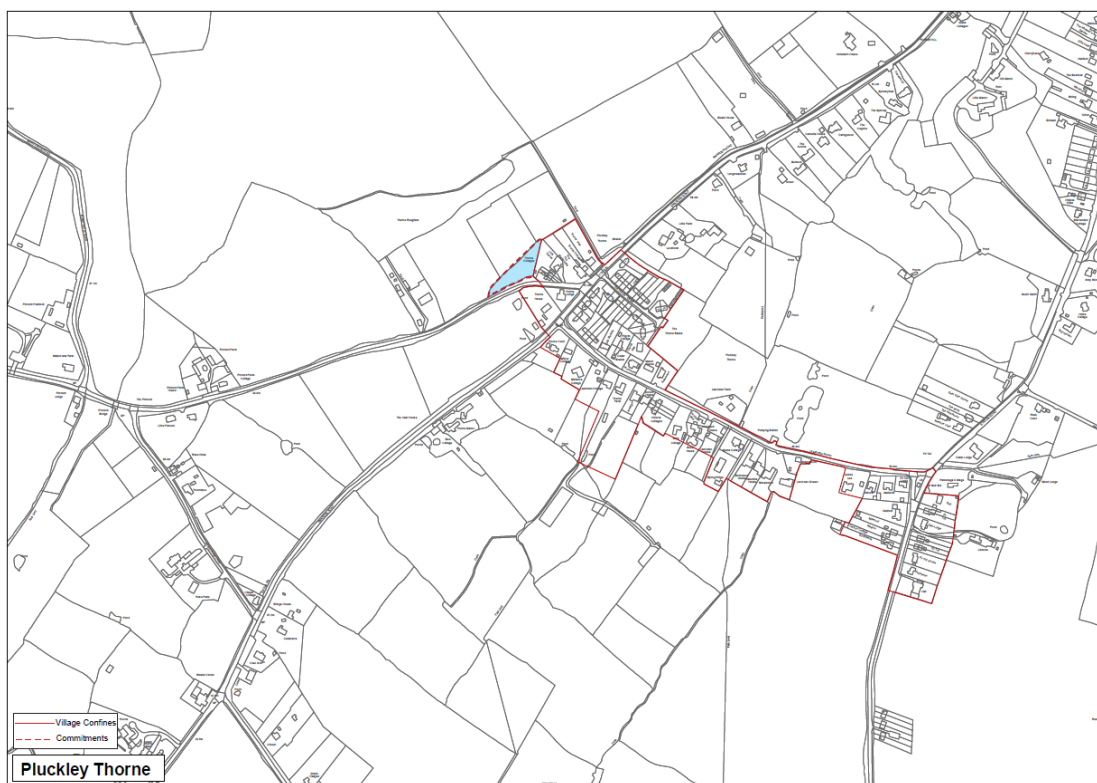
### **Assessment**

23. The main issues for consideration are:

- Principle of development
- Character and appearance
- Impact on residential amenity
- Trees and Biodiversity
- Flooding and Drainage
- Highway and Parking
- Stodmarsh
- Five-Year Housing Land Supply

### **Principle of development**

24. The proposal constitutes residential development to an existing brownfield site on the north-western edge of Pluckley Thorne. It is bounded by residential development to the east and is located within the settlement confines by virtue of its previously developed nature and its allocation for housing within the Pluckley Neighbourhood Plan (PNP). Indeed, its allocation for housing demonstrates the site is a suitable and sustainable location for the growth of Pluckley Thorne.
25. Policy H1 of the PNP refers to the site as Site A and states that it is allocated for approximately four dwellings. The supporting text to the policy states the site could accommodate four affordable two/three bedroom homes with the potential for young people. Additionally, it states that it is small scale, utilises existing access onto the highway, does not impact on views and would improve the appearance of an untidy site.



**Figure 4** – Built confines of Pluckley Thorne with the allocated site in blue

26. It is recognised the proposal would increase the overall number within the boundaries of the housing allocation to 6, as 4 market houses were already granted by the Planning Inspectorate and are under construction to the east (Reference: 19/01411/AS). However, Policy H1 provided an approximate, not maximum, number of houses that could be accommodated on the site and the addition of 2 additional dwellings would make the best and most efficient use of a previously developed site in accordance with provisions of the NPPF and

Local Plan policies SP1 & SP2. It would also remove dilapidated structures from the site to be replaced with well-designed houses thereby improving an untidy site. Importantly, it would not conflict with any other policies of the development plan including the relevant criteria under Policy HOU3a encompassing character and appearance, residential amenity, heritage, highway impact and biodiversity – all considered below.

27. In relation to the PNP policy aspiration that the houses should be affordable for young people, it is noted that the two previous applications on the wider site (Ref: 17/00837/AS & 19/01411/AS) were both granted for market housing. The Planning Inspector found when considering the 4 houses (Ref: 19/01411/AS) that Policy H1 of the PNP makes no reference to the need for it to be an entry-level site or rural housing exception site as defined in the NPPF. Therefore, market housing could not be prevented.
28. Although technically forming part of a commercial site, the PNP indicates the site has not offered employment for at least twenty years and there would be no consequent loss of employment as a result of its development. Also, the change of use from commercial to housing was anticipated by virtue of its allocation.
29. Overall, the proposal follows the general parameters of policy H1 of the PNP and complies with policies SP1 and SP2 of the Ashford Local Plan to 2030 and the NPPF. The proposal is therefore acceptable in principle.

### **Character and appearance**

30. The relevant development policies against which to assess the visual impact of the proposal include policies SP1, SP6 and HOU3a of the Local Plan and R1 & H2A of the PNP. These are consistent with the NPPF which seeks to create the highest quality design and promote a positive sense of place through the design of the built form, the relationships of buildings with each other and the spaces around them, responding to the prevailing character of the area.
31. The surrounding area has a mixed character with no obvious uniformity of plot size, building line or architectural language. At two storeys and semi-detached, the dwellings is responsive to the immediate built context and considered acceptable. With respect to design, the dwellings would be traditionally designed in brick and hanging tile under a pitched tiled roof. Given the variation in architectural language within the area, the form, appearance and materials would integrate successfully into the wider street scene, subject to materials to be clarified by condition.
32. Being allocated for housing, the site was also planned to undergo change. The site is previously developed land comprising an open yard area with a small number of dilapidated buildings and structures that do not contribute positively to the surrounding area. It is proposed the current structures will be removed and redeveloped to accommodate an appropriately scaled and designed

residential development that would sit comfortably within the context. The proposal would therefore address an untidy site and would not adversely impact the built context or wider landscape character.

33. Overall the layout, design and appearance would be appropriate and would be compatible with the character of the surrounding area and the development would not be detrimental to the visual amenity of the area.

### **Impact on residential amenity**

34. Given the separation and position of windows proposed, the proposed development would not result in undue overlooking of existing or future neighbouring properties. Nor would it be overbearing and/or result in the loss of light. Accordingly, no harm to the residential amenity of neighbouring properties would result from the proposal.
35. The dwellings would meet the Nationally Described Space Standards and include garden spaces in accordance with Local Plan policies HOU12 & HOU15. It is therefore considered the proposed new dwellings would provide a good standard of amenity for future residents.

### **Trees and Biodiversity**

36. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats and networks of ecological interest. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Policy ENV1 of the Local Plan is consistent with the guidance contained within the NPPF which seeks to conserve and enhance biodiversity through the planning process. The trees along the road frontage are protected by Tree Preservation Order.
37. The submitted Arboriculture Report identifies that no trees will require removal to facilitate the proposed development. With respect to retained trees, a range of tree protection measures are proposed that would ensure the trees and their amenity value will be preserved. Specifically, retained trees will be subject to a range of protection methods to avoid soil compaction, impact damage and other ground preservation measures. Subject to conditions the impact upon trees is acceptable.
38. With regards to ecology, a Preliminary Ecological Appraisal has been submitted. It identifies the application site does not contain or lie close to any national sites of nature conservation importance. The site is located on the other side of the road from a Local Wildlife Site called 'Pasture and Orchard, Pluckley'. Taken with the nature and scale of development, the proposal is unlikely to result in any adverse effect on any local or statutorily protected sites.

39. The site itself consists of sparsely grassy ground over areas of rubble and hard standing with a small number of dilapidated tin sheds and caravan in the southern tip of the site. The west boundary is lined with low bramble along the field. Along the road are hornbeam, ash and hawthorn trees. In view of this, the Ecological Appraisal indicates there is potential for foraging bats, GCN, reptiles, dormouse and breeding birds to be present.
40. With respect to reptiles and breeding birds the Ecological report advocates a precautionary mitigation approach. KCC Ecological have advised that the principle of this approach is acceptable provided that prior to the commencement of development, an ecological mitigation plan is submitted by condition. This will set out an appropriate mitigation strategy for each species, illustrating how the populations shall be maintained, enhanced or monitored and measures shall be agreed and carried out to an agreed timetable. Given that hedgerows will not be impacted by the proposed development no ecological mitigation is required for dormice.
41. A signed Impact Assessment and Conservation Payment Certificate has been submitted to demonstrate the site has been accepted in to the District Level Licencing scheme for great crested newts. KCC Ecology advises that information be submitted by condition to demonstrate the licence has been issued the certificate to confirm that acceptance onto the scheme in the interest of protecting GCN.
42. As lighting can be detrimental to roosting, foraging and commuting bats a condition is recommended to ensure the lighting design is in the interest of biodiversity. Also, the application provides opportunities to incorporate features into the design which are beneficial to wildlife in accordance with the requirements of Policy ENV1. Enhancement opportunities may include the incorporation of planting of appropriate native plant species and/or to provide nesting and foraging opportunities and the installation of bird and bat boxes. It is recommended further details on ecological enhancements are secured by condition. Subject to these conditions KCC Ecology raise no objections.
43. In summary, the development proposals would conserve and enhance trees and biodiversity subject to conditions in accordance with policy ENV1 of the Local Plan and NPPF.

### **Heritage**

44. On the opposite side of Smarden Bell Road to the south is Thorne House, a grade II listed building. In view of the proposal's appropriate scale and design, significant separation and intervening road and tree planting, the proposed development would preserve its setting.

### **Flooding and Drainage**

45. The NPPF seeks to direct development away from areas of highest flood risk. Policy ENV9 of the Local Plan 2030 requires development to include appropriate sustainable drainage systems for the disposal of surface water where it is practical to do so, to avoid any increase in flood risk or adverse impact on water quality.
46. The application site is located within an area of 'low' probability of flooding being located within Environment Agency Flood Zone 1.
47. In terms of surface water drainage, the applicant proposes a SuDS scheme which will minimise runoff leaving the site during heavy rain events. The strategy will incorporate permeable surfacing and rainwater harvesting. Subject to conditions requiring the details of the sustainable surface water scheme and further verification report to demonstrate that the drainage system constructed is consistent with that which was approved Officers are satisfied that surface water drainage can be appropriately dealt with in accordance with the requirements of policy ENV9. For sewerage disposal, the development will connect to the mains drainage system which serves the nearby properties.

### **Highways and Parking**

48. It is proposed to use the existing vehicular access to the site from Smarden Bell Road which is of adequate size and has sufficient visibility splays. The geometry of the access and internal circulation proposed is acceptable for a range of vehicle types and allows a car to enter and exit the access simultaneously. The two units would result in a slight net decrease in movements onto the local road network from the previous use. KCC Highways were consulted on the application and raised no objections in terms of highway capacity, visibility or safety.
49. There is adequate space within the application site to accommodate parking for cars as well as cycle parking in accordance with adopted policy standards set out in policy TRA3a of the Local Plan 2030.
50. The Highway Authority also requested planning conditions listed in their comments above. These are justified in planning terms and are recommended.
51. In conclusion, based upon the number of dwellings proposed and parking provision accommodated within the site, Officers do not consider that the proposal would result in any demonstrable adverse highway impacts and therefore would comply with the relevant policies of the development plan.

### **Stodmarsh**

52. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus



within the protected sites which is adversely affecting the integrity of the habitat of the lakes.

53. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.
54. The importance of this advice is that whilst the application site does not fall within the Stour catchment area, it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford (Bybrook) Wastewater Treatment Works. Bybrook Wastewater Treatment Works is located within the Stour catchment and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission.
55. 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 Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.
56. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
57. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
58. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), it is recommended 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) 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.

### Five Year Housing Land supply

59. 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<sup>[1]</sup>. The statement concludes that the Council can demonstrate 4.54 years' supply of land for housing.

60. Recent appeal decisions have found the housing land supply in a range between the July 2021 update and 3.5 years. With this being the case the Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged. Paragraph 11(d) of the NPPF states:

*"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

61. However, paragraph 11(d) criterion (i) is subject to *footnote 7* of the NPPF. *Footnote 7* lists the policies in the NPPF that protect areas or assets of particular importance. The policies referred to include those in the Framework relating to habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest.

62. For the reasons specified, it is the Council's position that, for the purposes of determining this application, *footnote 7* is clearly applicable, and thus would disengage the 'tilted balance' towards the grant of planning permission where a 5 year housing land supply cannot be demonstrated contained within paragraph 11 (d). However, as planning permission will only be granted if a favourable Appropriate Assessment is in place, the tilted balance would be academic and would not be relevant to the decision. It would only be relevant if the application were to be refused on other grounds but with the nutrient neutrality issue satisfactorily addressed.

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<sup>[1]</sup> Five Year Housing Land Supply Position Statement [Five Year Housing Land Supply Update 2021-2026 \(ashford.gov.uk\)](https://www.ashford.gov.uk/Document/View/1222)

63. In this particular case, it is considered that the application is consistent with the Development Plan but the position on 5-year housing land supply only serves to reinforce the recommendation.

### **Human Rights Issues**

64. Human rights issues relevant to this application have been taken into account. 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**

65. 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

### **Conclusion**

66. The proposal constitutes residential development to an existing brownfield site on the north-western edge of Pluckley Thorne. The site is allocated for housing within the Pluckley Neighbourhood Plan (PNP) policy H1 and the site is therefore a suitable and sustainable location for the growth of Pluckley Thorne.
67. The development would provide a minor increase in housing at this location that would be in keeping with the character of the existing and approved built form of the surrounding area. It is considered that the layout, scale and design quality of the scheme are appropriate at this location and the proposals would be in compliance with Development Plan policy.
68. There would be no unacceptable harm to residential amenity, highway safety, biodiversity or any other consideration subject to conditions. There would also be no issues in terms of surface and foul water drainage given the condition for a detailed drainage strategy to be agreed upon. Overall, the scheme would deliver a modest addition to the Council’s 5 Year Housing land supply, which it cannot currently demonstrate.
69. The application site does not fall within the Stour catchment area however it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford (Bybrook) Wastewater Treatment Works. Bybrook Wastewater Treatment Works is located within the Stour catchment. The nitrates and phosphates generated by the development will need to be mitigated through the strategic mitigation solution once available. Therefore, the recommendation to grant planning permission is subject to the adoption,

under delegated powers, of an Appropriate Assessment to the effect that the development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in this respect.

70. Overall, for the reasons set out above, it is recommended that planning permission is granted once there is a means of mitigating the Stodmarsh impacts.

## **Recommendation**

### **Permit**

- A. 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 their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Planning Applications and Building Control 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 and any associated issues relating thereto; and,
- B. Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

### **Conditions:**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials to be approved
4. Landscaping Scheme including planting
5. Arboricultural Method Statement
6. Details of boundary treatments
7. Sustainable Drainage Scheme and verification report
8. Completion and maintenance of the access shown on the submitted plans
9. Provision and retention of visibility splays, vehicle parking spaces, cycle parking, and turning facilities
10. Bound surface from the highway
11. Measures to prevent surface water discharging on highway
12. Electric vehicle charging points
13. Construction Management Plan
14. Ecological mitigation plan
15. External bat-sensitive lighting

- 16. GCN District Level Licence
- 17. Biodiversity Enhancement
- 18. Unexpected contamination
- 19. Site inspection

### **Notes to Applicant**

- 1. Working with the Applicant
- 2. List of plans/documents approved
- 3. Bird Nest Season
- 4. KCC Highways informative

### **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 21/00150/AS)

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<b>Application Number:</b>	PA/2022/2696
<b>Location</b>	72, Meadowbrook Road, Kennington, TN24 9AZ
<b>Grid Reference</b>	60160/14485
<b>Parish Council</b>	Kennington
<b>Ward</b>	Brockhanger
<b>Application Description</b>	Proposed Vehicular crossover
<b>Applicant</b>	Mrs Monica Hutanu
<b>Agent</b>	N/A
<b>Site Area</b>	N/A

## Introduction

1. This application is reported to the Planning Committee as the applicant is an Ashford Borough Council staff member.

## Site and Surroundings

2. The application site comprises a semi-detached bungalow fronting Meadowbrook Road, an unclassified single carriageway. The surrounding area is residential, characterised by similarly designed single-storey residential properties. There are a number of dropped kerbs serving properties in the locality, with front gardens and low boundary walls. The site is not located in any designated areas.

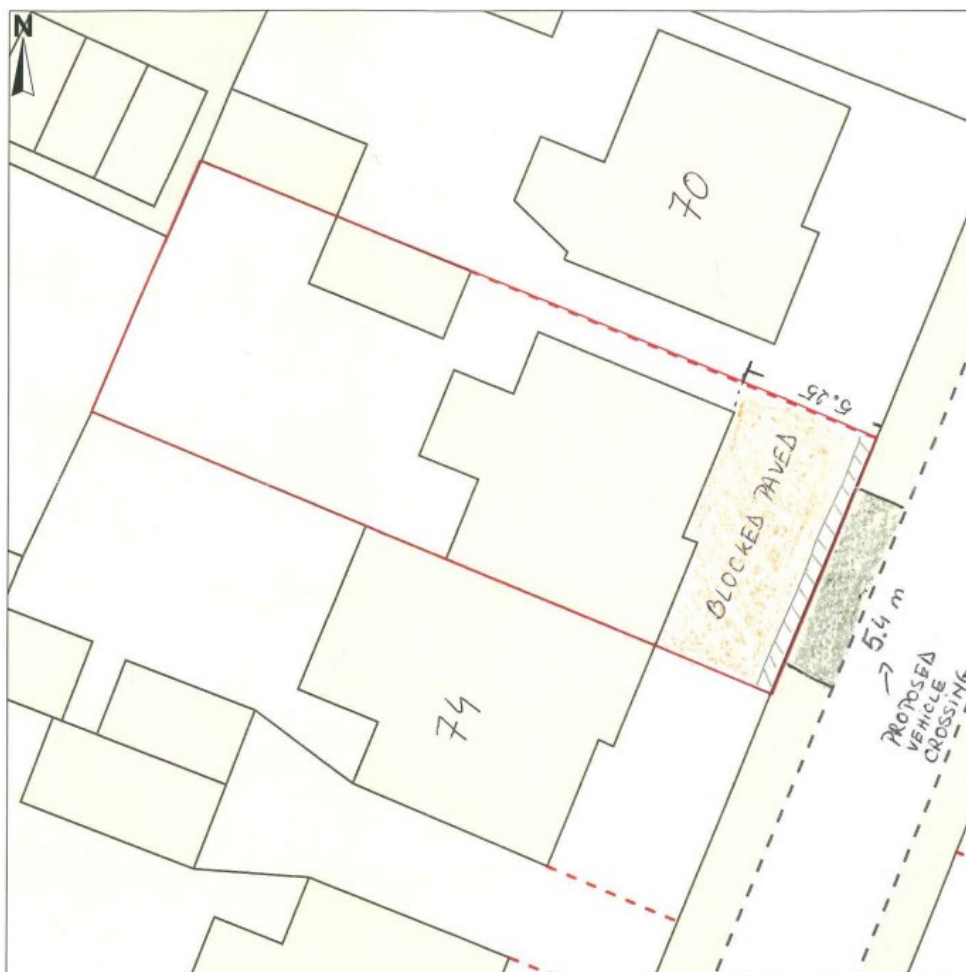


**Figure 1- Site location Plan**

**Proposal**

3. The application seeks planning permission for the creation of a dropped kerb to serve the existing hardstanding.





**Figure 2- Proposed Block Plan**

### **Planning History**

No relevant planning history.

### **Consultations**

Ward Member(s): no representations received.

Parish Council: no representations received.

5 neighbours: 1 comment received stating that they have no objections.

## **Planning Policy**

4. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), 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).
  
5. 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

TRA3(a)- Parking Standards for Residential Development

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

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

Residential Parking and Design SPD 2010

### **Village Design Statements**

N/A

### **Government Advice**

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

- 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 110- In assessing specific applications for development, it should be ensured that:
  - b) safe and suitable access to the site can be achieved for all users;
- Paragraph 130- Planning policies and decisions should ensure that developments:
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future

users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **Assessment**

7. The main issues for consideration are:

- Impact on amenity
- Highway safety

### **Impact on amenity**

8. The proposed vehicular crossover would be approximately 5.4m in width and allow access to Meadowbrook Road from an existing dwelling. The frontage of the existing dwelling is covered in block paving without a garden or low boundary wall. The proposed crossover will allow access to this hardstanding. There are existing properties in the immediate and wider area that already benefit from dropped kerbs. The proposed vehicular crossover is therefore compatible with the existing character of the area.
9. Given the nature of the proposal it would cause no harm to the residential amenity of adjoining occupants. As such, the creation of new vehicular access is considered acceptable.

### **Highway safety**

10. Meadowbrook Road is an unclassified single carriageway. The crossover would measure approximately 5.4m in width. Adequate visibility splays could be achieved on either side of the access. Although the creation of the access would remove street parking, it is not considered that it would cause an undue harm to the highway safety. Overall it is considered that it is acceptable in regards to highways impact and would therefore comply with paragraph 110 of the NPPF.

### **Human Rights Issues**

11. 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**

12. 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**

13. The proposed creation of a vehicular access is considered acceptable and would not cause harm to the character and appearance of the street scene. It is considered acceptable in terms of impact on residential amenity and highway safety. It is therefore recommended that the application is approved.

### **Recommendation**

#### **Permit**

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

1. The development 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 hereby permitted shall be carried out in accordance with the following approved plans and documents:

<b>Title</b>	<b>Description</b>	<b>Date</b>
Block Plan	Block Plan	8 December 2022
Location Plan		19 October 2022

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. 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.

4. The means of access shall be completed in accordance with the hereby approved plans prior to first use and the access shall thereafter be maintained.

**Reason:** In the interests of highway safety.

### **Note to Applicant**

### **Working with the Applicant**

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)

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