



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 19th April, 2023 at 7.00 pm.

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, **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 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**

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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**

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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 15th February 2023.

[\(Public Pack\)Minutes Document for Planning Committee, 15/02/2023 19:00 \(moderngov.co.uk\)](#)

6. **Schedule of Applications**

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

- | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| (a) | 21/00100/AS - Pinnock Yard, The Pinnock, Pluckley
Erection of 2 dwellings along with associated parking, bin store & bike store. | 9 - 26 |
| (b) | PA/2022/2223 - 40, Park Road, Kennington, Ashford, Kent TN24 9DL
Demolition of existing bungalow and garages and construction of 2 no. detached houses with associated parking. | 27 - 40 |
| (c) | PA/2023/0320 - 2 Fairview Villas, Bethersden Road, Smarden, TN27 8QT
Demolition of existing conservatory. Construction of single storey side extension with new external door and windows. | 41 - 48 |

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

06 April 2023

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

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

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

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a Dispensation has been granted in advance, to speak and/or vote).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a Dispensation has been granted in advance, to participate in discussion and/or vote). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency or good governance reasons, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, OR having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias (similar to that arising when a Member has made his/her views known in advance of the meeting), and require the Member to take no part in any motion or vote.

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If in doubt about any matters that they may need to declare, Members should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer, the Deputy

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

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 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 Council¹ 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 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

¹ 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.

Application Number	21/00100/AS
Location	Pinnock Yard, The Pinnock, Pluckley
Grid Reference	591784,144820
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Erection of 2 dwellings along with associated parking, bin store & bike store
Applicant	Mr G Oxley
Agent	Sevencroft Ltd
Site Area	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 0.076 ha in size located close to the hamlet of Pluckley Thorne. It was previously in commercial use but is no longer operational. The site contains an overgrown open yard area with a small number of dilapidated buildings and structures. Vehicular access is from Smarden Bell Road.
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.
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 a 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

Proposal

6. The application seeks planning permission for the removal of existing on-site structures and 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.
7. With respect to climate mitigation, EV charging points will be provided for each property, along with water butts for water conservation. Additionally, roof-

mounted PV panels are proposed together with battery storage to reduce the carbon footprint of the dwellings.



Proposed Elevations - Scale 1:100@A3

Figure 2 – Proposed Elevations

CORPORATE ARCHITECTURE
& DESIGN GROUP



Proposed Floor Plans - Scale 1:100@A3

Figure 3 – Proposed Floor Plans



Relevant Planning History

8. Planning permission was granted at appeal in 2020 for the construction of four dwellings, car barns and landscaping (Reference: 19/01411/AS)
9. Planning permission was granted in 2017 for the erection of 4 dwellings arranged as a terrace together with 3 allotments (Reference: 17/00837/AS).
10. In 2014 outline planning with all matters reserved for the erection of a terrace of 4 dwellings was refused (Reference 14/00720/AS).
11. 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

12. 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.
13. Following receipt of new plans altering the access into the site and relocating cycle storage consultees and neighbours were re-notified of the application.

14. **Ward Member** - The Ward Member, Cllr. Mrs Clair Bell has requested that the application be determined by the Planning Committee.
15. **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.
16. **KCC Highways** – No objections subject to conditions.
- Identifies the proposal will utilise an existing access that has current highway rights.
 - Notes two proposed dwellings will result in reduced traffic movements when compared with the previous use of the site.
 - Normally, as an existing access with reduced traffic movements visibility splays would not normally be required.
 - Nonetheless, plans were submitted with visibility splays. These demonstrate that visibility splay lengths of 2.4m x 75m could be achieved in both directions. This equates to driven speeds of between 36-37mph which is acceptable given traffic approaching from the west will be slowing to negotiate the bend and the speed limit drops to 30mph immediately after the access. Traffic approaching from the east will have low driven speeds as they negotiate the bend, in addition this section of the road is within a 30mph speed limit zone. As such, the visibility splays as demonstrated are acceptable for this access.
 - Adds that that crash data was checked for the immediate area, and no incidents have been recorded within the last 5 years.
 - With regard pedestrians, notes there is a lack of highway-owned land to enable a pedestrian footway to be installed here. However, there is a 30mph speed limit from the site to Smarden Road, and due to the geography of the road, driven speeds should be low.
 - Identifies pedestrian movements will be very low and existing properties here also have no footway.
17. **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.
18. **Neighbours** – Across the consultations, 2 objections were received. These are summarised below:
19. 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

20. The current Development Plan for Ashford borough comprises the Local Plan 2030 (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), Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
21. 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

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

Supplementary Planning Guidance/Documents

Climate Change Guidance for Development Management 2022
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)

23. 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

24. 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

25. 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 forms part of an allocated site for housing within the Pluckley Neighbourhood Plan (PNP).
26. The PNP recognises that housing growth is desirable for the community to ensure a sustainable future. The application site, which forms part of a key housing allocation, has been through consultation, independent examination and adoption into the PNP. The PNP states that the sites allocated for housing

meet the needs expressed by residents during the consultation and scored highest in the scoring matrix used. As such, the site was allocated on the basis that it is one of the most suitable and sustainable locations in Pluckley Thorne to accommodate new housing

27. Policy H1 of the PNP refers to the site as Site A and states that it is allocated for approximately four dwellings. In relation to the total number of dwellings, the Neighbourhood Plan sought to limit the number of dwellings at the draft stage to four. The Independent Examiner found that restricting the number of units was not consistent with the general presumption in favour of sustainable development which runs through the NPPF and, while it was considered appropriate to give guidance on the scale of development envisaged, there was no clear justification for setting an absolute limit. Consequently, the word **approximately** was added to the policy by the Independent Examiner to avoid limiting the number of dwellings that could be provided.
28. Whilst the proposal would increase the overall number of houses within the housing allocation to 6 (as 4 market houses were already granted by the Planning Inspectorate (Reference: 19/01411/AS)) the addition of 2 additional dwellings on this site is acceptable in principle as it would accord with Policy H1, which allocates housing on the site with no upper limit to the number of dwellings that could be provided. Also, it will make the best and most efficient use of a previously developed site in compliance with provisions of the NPPF and Local Plan policies SP1 & SP2.
29. Further, the proposal would also remove dilapidated structures from the site to be replaced with well-designed houses thereby improving an untidy site which is in-line with the supporting text to policy H1. Significantly, the proposal would not conflict with any other policies of the development plan including the relevant criteria under HOU3a and those with respect to character and appearance, residential amenity, heritage, highway impact and biodiversity – all considered below.
30. 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.
31. 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 proposed by virtue of its allocation.

32. Overall, for the reasons stated above the proposal accords with policy H1 of the PNP and complies with policies SP1, SP2 & HOU3a of the Ashford Local Plan to 2030 and the NPPF. The proposal is therefore acceptable in principle.

Character and appearance

33. 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.
34. 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 are 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.
35. 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.
36. With respect to climate mitigation, EV charging points will be provided for each property, along with water butts for water conservation. Additionally, roof-mounted PV panels are proposed together with battery storage. This would reduce the carbon footprint of the dwellings and is in accordance with the Council's climate change guidance.
37. 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

38. Given the separation of over 25m to the closest neighbour 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.

39. 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

40. 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.
41. 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.
42. 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.
43. 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.
44. 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.

45. A signed Impact Assessment and Conservation Payment Certificate has been submitted to demonstrate the site has been accepted into 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.
46. 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.
47. 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

48. 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

49. 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.
50. The application site is located within an area of 'low' probability of flooding being located within Environment Agency Flood Zone 1.
51. 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

52. The proposal would use the existing vehicular access to the site from Smarden Bell Road. This access was employed by vehicles associated with its former commercial use and has a longstanding connection to the highway. KCC Highways advise the current access would experience reduced traffic movements for two dwellings when compared with the previous use of the site. A reduction in usage of the access would, in turn, reduce the potential for conflict between drivers emerging from the site and other motorists.
53. Given the existing access is being reused and a reduction in usage is proposed, it would not normally be necessary to show visibility splays. However, these have been submitted and demonstrate lengths of 2.4m x 75m in both directions. This equates to driven speeds of between 36-37mph. KCC Highways advise that the visibility splays are acceptable given traffic approaching from the west will be slowing to negotiate a bend and as the speed limit drops to 30mph immediately after the access. Traffic approaching from the east will have low driven speeds as they negotiate the bend, in addition, this section of the road is within a 30mph speed limit zone. Accordingly, the visibility splays are acceptable for this access, particularly given its reduced usage. KCC Highways adds that crash data was checked for the immediate area, and no incidents have been recorded within the last 5 years.
54. With regard pedestrians, KCC Highways advises that there is a lack of highway-owned land to enable a pedestrian footway to be installed at this location. Nonetheless, there is a 30mph speed limit from the site to Smarden Road, and due to the geography of the road, driven speeds would be low. Further, pedestrian movements will be very low given the number of houses proposed and existing properties here also have no footway. Overall, KCC Highways finds that there would not be a harmful risk to the safety of pedestrians or motorists using the road network from the existing access.
55. 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.
56. The Highway Authority also requested planning conditions listed below. These are justified in planning terms and are recommended.

57. In conclusion, based upon the number of dwellings proposed, reuse of existing access and parking provision accommodated within the site, the proposal would not result in any demonstrable adverse highway impacts and therefore would comply with the relevant policies of the development plan.

Stodmarsh

58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. 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.

64. 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

65. 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.
66. 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.”

67. 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 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.
68. On the second exemption, Officers 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. Accordingly, it is concluded that this exemption would not apply and the tilted balance would therefore be engaged.

69. In this particular case, it is considered that the application is consistent with the Development Plan and, in the context of the tilted balance, it is concluded that planning permission should be granted in accordance with the recommendations contained within this assessment.

Human Rights Issues

70. 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

71. 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

72. 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.
73. 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.
74. 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.
75. 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.

76. 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:

- Standard time condition
- Development carried out in accordance with the approved plans
- Materials to be approved
- Landscaping Scheme including planting
- Arboricultural Method Statement
- Details of boundary treatments
- Sustainable Drainage Scheme and verification report
- Completion and maintenance of the access shown on the submitted plans
- Provision and retention of visibility splays, vehicle parking spaces, cycle parking, and turning facilities

- Bound surface from the highway
- Measures to prevent surface water discharging on highway
- Electric vehicle charging points
- Construction Management Plan
- Ecological mitigation plan
- External bat-sensitive lighting
- GCN District Level Licence
- Biodiversity Enhancement
- Unexpected contamination
- PV Panels
- Site inspection

Notes to Applicant

- Working with the Applicant
- List of plans/documents approved
- Bird Nest Season
- KCC Highways informative
- Provision of water-butts

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/00150/AS)

Contact Officer: David Lane
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Telephone: (01233) 330686

Application Number	PA/2022/2223
Location	40, Park Road, Kennington, Ashford, Kent TN24 9DL
Grid Reference	601737, 144580
Parish Council	Kennington
Ward	Bybrook
Application Description	Demolition of existing bungalow and garages and construction of 2 no. detached houses with associated parking.
Applicant	Mr J Reardon
Agent	Mr Keith Plumb, 53 Woodstock Road, Sittingbourne, Kent ME10 4HJ
Site Area	0.12 hectares

Introduction

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

Site and Surroundings

2. The application site is a residential plot approximately 0.12 ha in size located on the northern side of Park Road. It comprises an existing two-bedroom detached bungalow with two detached garages in the rear garden. The lies close to the junction between Park Road and Tudor Byway in Kennington.
3. The surrounding area is predominantly residential in nature. It has a mixed character with no uniformity in plot size, building line, or architectural language. Indeed, within the vicinity of the site there is a mixture of property types including detached and semi-detached dwellings ranging from single to two storeys in height. To the southwest of the site, for instance, is a detached bungalow whilst to the northeast is a detached two-storey dwelling. The majority of properties have off street parking accessed from Park Road.
4. The site is located within the Stour catchment.



Figure 1: Site location plan

Proposal

5. Planning permission is sought for demolition of the existing bungalow / garages and construction of two detached houses with associated parking.
6. The proposed dwellings would be two storeys in height with varying roof designs. The proposed southwest dwelling (adjacent to No. 42) would feature a hipped roof that would slope down along the south-western boundary to a height of approximately one and a half storeys. The proposed northeast dwelling (adjacent to No. 38) would feature a gable end roof design.
7. The proposed external facing materials would include multi stock brickwork with red brick detailing for the elevations, plain roof tiles and white upvc windows.
8. The proposed dwellings would both feature an area of off-street parking at the front with space for three cars to park. The existing dropped kerb would be required to be widened to serve the two properties.
9. Electric vehicle charging points would be provided for each dwelling and pv solar panels would be included on the roof slopes.



Figure 2: Existing bungalow with garage to rear and No. 38 to side

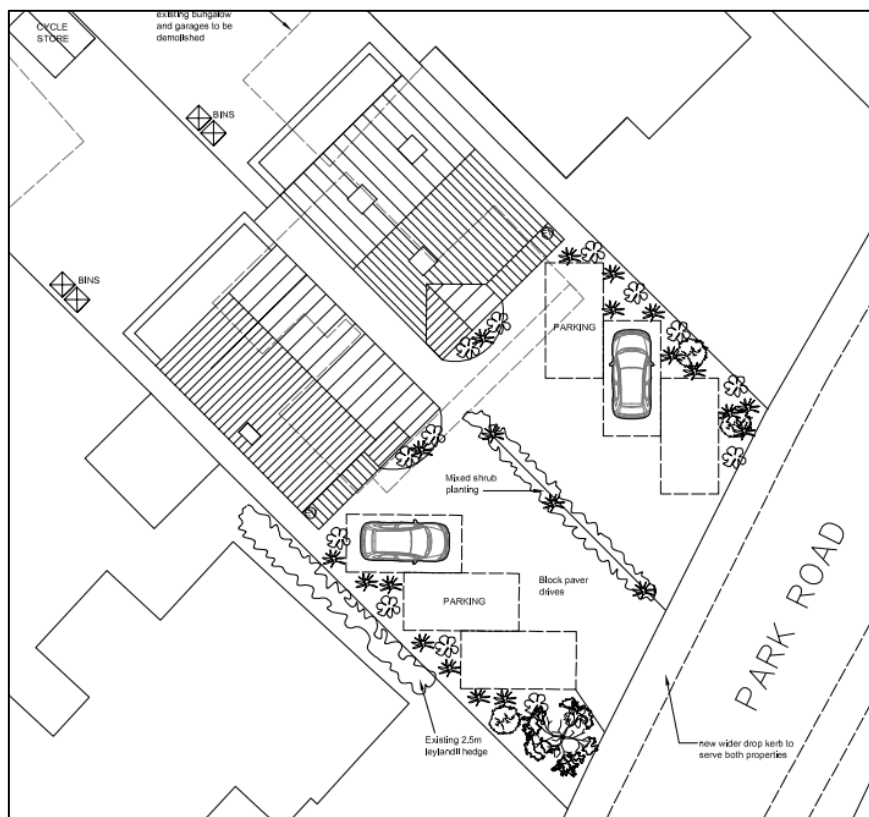


Figure 3: Proposed layout



Figure 4: Proposed southwest house (adjacent to No. 42)



Figure 5: Proposed northeast house (adjacent to No. 38)

Planning History

10. There is no relevant planning history.

Consultations

11. **Ward Member:** Cllr Turner has requested for the application to be determined at Planning Committee.
12. **Kennington Community Council:** Object as the proposal would represent an overdevelopment of the site.
13. **Environment Agency;** This planning application falls outside our remit as a statutory planning consultee.

Neighbours: 7 consulted. 7 letters of objection received stating the following:

- Out of keeping.
- Overdevelopment of the site.
- The plot is not suitable for two dwellings.
- Cramming.
- The plot if only suitable for one house.
- The parking will not work and cars will be forced to park on the road.
- Additional cars on the road will inconvenience other properties.
- Additional cars on the road will create potentially hazardous conditions for the existing neighbours.
- Additional cars and large construction vehicles will mean the road is no longer safe for children to play.
- Disruption during building work and when vehicles are manoeuvring.
- Noise during construction.
- **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.
- Increased risk of accidents due to nearby road junction.
- Cars should enter and exit in a forward gear.
- Loss of on street parking due to increased size of dropped kerb.
- People using the parade of shops on Faversham Road already park in the lower part of Park Road.
- Unattractive development.
- Lack of cohesive design style.
- The side walls would be right up against the boundaries of the adjacent properties.
- View of whole building from kitchen/sitting area of No. 42 where there is currently nothing.

- Loss of day light and sun light for No. 42.
- Overlooking / loss of privacy of gardens either side due to 2 storey dwelling being created.
- Two side (lounge) windows of No. 42 will be adjacent to car parking spaces and fumes etc;
- Concerns regarding loss of hedgerow that was planted by No. 42 on the grounds of No. 42 to provide privacy – this needs to be protected;
- **Officer Comment:** The hedgerow is shown to be within the curtilage of No. 42 and not the development site. Any damage to this hedgerow would be a private matter between individuals. An appropriately worded planning informative has been suggested.
- Loss of established Copper Beech hedgerow that runs along boundary due to erection of a fence.
- **Officer Comment:** A landscaping condition is recommended.
- Loss of sunlight to properties at rear.
- Loss of bungalow and these are in demand in the area.
- **Officer Comment:** There are no specific policies in place within the Local Plan to protect these types of houses from demolition.
- Suspected asbestos roof on garages.
- **Officer Comment:** A relevant planning informative is recommended to remind the applicant that the work must be carried out having due regard to asbestos regulations.
- There should be no bonfires on site.
- This will not make any difference to Ashford's overall 5-year housing supply numbers;
- Impact on wildlife due to removal of planting.

Planning Policy

14. 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).

15. 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)
- HOU15 – Private external open space
- ENV1 – Biodiversity
- ENV4 – Light pollution and promoting dark skies

ENV7 – Water Efficiency
ENV9 – Sustainable Drainage
TRA3a – Parking Standards for Residential Development
TRA6 – Provision for Cycling
TRA7 - The Road Network and Development
EMP6-Promotion of Fibre to the Premises (FTTP)

16. 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
Climate Change Guidance 2023

Government Advice

National Planning Policy Framework (NPPF) 2021

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

- 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

National Planning Policy Guidance (NPPG)

Technical Housing Standards – Nationally Described Space Standards

18. **Assessment**

19. The main issues for consideration are:

- Principle of Development and Visual Impact

- Residential Amenity
- Highway Safety
- Sustainability
- Stodmarsh
- 5 Year housing land supply

Principle of Development and Visual Amenity

20. Falling within the built-up area of Kennington, the proposed redevelopment of the site is considered acceptable in principle. Ashford 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:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
 - b) It would not create a significant adverse impact on the amenity of existing residents;
 - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
 - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
 - e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
 - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
 - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
 - h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
21. The above 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.
22. Whilst the proposal would involve the demolition of a single storey bungalow and its replacement within two new two storey dwellings, this would not appear out of character in the street scene as there are a mixture of dwelling types and sizes in the immediate vicinity of the site. The general mix of properties includes detached bungalows, chalet bungalows, semi-detached houses and two storey detached dwellings.
23. The layout of the proposed development has been designed so the front building line would be more or less level with those to the northeast of the site at Nos. 38, 36 and 34. Whilst the proposed development would be set back

from the front corner of the dwelling to the southwest at No. 42 by approximately 7m, the building line does vary along this road and this would not appear out of keeping.

24. The dwellings would be positioned approximately 1m away from the side boundaries of the site; however this is similar to some of the other properties along the road and will retain separation between plots. The different roof styles of the proposed dwellings would mean they do not appear too tight or overbearing and this would also help to maintain a sense of space from the gap between the roofs. Whilst the proposal would include an additional unit, it has been designed in a way to sit comfortably within its surroundings and not appear visually prominent or intrusive. There are a variety of roof designs in the locality including hipped roofs, gable end roofs and barn end hipped roofs. As such, the proposal is considered to be compatible with the local characteristics of the area.
25. The proposal would provide ecological enhancements in the form of bird boxes, bat boxes, bee and insect bricks, swift bricks, hedgehog highway apertures to new fencing, and spring bulb planting to parts of the lawned garden areas. These features could be secured by way of a planning condition. A landscaping condition would also be appropriate.
26. Whilst the proposal will result in the loss of a bungalow, there are no specific policies in place within the Local Plan to protect these types of houses from demolition.
27. The proposal would not result in unacceptable harm to the amenities of the street scene or surrounding area that would warrant refusal and the proposal would comply with the aims and objectives of both Policies HOU3a and SP6 in respect of visual impact.

Residential Amenity

28. In consideration of the amenity of the future occupiers, the proposed dwellings would comply with the relevant space standards for both internal and external amenity space.
29. There would be first-floor side-facing windows for both dwellings; however these would serve bathrooms and stairwells and could be obscure glazed (privacy level/grade 3 or higher) to mitigate against any unacceptable harm. Although the first-floor rear-facing windows might result in some overlooking of the adjacent gardens as the existing bungalow is only single storey in height, this would not be any worse than what would typically be expected in a built-up residential area and no different from any other two storey dwelling along the street.
30. Given the siting and orientation of the proposed dwellings, as well as the design of the roof adjacent to No. 42 that would measure approximately 4.8m to the

eaves line, it is considered the proposed development would not appear overbearing or result in any undue harm in terms of loss of outlook. There is an existing established hedge along this boundary in the garden of No. 42 as well as an outbuilding in close proximity to the rear corner of the house.

31. On balance, no significant or unacceptable harm to the residential amenity of the adjacent neighbouring residents would result from this development.

Highway Safety

32. Policy TRA3a requires three-bedroom dwellings to provide two parking spaces per unit and four bedroom dwellings to provide three parking spaces per unit. In this case, three spaces have been provided at the front of each dwelling and a vehicle tracking plan has been included to demonstrate manoeuvrability into the spaces.
33. Whilst vehicles may reverse onto the road on occasions, it is not considered the overall impact on highways safety would be harmful enough to warrant refusal on this basis. There appear to be other properties along the road where cars are required to reverse out, or they reverse in from the road.
34. Cycle storage and refuse storage areas would both be provided in the rear garden of each property. A single electric vehicle charging point would also be provided to each dwelling.
35. It is therefore considered the proposed development would be acceptable from a parking and highway safety perspective.

Sustainability

36. The proposed dwellings would include pv solar panels and electric vehicle charging points. Other sustainable features would include high efficiency boilers with heat recovery, low energy light fittings and general appliances, 'A' rated white good, low-capacity toilet flush cisterns and low flow taps, and secure cycle storage facilities. A water butt for each property could be secured by way of a planning condition.
37. Kennington is a district of Ashford considered to be a sustainable location for new development given access to local transport and other facilities.

Stodmarsh

38. 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.

39. 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.
40. The site falls within the Stour catchment area and it is proposed to connect to the mains sewer drainage network. The applicant has submitted a Nutrient Assessment and associated nutrient load calculations.
41. 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.
42. 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.
43. 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.
44. 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

45. 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.
46. 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.”

47. 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 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.
48. On the second exemption, Officers 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. Accordingly, it is concluded that this exemption would not apply and the tilted balance would therefore be engaged.
49. In this particular case, it is considered that the application is consistent with the Development Plan and, in the context of the tilted balance, it is concluded that planning permission should be granted in accordance with the recommendations contained within this assessment.

Human Rights Issues

50. 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

51. 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

52. In conclusion, the development plan allows for infill development within the built confines of Ashford. It is considered the proposed development by virtue of its design, scale, design, form, and materials would not be out of character or unacceptably cramped in the context of the existing development in the immediate vicinity.
53. No unacceptable harm to residential amenity would result from this proposal and the development is acceptable in terms of highway safety and sustainability. 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.
54. 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

- 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:

- 3 years
- Approved plans
- External materials as specified
- Obscure glazing to side facing first floor windows

- Vehicle parking to be retained as shown
- EVCP
- Solar panels
- Water butt
- Bicycle storage and bin storage as shown
- Landscaping
- Ecological enhancements
- Sustainable drainage
- Construction hours
- Remove PD rights
- Site inspection

Notes to Applicant

- Working with the Applicant
- Asbestos regulations
- Code of practice hours - noisy construction/demolition activities
- Boundary hedgerow owned by No. 42
- 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2022/2223)

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Application Number	PA/2023/0320	
Location	2 Fairview Villas, Bethersden Road, Smarden, TN27 8QT	
Parish Council	Smarden	
Ward	Weald North	
Application Description	Demolition of existing conservatory. Construction of single storey side extension with new external door and windows.	
Applicant	Mr D Doling	
Agent	Mr Simon Hoyle, Coronation Villa, Bethersden Road, SMARDEN, TN27 8QT	
(a) 4/-	(b) X	(c) -

Introduction

1. This application is reported to the Planning Committee because the agent's spouse is an employee of the Council.

Site and Surroundings

2. The application site comprises a semi-detached two-storey dwelling fronting Bethersden Road, which is a C classified road. The application is outside of the built confines of Smarden and in the open countryside. The site is not located in any designated areas (i.e. AONB or conservation area).

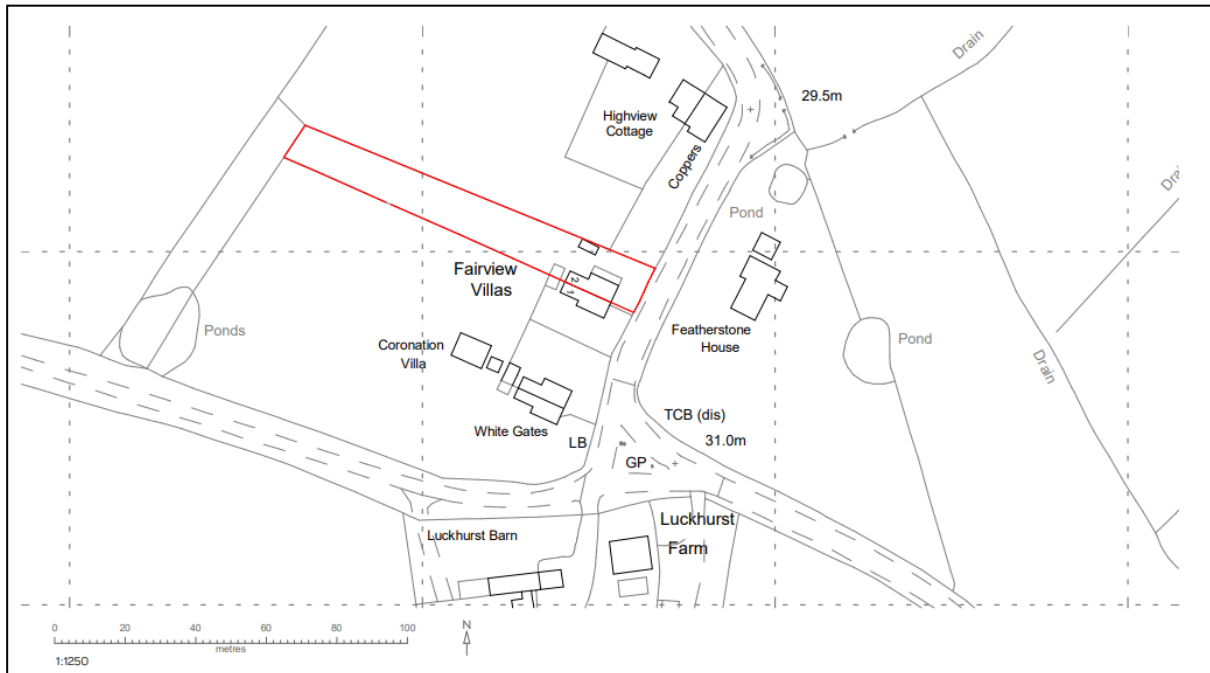


Figure 1: Site Location Plan

Proposal

3. This application seeks planning permission for the demolition of an existing conservatory and the erection of a single storey side extension.



Figure 2 Existing and Proposed Elevations



Figure 3: 3D Proposed Elevations

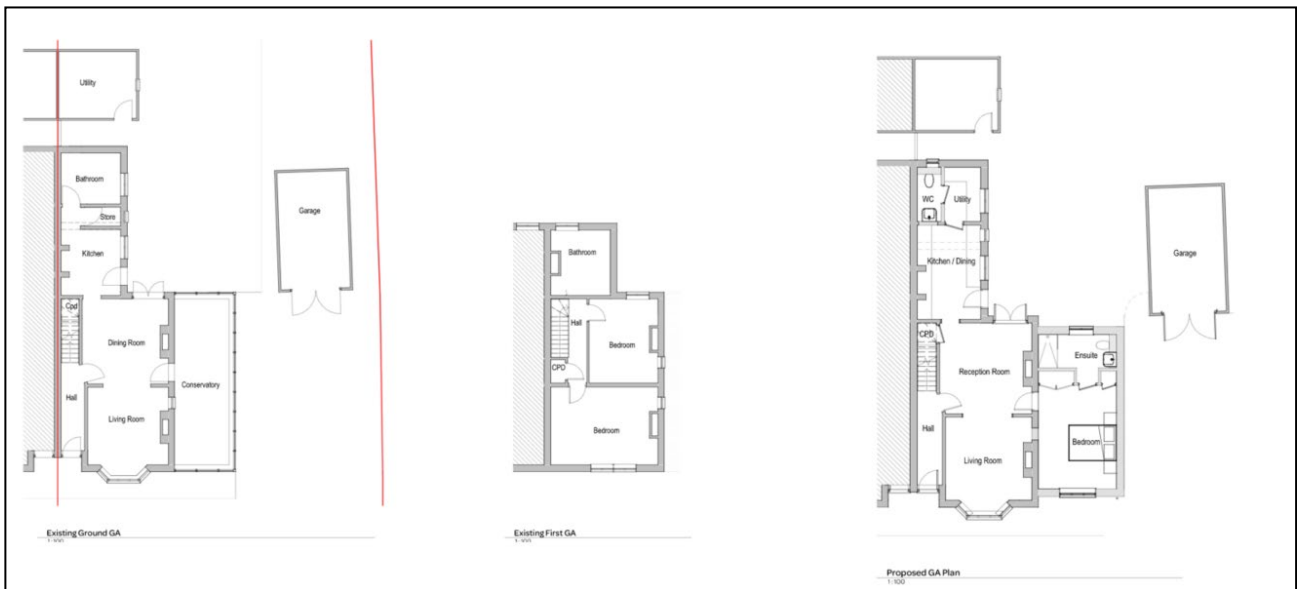


Figure 4 Existing and Proposed Floor Plans

Planning History

4. No relevant Planning History relating to the site.

Consultations

Ward Member: Is a member of the Planning Committee.

Smarden Parish Council: No objection.

Neighbours: 4 Consulted. No letters of representation received.

Planning Policy

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

Ashford Local Plan 2030 (adopted February 2019)

SP6 – Promoting High Quality Design
TRA3(a)- Parking Standards for Residential Development
HOU8- Residential Extensions
ENV3a- Landscape Character and Design

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

Supplementary Planning Guidance/Documents

Domestic Extensions in Urban & Rural Areas SPG10

Landscape Character Assessment SPD 2011

Residential Parking and Design SPD 2010

Village Design Statements

Smarden Village Design Statement

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.

Assessment

8. The main issues for consideration are:

- Visual amenity
- Residential amenity
- Highway safety

Visual Amenity

9. The proposed single storey side extension, would as a result of its size, bulk, mass, design and appearance, appear as sympathetic and subordinate addition to the main property. The proposed materials of the extension will match the existing dwelling, using red brick and concrete roof tiles. Therefore, I am satisfied that the proposed extension will be acceptable in visual terms.

Residential Amenity

10. Due to the single-storey nature of the extension, the limited scale of the proposal and its siting to the side, the proposal would not result in any overlooking or overbearing impact and as such would not cause any harm to residential amenity.

Highway Safety

11. The existing dwelling is a two-bed property and the proposed works will alter this to a three-bed, therefore in accordance with Policy TRA3a, no additional parking space is required. Also the proposed extension would not displace any existing off street parking. Therefore, I am satisfied that the proposal will not cause any harm in highway safety terms.

Human Rights Issues

12. 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

13. 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

14. In light of the above the proposal fully accords with the Development Plan without causing any unacceptable harm and as such I recommend that planning permission is granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to the Strategic Development and Delivery Manager or Planning Applications & 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 following approved plans and documents:

Title	Description	Date
3D Elevations	2700 P1	17 February 2023
Proposed Ground Floor Plan	1100 P1	17 February 2023
Proposed Elevations	2100 P	17 February 2023
Existing Ground Plan	1900 P1	17 February 2023
Location Plan	1000 P1	17 February 2023
Site Block Plan	1001 P1	17 February 2023
Existing Elevations	2900 P1	17 February 2023

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

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

Reason: In the interests of the visual amenity of the locality

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.

5. Upon completion of the development 1 water butt that is connected to/served by a rainwater downpipe shall be installed and thereafter retained.

Reason: In the interests of mitigating climate change

Note to Applicant

Working with the Applicant

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

Background Papers

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

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