



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 6th September, 2023 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Blanford (Chair)
Councillor Heyes (Vice-Chair)

Cllrs. Betty, Brunger-Randall, Chilton, Gathern, Harman (ex-officio, non-voting), Ledger, McGeever, Mulholland, Nilsson, Roden, Spain and Walder

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**

5 - 6

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** 7 - 8

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 9th August 2023

[\(Public Pack\)Minutes Document for Planning Committee, 09/08/2023 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) **22/01041/AS - Cradle Bridge Level Crossing Conningbrook Park, Kennington Road, Willesborough** 9 - 32

Full planning application for the construction of a footbridge crossing over the railway line and associated works.

(b) **PA/2023/0200 - Westover, Smarden Bell Road, Smarden, TN27 8NT** 33 - 44

Conversion and change of use of existing garage and workshop outbuildings to holiday lets with associated parking and landscaping including pergola.

(c) **PA/2023/0209 - Westover, Smarden Bell Road, Smarden, TN27 8NT** 45 - 54

Conversion works to existing garage and workshop outbuildings to facilitate their use as holiday lets.

(d) **PA/2023/1211 - 25 Riverside Close, Kingsnorth, TN23 3EL** 55 - 62

Proposed single-storey rear and side extension

- | | | |
|-----|--|---------|
| (e) | PA/2023/1184 - Tenterden Sports and Leisure Centre, Recreation Ground Road, Tenterden, TN30 6RA | 63 - 70 |
| | Installation of solar PV on the roof and for maintenance purposes, a Man-Safe line with walkways is required (retrospective) | |
| (f) | PA/2023/0225 - 36 Hurst Road, Kennington, TN24 9PS | 71 - 82 |
| | Proposed conversion of a 4-bedroomed house to No.2 self-contained 1-bedroomed flats including elevational alterations | |

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
25 August 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	22/01041/AS	
Location	Cradle Bridge Level Crossing Conningbrook Park, Kennington Road, Willesborough	
Parish Council	Kennington Community Council	
Ward	Kennington	
Application Description	Full planning application for the construction of a footbridge crossing over the railway line and associated works.	
Applicant	Quinn Estates Ltd	
Agent	Montagu Evans LLP, 70 St Mary Axe, London	
Site Area	1.08 ha	
(a) 308 - 30'R', 1'S'	(b) KCC 'R'	(c) EA 'X', KCC EAS 'X', KCC PROW 'X', KCC H&T 'X', NR 'X', KDAONB 'X'

Introduction

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

Site and Surroundings

1. As shown in **Figure 1** below, the site is located at the existing Cradle Bridge pedestrian crossing which forms an at-grade crossing over the Ashford to Ramsgate railway line. The eastern side of the railway comprises the Conningbrook Lakes Country Park. This land is owned by Brett's with a long lease to Ashford Borough Council. The western side of the railway consists of agricultural land and benefits from planning permission for a major mixed use residential-led development (reference 19/00025/AS) referred to here as Conningbrook Park. Part of this land is owned by Redrow and part by Quinn Estates Limited. To the south east is the Great Stour river beyond which is predominantly agricultural land.
2. The site location plan includes the proposed temporary access route to the eastern side of the railway from Willesborough Road (A2070) through the Conningbrook Lakes development. This will be for construction purposes only.

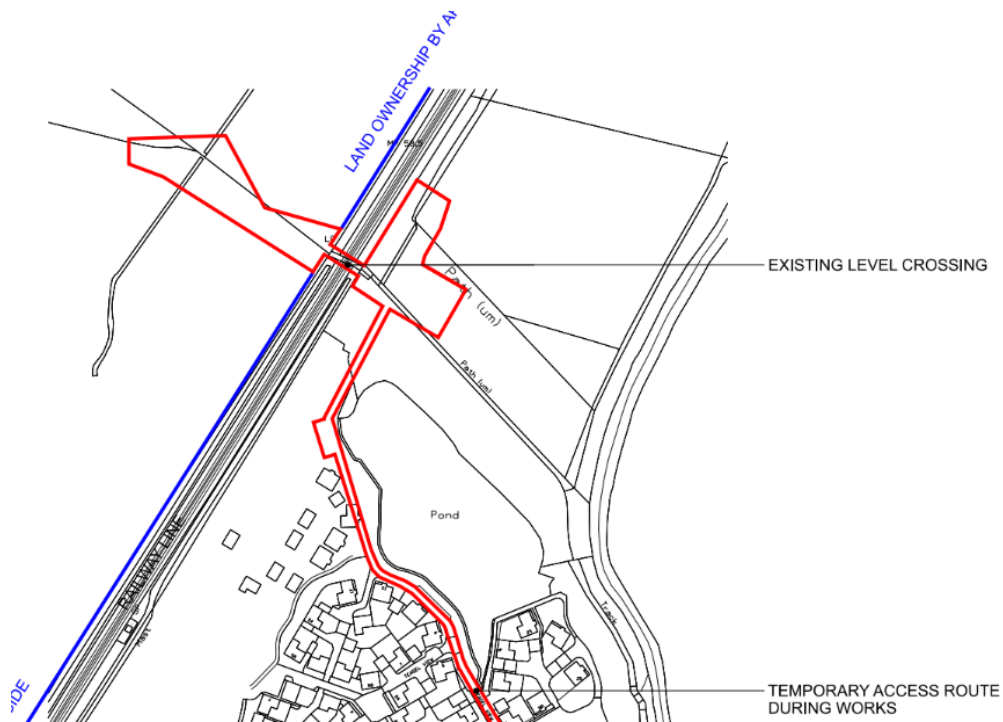


Figure 1: Site Location Plan

3. The existing at-grade crossing is a Public Right of Way (PROW) and as shown in **Figure 2** below forms part of footpath AU22 which runs east-west from the site of the recently approved Conningbrook Park development and crosses the railway via existing gates and continues into the Conningbrook Lakes Country Park to the Great Stour river.

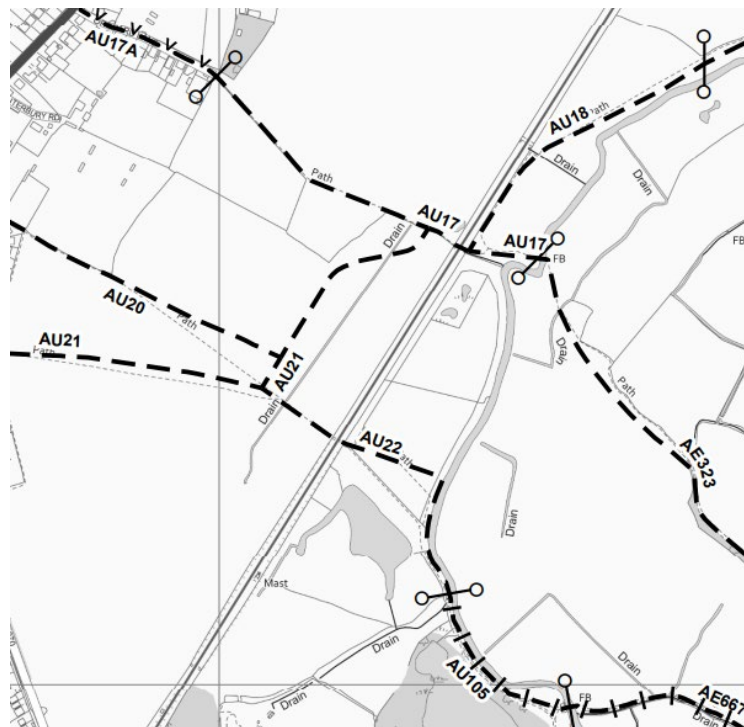


Figure 2: Extract of the Definitive Map of Public Rights of Way

4. The site is not subject to any statutory or non-statutory nature conservation designations. The closest statutory designation is the Ashford Green Corridors Local Nature Reserve (LNR) which is located 1.4km to the southwest of the site. The closest non-statutory designation is the Great Stour, Ashford and Fordwich Local Wildlife Site (which includes the Great Stour River corridor) to the east. The part of the site located to the east of the railway is within the Ashford Biodiversity Opportunity Area.
5. The site comprises relatively flat land, the majority of which lies just outside of Flood Zone 2. It is not subject to any statutory or non-statutory landscape designations, albeit the Kent Downs Area of Outstanding Natural Beauty (AONB) is approximately 1km to the north and the site is considered to lie within its setting. It lies within the Stour Valley and Stour Gap Landscape Character Area.

Proposal

6. Full planning permission is sought for the construction of an accessible footbridge over the railway and associated works to replace the existing grade level crossing. The footbridge would link the Conningbrook Lakes Country Park and Conningbrook Lakes residential development on the eastern side of the railway with the recently consented development on land to the west of the railway (reference 19/00025/AS). The approved development ref 19/00025/AS includes full planning permission for 288 homes and a serviced plot for a primary school plus outline planning permission for up to 437 homes on land forming part of Local Plan site allocation S2. It is subject to a s106 legal agreement which includes obligations relating to the delivery of the footbridge (subject to costs as explained below) which is required to be open for use no later than the occupation of more than 288 dwellings within Conningbrook Park or the expiry of four years from occupation of the first dwelling.
7. The delivery of the bridge is subject to a maximum cost cap and in the event that delivery of the bridge would exceed the cap of £4,000,000, index-linked, (currently £5,087,680.36) the s106 requires a payment to instead be made to the Council to deliver alternative highway measures relating to the improvement and/or provision of public rights of way footpaths cycle paths bridge/bridges (which may include the delivery of the bridge which is subject to this application) or highway capacity improvements serving the development.
8. As shown in **Figure 3** below, the bridge will have stepped access and a switch back ramp arrangement on the east of the railway and a longer walkway on the west. Both sides will include enlarged landings to provide viewing points for users.

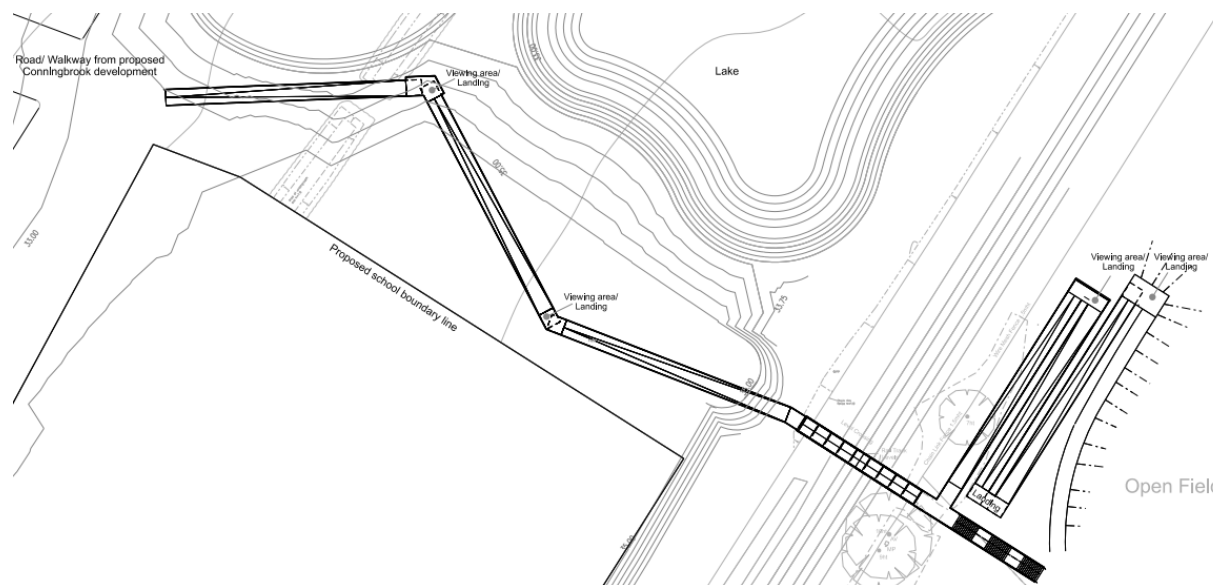


Figure 3: General arrangement of footbridge

9. When operational, the footbridge will connect public right of way AU21 from the west to AU22 within the country park. It is important to note that public rights of way can only be created, extinguished or diverted by Orders that are separate to the planning application process and therefore it cannot be assumed they will be made. For this reason the s106 legal agreement refers to the use of 'reasonable endeavours' in relation to changes to the public right of way network. It is however envisaged the provision of the footbridge will also result in the diversion of public rights of way AU21 and AU22 and diversion or extinguishment of AU17 where it crosses the railway which, again, cannot be assumed due to the separate process.
10. The proposals also make provision for extensive soft landscaping, including native tree and shrub planting and wildflower grassland.
11. As a key stakeholder Network Rail has been involved in the evolution of these proposals and the process for entering into the necessary agreements, including Technical Approvals, with Network Rail are continuing. The applicant is also engaged in discussions with the landowners on the east side of the railway to gain permission to construct and land the bridge.
12. The proposals have been subject to extensive pre-application discussions with Kent County Council who are required as part of the s106 to adopt the bridge (pursuant to an agreement under section 38 Highways Act 1980). The County Council will also be responsible for future maintenance of the bridge, subject to appropriate maintenance commuted sums being made by the developer (to be agreed through a future highways agreement). The approval procedure is ongoing with the County Council and is separate from the planning application process.

Relevant History

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

Conningbrook Park 19/00025/AS: Hybrid planning application seeking:

- i) Outline planning permission (all matters reserved except for points of access) for up to 437 dwellings; formal and informal open space incorporating SuDS; and associated services, infrastructure and groundworks; and
- ii) Full planning permission for the erection of 288 dwellings; the creation of serviced plot of land to facilitate the delivery by Kent County Council of a two form entry primary school with associated outdoor space and vehicle parking; a new Bowls Centre including a clubhouse of 292 sq.m, ancillary building and a bowling green; a local centre to provide 280 sq.m of A1 (retail), 180 sq.m of A1 (retail food store), 100 sq.m A3 (café), 75 sq.m A5 (takeaway), 190 sq.m D2 (gym/fitness studio space) open space incorporating SuDS; vehicle parking; and associated services, structural landscaping, infrastructure and groundworks.
GRANTED 2022

Conningbrook Lakes Phase 2 (22/00131/AS): Outline application for residential development of up to 170no. dwellings including details of access (all other matters reserved for future consideration). Under assessment.

Consultations

14. The application has been subject to two rounds of formal statutory and non-statutory consultation comprising the display of site and press notices and notification letters sent to occupiers of 308 buildings in the vicinity of the application site. A summary of the consultation responses received is below:

Kennington Community Council: representations summarised below

- Concerns re. safety of users from crime, line of sight for users, CCTV.
- Query use of conditions to limit impacts on residents of Conningbrook
- Query status of bridge for cyclists

ABC Environmental Protection:

- CEMP is satisfactory;
- The lighting design consists of low levels down lighters and looks acceptable in terms of a potential light nuisance. The lighting on the proposed structure will need to be serviced and maintained to meet the lighting design plan;
- Recommend planning condition relating to reporting of unexpected contamination;
- Recommend informatives relating to construction hours, burning of waste and minimising dust emissions.

Environment Agency: no objection subject to conditions to secure a preliminary risk assessment, site investigation scheme and verification report, a strategy for dealing with unexpected contamination and details of piling.

Kent County Council Ecological Advice Service: no objection subject to conditions to secure details of management and maintenance of lighting.

Kent County Council Public Rights of Way: comment as below

- CEMP – Footpath closures are envisaged for 6 months. The applicant should apply for the TTRO within the appropriate timescale to ensure that the closures are in place as any work commences. Appropriate signage must be in place for public user safety and to ensure users are signed with a safe route to use the rail crossing at Public Footpath AU17 until the bridge is opened.
- KCC PROW/Highways – KCC PROW are currently engaging with the applicant regarding the PROW diversion process and appropriate legal mechanisms/applications. We would take the opportunity to remind the applicant that these are allowed for within the timescale of the project due to the statutory legal process required.

Kent County Council Highways and Transportation: no objection.

Ramblers Kent: support in principle for improved safety of crossing.

Network Rail: no objection. Request that the applicant continues to engage with Network Rail.

Kent Downs AONB Unit: no objection. The AONB Unit has no specific concerns in connection with the proposed pedestrian bridge in respect of potential AONB impacts. The use of the AONB's Colour Guidance to inform material choice is welcomed and we support the proposed native tree and shrub planting to assist in integrating the structure into the landscape. We welcome the proposed use of a maximum of 20 lux in the lighting scheme and would request that bright white and cooler temperature LEDs are avoided. Darker coloured and low reflective surfacing of the bridge should also be used to help reduce reflectivity.

British Horse Society: objection. Request footpath AU22 is upgraded to bridleway status to enhance the rights of way network for equestrians and cyclists and provide connectivity for the same. Note there are almost 900 horses passported within the area contributing the equivalent of almost £5 million to the economy annually and so it is important that this application should take the opportunity to positively benefit equestrians along with other non-motorised users.

Neighbours – 308 neighbours consulted, 28 objections, 2 comments and 1 support received as summarised below:

Principle:

- Query requirement for footbridge
- Existing provision adequate
- Footbridge will be a rat run for otherwise private green space
- Unsightly
- Major impacts on visual perspective from residential area
- Query size and low gradient of bridge and walkways
- Requirement for safe accessible non slip pathway to be continued into Country Park
- Request bridge is relocated further north to next at grade crossing

PROW network:

- Proposal to close the crossing used by footpath AU17 would degrade the local network, unless a connection is made between AU17 and the Northern Meadow over the stream to give residents the opportunity to walk to Wye without the need to use local roads, or the railway crossing currently used by AU17, should that ultimately remain open
- Concern that application does not secure the diversion of AU17 and closure of both at-grade crossings as envisaged
- Beneficial if both the closure of the AU17 level crossing and a route over the stream can be clearly included and funded through this application

Landscaping:

- Inadequate screening proposed
- Bridge would be highly visible from the Kent Downs AONB
- Comprehensive landscaping and management plan required
- Harm to wildlife in a sensitive area from construction and use of bridge

Highways impacts:

- Private estate not suitable for heavy traffic;
- Sections of proposed access road do not have pavements
- Construction access poses significant safety hazards and risks to the community
- Construction should be undertaken from north of the railway line and where necessary craned across
- Use of local roads for contractor parking
- Query who will clean roads
- All car parking for construction workers should be to the north of the railway line, (opposite side to Conningbrook Lakes development), to minimise disruption to local residents during the period of construction
- Construction vehicles should be limited in size and weight to protect existing SUDS features
- Developer should undertake to repair damage to roads and infrastructure and be binding
- Construction traffic within Conningbrook Lakes should be limited to 0900-1600 to minimise disruption to residents

Amenity impacts:

- Potential for accidents

- Traffic congestion
- Noise pollution and disturbance from construction, including on those home-working
- Light pollution

Other:

- A suitable health and safety plan should be put in place by the developers to ensure their employees are fully aware of the risks of crossing the railway line.
- Size of bridge is to maximise profit
- Query which organisation will be responsible for maintenance and upkeep of the bridge and ramps

Support:

- No objection if in the public benefit

Planning Policy

15. 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), the Charing Neighbourhood Plan (2023), and 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
SP6 Promoting High Quality Design
S2 Land North-East of Willesborough Road, Kennington
S19 Conningbrook Residential Phase 2
TRA5 Planning for Pedestrians
TRA6 Provision for Cycling
TRA7 The Road Network and Development
TRA8 Travel Plans, Assessments and Statements
ENV1 Biodiversity
ENV3a Landscape Character and Design
ENV3b Landscape Character and Design in the AONBs
ENV4 Light pollution and promoting dark skies
ENV5 Protecting Important Rural Features
ENV6 Flood Risk
ENV12 Air Quality
COM1 Meeting the Community's Needs
IMP1 Infrastructure Provision

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

Supplementary Planning Guidance/Documents

Sustainable Design and Construction SPD 2012
Public Green Spaces and Water Environment SPD 2012
Landscape Character SPD 2011
Dark Skies SPD 2014

Government Advice

National Planning Policy Framework (NPPF) Revised 2021
Planning Practice Guidance (PPG)

Other

Kent Downs AONB Management Plan 2021-2026

Assessment

18. The key areas for consideration are as follows:

- (a) Principle of development
- (b) Public Right of Way network
- (c) Design quality
- (d) Landscape and visual impact
- (e) Ecology and biodiversity
- (f) Community safety
- (g) Amenity
- (h) Ground conditions

a) Principle of development

19. Policy S2 (Land North-East of Willesborough Road, Kennington) of the ALP is a site allocation policy that forms the basis of this proposal. Specifically, criterion (d) requires the masterplan for the site to the west of the railway to include:

'New pedestrian and cycle routes are to be provided throughout the development with connections to existing routes. The PRowS running through the site should be maintained and incorporated within the development, where possible. Proposals must investigate, and deliver, if feasible, a pedestrian and cycle bridge crossing over the railway line to replace the existing at-grade pedestrian crossings, and maintain the PRow and provide access into the country park.'

20. The consented masterplan (application reference 19/00025/AS) makes provision for a pedestrian and cycle bridge along PRow AU21/22 and across the railway in accordance with Policy S2. The mechanism for obtaining planning permission

and delivery of the bridge are secured within the s106 agreement pursuant to the development of that land and is explained further in the Proposal section above.

21. Site allocation Policy S19 (Conningbrook Residential Phase 2) is also relevant insofar as the s106 legal agreement pursuant to planning permission 19/00025 requires the Council to use reasonable endeavours to secure a financial contribution from the development of the Policy S2 land towards the provision of the bridge on a per unit pro rata basis.
22. The proposed bridge would replace the existing at-grade pedestrian crossing. It would enhance the existing PROW to provide an efficient, safe and accessible link between the consented major mixed use development, including homes and a primary school to the west of the railway and the Conningbrook Lakes Country Park and the adjacent housing to the east of the railway.
23. In summary the need for the bridge has been established and the principle of development is acceptable. It would promote sustainable transport modes between two major mixed use developments through facilitating walking and cycling in accordance with paragraph 104 of the NPPF and Policies TRA5 and TRA6 of the ALP.

b) Public Right of Way (PROW) network

24. The proposed bridge would replace the existing at-grade pedestrian crossing known as the Cradle Bridge level crossing which forms part of adopted PROW AU22. As shown in **Figure 4** below the crossing is one of two crossing this section of the Ashford to Ramsgate railway. The other is approximately 300 metres to the north and forms part of adopted PROW AU17 and is known as the Bolleaux crossing.

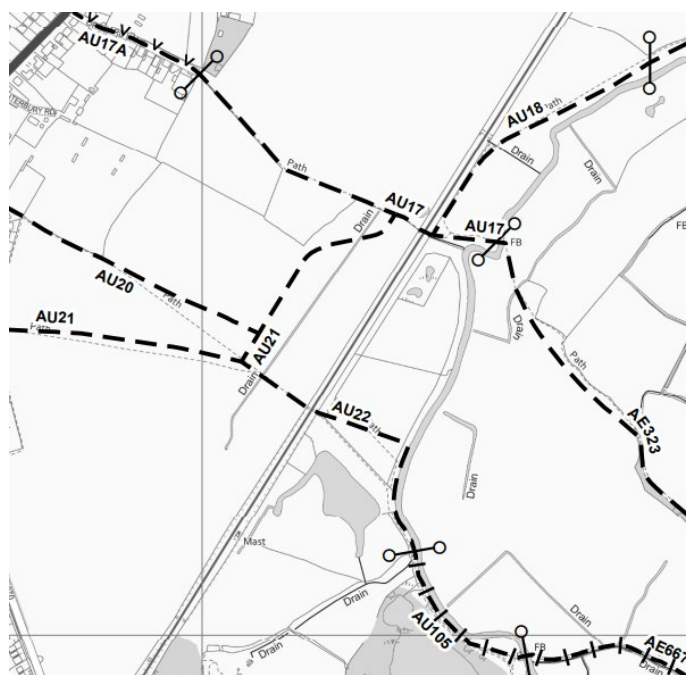


Figure 4: Extract of the Definitive Map of Public Rights of Way

25. As set out in the Proposal section above, public rights of way can only be created, extinguished or diverted by Orders that are separate to the planning application process and therefore will not necessarily be made. Notwithstanding this, the following paragraphs set out what is envisaged with regards to the PROW network. During construction of Phase 1 of Conningbrook Park it is envisaged (and set out in the PROW scheme required by that permission) that Phase 1 will be fenced off and there will be no connectivity to AU21/22. During construction the at-grade crossing for AU21/22 will be closed for a period of 6 months and users will be diverted to AU17 to the north in order to ensure the PROW network remains operational ahead of the completion of the proposed bridge. The finalised and exact route of the revised PROW will form part of the PROW diversion as required by the s106.
26. In addition to the requirement to deliver the bridge subject of this application, the s106 pursuant to planning permission 19/00025/AS also identifies the need to either divert or stop up PROW AU17 (which lies outside of the Conningbrook Park boundary) to ensure the at-grade crossing to the north of the Conningbrook Park site is closed or to ensure the connection from that development to PROW AU17 is stopped up. This can be confirmed by KCC if there are no objections, otherwise it will be considered by the Secretary of State by way of a hearing or public inquiry.
27. Once the bridge has been built it is envisaged that AU17 is diverted to AU21/22, both at-grade footpath crossings over the railway line are closed and stopped up and the bridge forms the single crossing over the railway line. Interested parties have raised queries about future connectivity north from the Country Park towards Wye via PROW AU18 and this is subject to ongoing consideration by the Council in its capacity as long leaseholders of the Country Park. It is important to note that this link does not currently exist and that approval of the bridge will not result in any loss of network connectivity. Proper consideration of the impacts and any necessary mitigation required for amendments to AU17 will be made as part of that separate process. It would not be reasonable to require the creation of new PROW as part of permitting a bridge on an existing PROW.
28. The bridge represents a significant public safety benefit for existing and future users of the PROW network that is fully supported (and requested) by Network Rail. The closures, and the requirement for temporary signage to divert users to the rail crossing at AU17 for the duration of the closure will necessitate separate applications to KCC and I recommend these be subject to condition. The KCC PROW Officer has confirmed that arrangements are progressing and raises no objection to the proposals. If the proposals are unopposed once KCC provide the notice of the Order being made for 28 days, then the Order may be confirmed by KCC. If there are objections which cannot be negotiated, then the Secretary of State will deal with the matter by way of a hearing or inquiry.
29. Consideration was given to the legal status of the bridge and wider PROW network as part of the assessment of the planning application for the land to the west of the railway. Notwithstanding representations from KCC PROW and

Access Service and the British Horse Society at that time, it was concluded that upgrading the t6 network on and adjacent to the site to bridleway status would not be reasonable or necessary. I note that the British Horse Society object to this application; however the bridge has not been designed for equestrian use and it is not intended to be a bridleway. In my view there have been no changes in circumstances to warrant a departure from the conclusion reached as part of the parent planning application and that the intended use of the bridge for pedestrians and cyclists remains acceptable.

30. Notwithstanding that the drawings submitted show that the bridge and ramps will be designed to have a clear width of 2.5 metres for combined use by pedestrians and cyclists without segregation, the legal status of the bridge will be retained as a footpath. The applicant confirms the use of the bridge by cyclists will be subject to future permissive access. I recommend that provision and retention of cycle access across the bridge and walkways be secured by condition.

c) Design quality

31. 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.
32. 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.
33. Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. 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.
34. 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.
35. 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.

36. The proposals have been subject to pre-application advice. The following assessment considers the design quality of the scheme in relation to its layout, height, form and scale and design and materials.
- Layout, height, form and scale
37. The bridge, access ramps and steps would all comprise public space and by reason of its location and function will form an integral part of the developments on both sides of the railway. The location of the bridge is dictated by the requirement to maintain the existing PROW, however the walkways on both sides have been designed to respond to the site's specific constraints and opportunities.
38. As shown in **Figure 5** below the longer walkway on the west side of the bridge has been designed to provide a direct connection between the bridge and the pedestrian and cycle paths at the northwest corner of the proposed school. The steps and shorter 'switchback' ramp arrangement on the east side of the bridge has been designed to minimise land-take within the Country Park and to respond to the ecological constraints of the site.

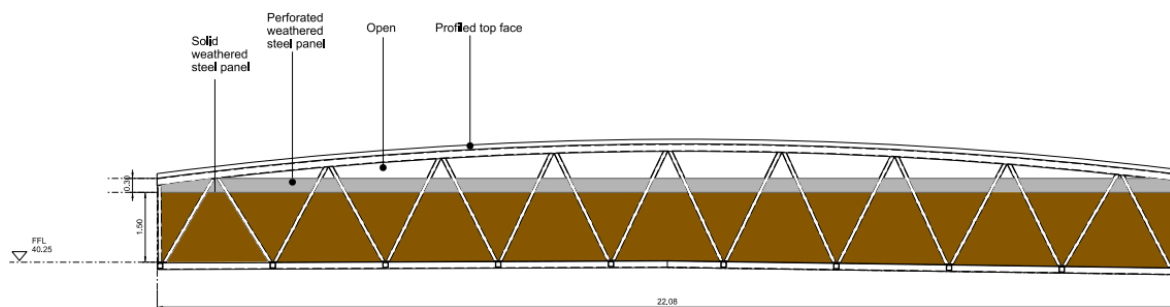


Figure 5: Walkway arrangement

39. The layout of the bridge and walkways recognise that the structure will be used both functionally and recreationally and this is reflected in the way the bridge and walkways are integrated into the landscape. The walkways have been designed to incorporate viewing areas and landings that will provide new opportunities for views northward to the Kent Downs AONB and also over the Conningbrook Lakes Country Park.
40. The 5.1m height of the bridge is determined by the requirement for it to span the railway and in order to comply with the minimum height clearance dictated by Network Rail. By reason of the height and span of the bridge a large length of walkway is required on both sides to provide convenient and DDA compliant

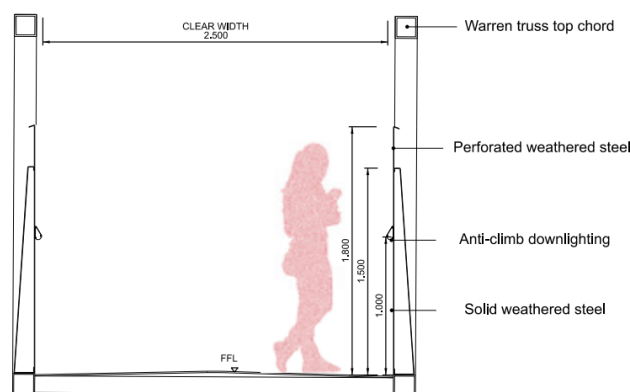
access. Approximately 110m of sloped walkway is proposed west of the bridge and 120m east of the bridge, which with additional rest areas and landings results in a wheeled accessible route of approximately 250m from one side to the other. To prevent the switchback ramp design deterring cycle access I recommend a condition be imposed to require details and provision of a bike wheel ramp be provided to facilitate direct and convenient access up or down the staircase.

41. Various options for the form and design of the bridge have been considered and I am satisfied that the traditional Warren Truss design shown in **Figure 6** below would allow for a distinctive and high quality architectural response. There is a requirement for the main bridge span to have 1.8m high parapets and as shown in Figure 6 below, the upper 300mm would comprise lighter weight perforated panels that allow views through. The walkways have been designed with lower parapets comprising open steel mesh that would give these parts of the structure a more light weight appearance.



ELEVATION/ BRIDGE SPAN
 SCALE 1:50

Figure 6: Warren Truss design of bridge span



CROSS SECTION B/ BRIDGE SPAN
 SCALE 1:20

Figure 7: Cross section of bridge

42. In recognition that the development would introduce built form into the landscape the design has sought to minimise visual intrusion. As shown in **Figure 8** below,

the long walkway to the west would be supported by steel columns designed to facilitate views through and the switchback ramp to the east has been designed to appear integrated into the ground through creating a raised earth embankment (up to a height of approximately 1.5m). The proposed landscaping strategy (discussed below) is also key to integrating the development into its surroundings.

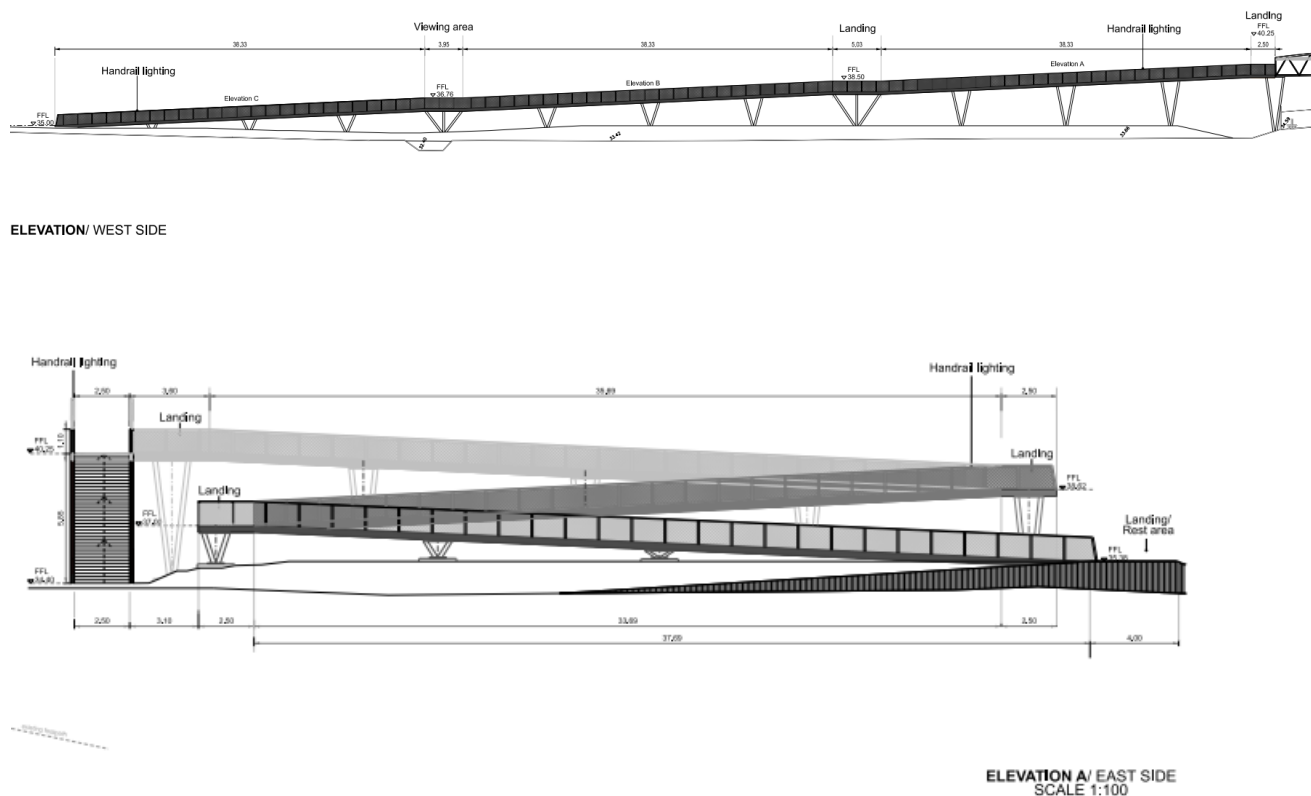


Figure 8: Walkway/ramp elevations

- Materials

43. The main bridge truss would be predominantly constructed with a weathering steel finish which has a natural, non-reflective rust-like appearance that will start as an orange/brown colour and slowly darken over time. The bridge panels and walkways would also comprise weathered steel panels and posts with stainless steel mesh and matt grey painted steel supports and stringers. The bridge and walkway surfaces are proposed to be resin bound gravel. The nature of the 'tie-ins' with the PROW beyond the proposed development boundary to the east is subject to ongoing consideration by the Council in its capacity as managers of the Country Park.
44. As depicted in the visualisation in **Figure 9** below I am satisfied that the materials would be of an appropriately high quality that would reflect and compliment the surrounding landscape over both the short and longer term.



Figure 9: Visualisation from east side of railway

d) Landscape and visual impact

45. The Council has a statutory duty under the Countryside and Rights of Way Act (2000) to conserve and enhance the natural beauty of designated landscapes including AONBs and their setting. The site lies within the setting of the Kent Downs AONB which is located approximately 1km to the north. Paragraph 176 of the NPPF is therefore relevant and requires development within an AONB setting to be sensitively located and designed to avoid or minimise adverse impacts.
46. Policy ENV3a of the ALP relates to landscape character and design and requires that all proposals within the borough shall demonstrate particular regard to the landscape characteristics of the site, to ensure that landscape is not compromised. Policy ENV3b of the ALP states that major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest. More generally, proposals within or affecting the setting of AONBs will only be permitted in a number of circumstances, having regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs. Policy ENV5 protects important rural features and where possible enhances those features. The policy includes river corridors and tributaries.
47. The application is supported by a Landscape & Visual Technical Note (LVTN). The LVTN references the National and Borough Character Assessments which confirms the site lies within the Stour Gap Landscape Character Area (LCA) to the west of the railway and Stour Valley LCA to the east. The Stour Gap LCA is described as having a '*weak pattern of elements and extensive loss of hedgerows due to intensive farming. Railway impacts on lower area*'. The Stour Valley LCA notes '*the sense of place has been lost by intensive agriculture. High visibility with expansive open long distance views.*'
48. The LVTN contains a description of the visual baseline, including the existence of the railway track and embankment and the mature trees within the railway

corridor. It notes that the baseline will alter as planning permission 19/00025/AS is implemented and the adjacent agricultural land is developed.

49. The visual impacts of the development have been assessed from 7 representative viewpoints. I am satisfied that the representative viewpoints are acceptable. The visual analysis confirms that the development would be highly visible from localised viewpoints, including the adjacent PROW network with little or no visibility from more distant views, including from within the AONB to the north.
50. The introduction of the bridge will result in some landscape and visual amenity effects, albeit these would be highly localised. Views from middle and longer distances, including views to and from the AONB would not be affected and therefore no harm to the special quality of the AONB would result. The bridge has been sensitively designed with careful reference to its landscape context.
51. The application is supported by a Landscape Strategy Plan which includes proposals for structural native tree planting, blocks of native shrub planting and wildflower grassland adjacent to the walkway, ramp and steps on both sides of the railway as shown in the images in **Figure 10** below.



Figure 10: Visualisation of walkway on west side of railway

52. The soft landscaping is capable of being designed to facilitate views from the viewing/landing areas and to enhance biodiversity in accordance with Policy ENV1, particularly in line with the opportunities identified for the Biodiversity Opportunity Area and in recognition of the proximity of the site to the Local Wildlife Site and Country Park.

53. Subject to details of tree protection measures for the existing mature trees and further details of the soft landscaping being secured by condition I am satisfied that the development would visually assimilate into its surroundings and reflect the LCA aspirations to create and restore in this location.
54. The proposal demonstrates particular regard for the relevant KDAONB Management Plan and its associated guidance. For the reasons provided in the assessment above, the proposals would conserve and enhance the special qualities, distinctive character and tranquillity of the AONB, would have regard to the KDAONB Management Plan and meet the requirements of Policies ENV3a and ENV3b.

e) Ecology and biodiversity

55. Whilst no part of the site is subject to any national or local nature conservation designations, the area to the east of the railway is located within a Biodiversity Opportunity Area and near to the River Great Stour, Ashford to Fordwich Local Wildlife Site.
56. The planning application is therefore supported by a Preliminary Ecological Appraisal (PEA) relating to the part of the site east of the railway. The PEA identifies the site as part of a much larger area of species-poor neutral grassland. The PEA also notes that the site is located within an area that was subject to a reptile translocation exercise as part of the adjacent development and that the reptile fence remains in place. Whilst it is therefore unlikely that any great crested newts would be present, it is recommended that measures to protect reptiles should be secured to minimise risk. The PEA also notes potential risks to nesting birds that may be present within the scattered scrub along the railway and to the owl box located adjacent to the Great Stour River, approximately 200m to the east of the site.
57. The part of the site to the west of the railway was subject to ecological surveys as part of the planning application for development on that land. The surveys identified the site to be dominated by arable land of low ecological value, although the ditch running through the site and boundary hedgerows provide some wildlife interest. The approved masterplan makes provision for a buffer of open space and new habitats at the north east of the site, along with a number of safeguarding measures. The western approach ramps of the bridge will interact with the ditch and a short length of hedgerow may be affected by the proposed works at the railway boundary and it is therefore recommended that the precautionary approach advocated in the PEA towards construction on the east side of the railway, including in relation to clearance works and percussive piling should apply to the whole site. Subject to securing these measures by condition I am satisfied that any impacts on ecology, including on reptiles or birds can be appropriately mitigated.
58. In summary, the PEA concludes that the development would be '*unlikely to result in a significant ecological impact*'. The part of the site to the east of the railway is

located within a Biodiversity Opportunity Area. Policy ENV1 of the ALP states that *'opportunities for the management, restoration and creation of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas (BOAs) and targets set out in the Kent Biodiversity Strategy will be supported'*. Whilst the construction of the bridge supports and approach ramps would result in the loss of a small area of habitat, these have been identified as containing common species which are well represented within the wider landscape such that the development would be unlikely to significantly impact the local population of any such species.

59. The proposed development will comply with Policy ENV1 of the ALP by providing for ecological and biodiversity enhancement through a landscaping scheme comprising native tree and shrub species and meadow grassland. The Council's Ecology advisor (KCC Ecological Advice Service) raise no objection to the proposals subject to conditions to secure the establishment and management of soft landscaping (discussed above) and further details relating to the external lighting (discussed below).

- Lighting

60. The application is supported by a Lighting Report which confirms specialist low level LED lighting is proposed to be carefully integrated into the handrails to provide a uniform light that minimises glare and avoids obtrusive or unnecessary light spillage onto adjacent open spaces. Whilst no part of the application site is located within a designated 'dark sky zone' I am mindful that the proposed bridge would be located in an area where there is no existing lighting. For this reason the proposed lighting strategy demonstrates regard to the Council's Dark Skies SPD in accordance with the requirements of the Policy ENV4 of the ALP.
61. I note the concerns raised by local residents; however I am satisfied that the lighting is the minimum appropriate for its purpose to ensure the safety of pedestrians and cyclists and is capable of being designed to be directed downwards such that no significant adverse effects individually or cumulatively will result to the character of the area or the residential amenity of local residents. The Council's Environmental Protection team raise no objection.
62. The applicant has confirmed that the handrail lighting will be adopted by Conningbrook Park's on-site management company which is acceptable in principle to KCC Highways and Transportation. I recommend the precise mechanism for securing management and ongoing maintenance of the lighting be secured by condition prior to commencement of the development. As recommended by the Council's Ecology advisor (KCC Ecological Advice Service) I recommend the final lighting design, to include details of timing and use of movement sensors be secured by condition prior to installation.

f) Community safety:

63. Paragraph 130 of the NNPF states that decisions should ensure development, amongst other things, *'creates 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

64. The development has been designed to promote natural surveillance both from and towards the bridge and would allow for good sight lines for users. The references from interested parties to CCTV are noted; however there are no CCTV networks in the vicinity and no monitoring arrangements. The design does not preclude the installation of CCTV should this be deemed necessary in the future.

g) Amenity

65. As with all construction projects, the delivery of the proposed bridge has the potential to impact on the residential amenity of neighbouring properties, including through noise and disturbance. The application is supported by a draft Construction Environment Management Plan (CEMP) which sets out the various measures that will be adopted to minimise the temporary construction-related impacts of the development. In addition to the measures relating to highways referred to below these include provisions relating to mitigating noise and vibration, air quality and dust effects. The CEMP also commits to establishing a Project Community Liaison Plan to provide a framework for managing communications with local residents in the Conningbrook Lakes development. This will include details of how residents will be informed of significant construction processes through advanced notification of works and how residents can raise concerns. The Council's Environmental Protection team raise no objection.
66. The application site is not currently and is not proposed to be formally accessible by vehicles; the highways related impacts of the development are therefore limited to the construction phase only.
67. The CEMP identifies land required for site management and construction and confirms that whilst construction access will be required from both sides of the railway, construction will primarily be undertaken from the western side. The land on the western side of the railway is accessed via the A2070 Willesborough Road and is currently a construction site associated with Redrow's delivery of the major development allocated by Policy S2 of the ALP. Subject to the provisions of the CEMP, including the provision of a turning head and asphalt haul road I am satisfied that there would be no unacceptable highways impacts related to the construction of the development from this side of the railway.
68. Some construction access would be required to the eastern side of the railway and this would be via Conningbrook Avenue and Teasel Way, beyond which a temporary access road and turning area will be constructed. None of the roads within the wider Conningbrook Lakes development are adopted by the Highways Authority and they are instead under Management Company control. Notwithstanding this, the applicant has confirmed they have a contractual right of access to undertake construction of the bridge from this location.

69. A number of residents have raised concerns about the presence and management of construction vehicles, including Heavy Goods Vehicles (HGVs) travelling through the Conningbrook Lakes development to and from the site. In acknowledgement that construction access will be required from the eastern side of the railway, the applicant has sought to minimise construction related impacts as far as possible. Measures outlined in the CEMP include a proposal to construct the bridge and ramp foundations using a steel screw piling system which has significantly reduced environmental and amenity impacts over traditional piling by reason of requiring fewer earth and concrete movements.
70. Notwithstanding this, the applicant notes that the nature of construction vehicle movements, including the number and size of vehicles and restrictions on access at specific times of the day could be subject to further controls. In recognition of the constraints of the road network, the proximity of homes and the absence of segregated footpaths along parts of the route I recommend that these finer details, including arrangements for contractor parking, are secured by a condition requiring the submission and approval of a final CEMP prior to the commencement of development or enabling works.
71. A number of residents have raised concerns about the potential damage from construction vehicles using the estate roads. As the roads are not adopted it is not possible to secure repair works by a planning condition. The CEMP does include a guarantee that the applicant (Quinn Estates Limited) will remediate and put right any damage or wear and tear to the approved road route through the Conningbrook Lakes development as a consequence of the construction works.
72. Whilst I acknowledge that the construction of the bridge will result in some disruption, this will be temporary and subject to the provisions and controls within the CEMP my view is that the proposals would not have an unacceptable impact on highway safety, including for pedestrians or cyclists.

h) Ground conditions

73. The planning application is supported by a ground conditions assessment which confirms that historically parts of the site east of the railway have been used as an opencast quarry with the northern section operating as a registered inert landfill until 2002. The land on the west has historically been arable agricultural land. Whilst significant risks from potential contamination to future end users of the footbridge are not anticipated, I concur with the Environment Agency's recommendations to impose conditions to ensure that the potential for contamination is subject to further assessment and appropriate remediation where required.

Human Rights Issues

74. 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

75. In accordance with paragraph 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

76. The proposed development comprises a critical piece of walking and cycling infrastructure that has been developed in consultation with key stakeholders including Network Rail and Kent County Council. It will play a critical role in promoting sustainable travel by enhancing the public right of way network to facilitate direct and by ensuring safe access for existing and future residents across the railway. The terms of its delivery have been established through an existing planning permission as set out in the Proposals section above.
77. Through its high quality design and materials I have found the bridge will provide a local landmark that will contribute to good place-making and be sensitive to its local and wider landscape setting. It also provides the opportunity to enhance biodiversity. Although the construction period will result in some temporary disruption I am satisfied that the impacts are capable of being appropriately mitigated. I have not identified any other harm, including relating to ecology or ground conditions that cannot be appropriately mitigated.
78. The proposed development has been reviewed against relevant planning policy and guidance and found to be consistent with the development plan as a whole. I consider the temporary disruption caused during the construction period of the bridge would be outweighed by the significant benefits of the development.
79. As discussed within the main body of the report, I recommend that a number of conditions will be necessary. My Recommendation (A) further below deals with delegation to add/amend/remove planning conditions as appropriate.

Recommendation

- A. Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.**

1. Standard 3-year time implementation condition
2. Development carried out in accordance with approved plans
3. Materials in accordance with approved details
4. Investigation, remediation and verification of contaminated land
5. Reporting of unexpected contamination
6. Details of piling and prevention of infiltration of surface water into the ground
7. Securing of necessary temporary diversions of PROW AU22
8. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage etc.
9. Provision and retention of bridge access for cycles
10. Provision of bike wheel ramp to stepped access
11. Adoption of precautionary approach to construction outlined in PEA
12. Details of tree protection measures
13. Details of soft landscaping and management strategy
14. Details of timing/sensors, management and maintenance of external lighting strategy
15. Implementation of recommended biodiversity mitigation measures
16. Biodiversity Method Statement to secure biodiversity enhancement measures
17. Site Inspection

Notes

- Environmental Protection notes relating to construction hours/burning of waste/control of dust

Working with the Applicant

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

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

In this instance

- the applicant/agent was provided with pre-application advice,
- The applicant was provided with the opportunity for design review,

- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/01041/AS)

Contact Officer: Matthew Durling
Email: matthew.durling@ashford.gov.uk
Telephone: (01233) 330288

Application Number	PA/2023/0200
Location	Westover, Smarden Bell Road, Smarden, TN27 8NT
Parish Council	Smarden
Ward	Weald North
Application Description	Conversion and change of use of existing garage and workshop outbuildings to holiday lets with associated parking and landscaping including pergola
Applicant	Mr I Coppins
Agent	Mr Simon Hoyle
Site Area	0.26 Hectares

Introduction

1. This application is reported to the Planning Committee because the agent is the spouse of a member of staff.

Site and Surroundings

2. The application site comprises the main dwelling known as “Westover” which is a detached two storey grade II listed building, as well as several outbuildings in the southern section of the site (including the existing garage and workshop buildings which are the subject of this application). The site is located outside the built confines of the village of Smarden, and sited on the south eastern side of Smarden Bell Road and within the Smarden Bell Farmlands Landscape Character Area.
3. The subjects of this application are the two historic outbuildings in the south west of the overall site which are both considered curtilage listed, and currently used as a garage and a workshop. Both outbuildings are timber framed buildings with brick infills and tiled roofs. They are significant for their surviving historic fabric, character and relationship to the main house, Westover.

4. There are two existing accesses serving the site; one to the southwest which provides access to the existing garage and also to a neighbouring property (Boorolong House) and one to the northwest which serves the main dwelling.

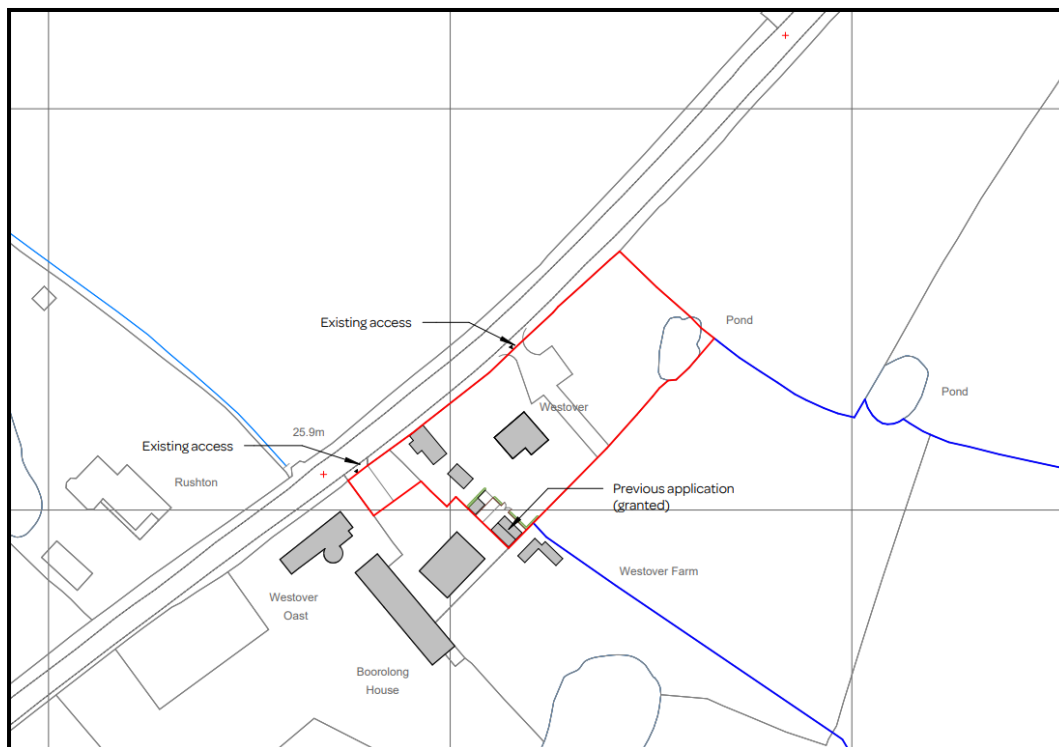


Figure 1 - Site Location Plan

Proposal

5. Full planning permission is sought for the conversion of the existing garage and workshop outbuildings to holiday lets with associated parking and landscaping, including courtyards and a pergola to serve the workshop building. Each of the buildings will provide one bedspace. The workshop outbuilding would have an internal stud wall built and internal insulation added to create an open plan dining / bed space and kitchenette area and a separate wet room. The garage outbuilding would also have internal stud walls built and internal insulation added to create an open plan living / dining / kitchen area, a separate bedroom, storage and a separate wet room.
6. The proposals would also make alterations to the fenestrations and doors of the garage and workshop outbuildings. Following concerns raised by officers in relation to the amount of glazing proposed in the conversion of the garage outbuilding, the applicant has reduced the amount of glazing proposed to the entrance gable end (i.e. now retaining the weatherboarding on the gable) and has also removed an additional proposed window in the north east elevation of the garage outbuilding.

7. A separate application for listed building consent is also for consideration under planning reference PA/2023/0209.

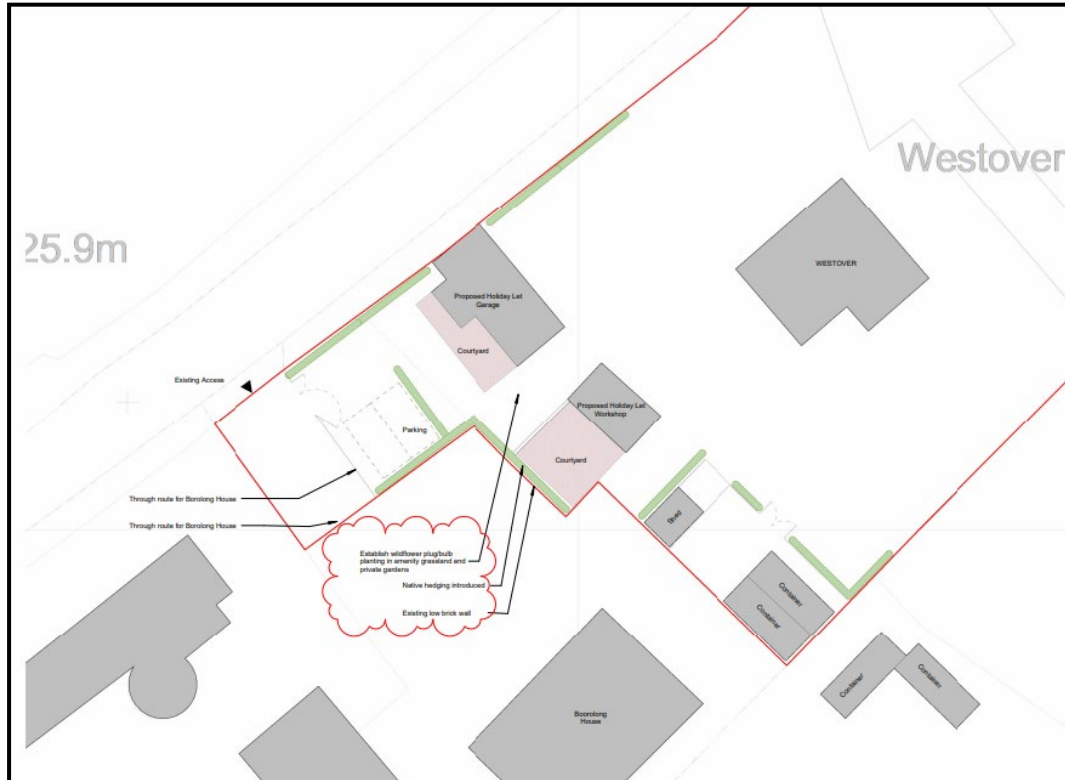


Figure 2 - Proposed Site Layout Plan

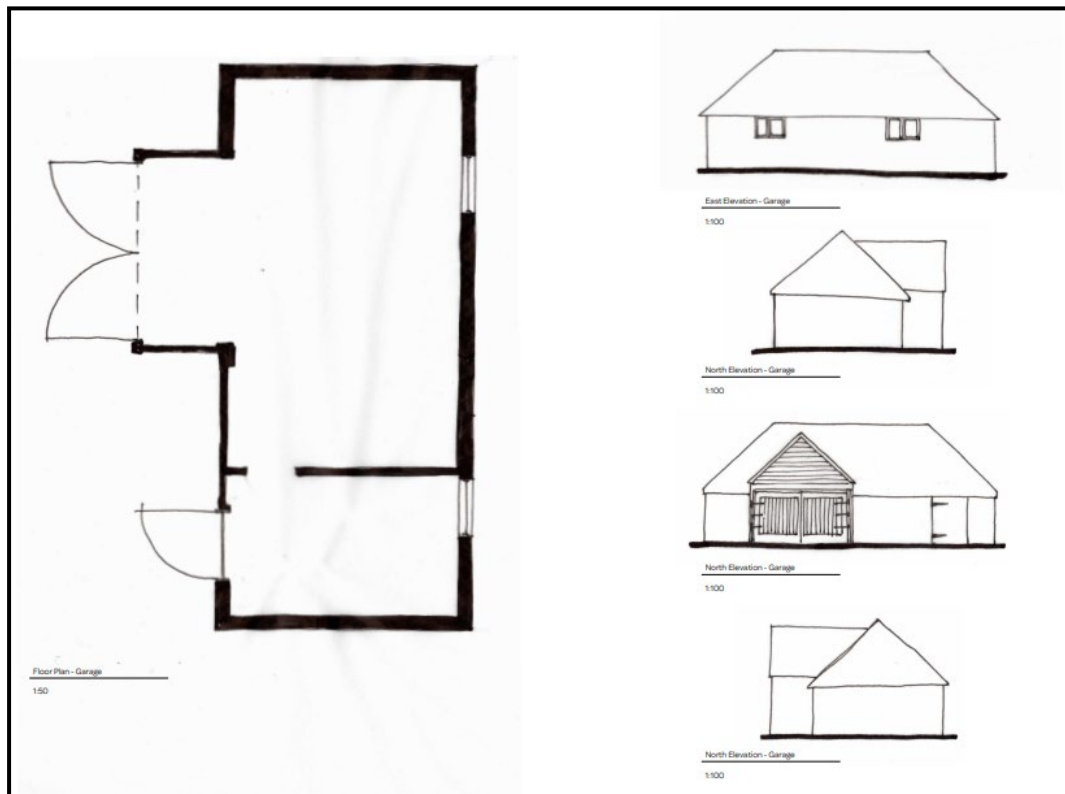


Figure 3 - Existing Garage Plan / Elevations

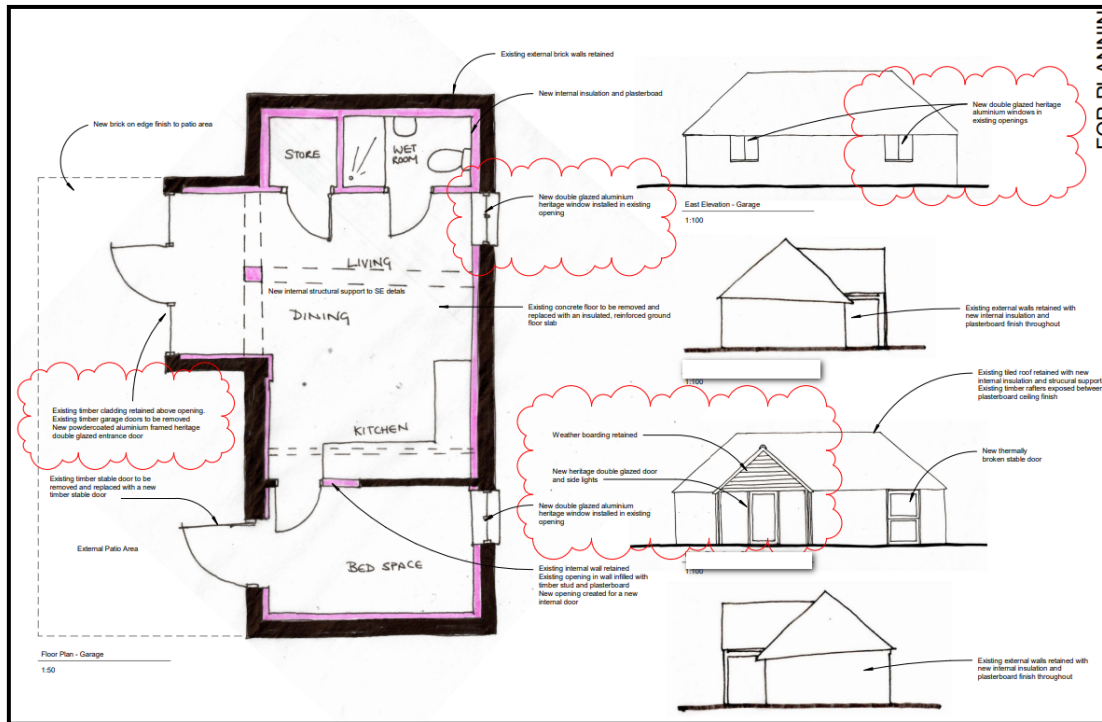


Figure 4 - Proposed Garage Plans / Elevations

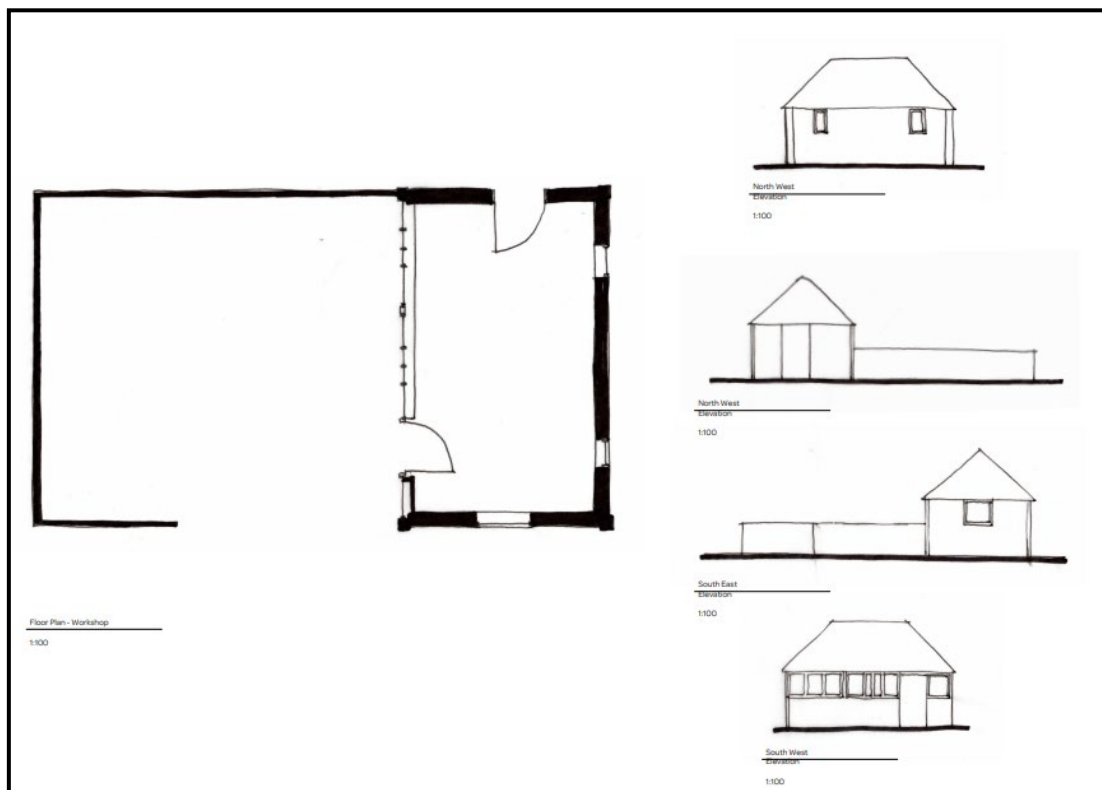


Figure 5 - Existing Workshop Plan / Elevations

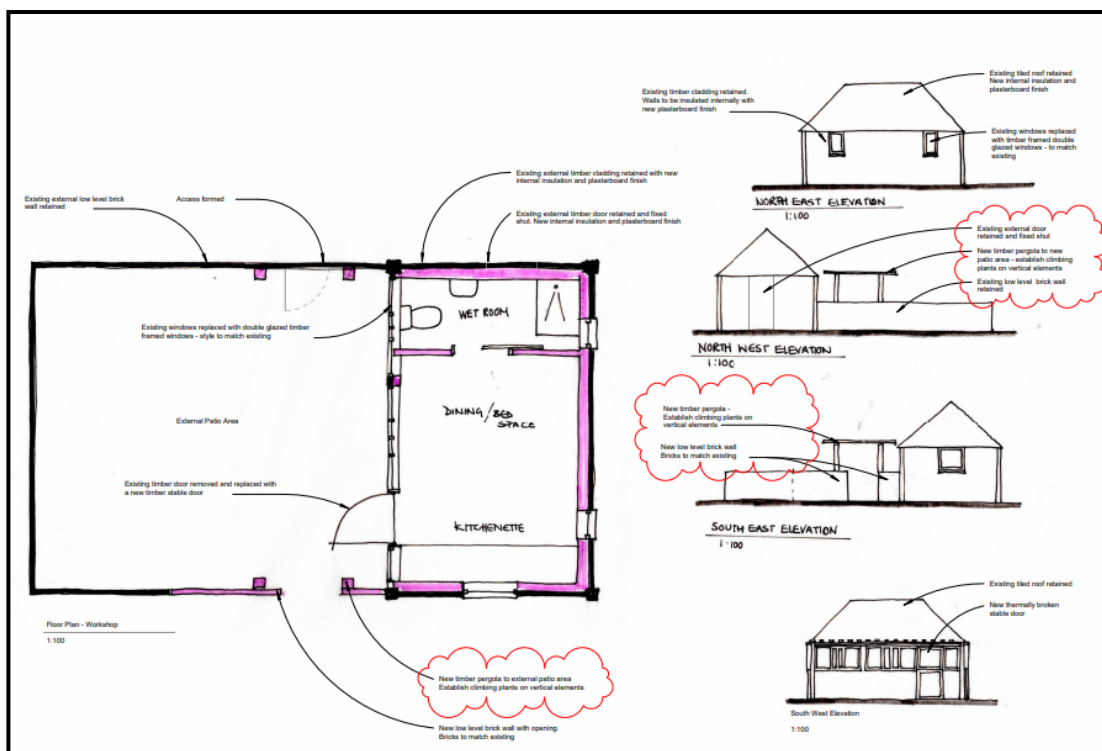


Figure 6 - Proposed Workshop Plan / Elevations

Planning History

8. The following planning history is relevant to this application:-

- 17/00491/AS “Reinstatement of vehicular access and creation of parking area” – planning permission granted 22/05/2017.

(NB – this access reinstatement relates to the main access to serve the dwelling northwest within the wider site).

Consultations

9. **Ward Member:** Cllr Kayleigh Brunger-Randall, who is a member of the Planning Committee.
10. **Smarden Parish Council** – They refer this application to Listed Buildings. *(Planning officer note: applications are considered by the Local Planning Authority and any necessary internal consultations are carried out with the Conservation Officer which would be via the associated application for listed building consent).*

11. **KCC Biodiversity** – As originally submitted insufficient information was provided. As a result further information/surveys were provided and KCC Biodiversity are now satisfied with the proposals subject to relevant conditions being imposed relating to precautionary ecological mitigation measures being undertaken during construction, external lighting and ecological enhancements.
12. **Neighbours** – 4 neighbours consulted. As well as a site notice put up and a press advert placed. No representations received from neighbours but a comment was received from Headcorn Aerodrome highlighting the proximity of the development to the aerodrome, and that there is noise connected with the aviation activity of the existing and established use/activity of the aerodrome. They do not wish to inhibit the development.

Planning Policy

13. 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), the Charing Neighbourhood Plan (2023) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
14. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
15. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP6 – Promoting High Quality Design
 - ENV1 – Biodiversity
 - ENV3a – Landscape Character Design
 - ENV4 – Light Pollution & Promoting Dark Skies
 - ENV5 – Protecting Important Rural Features
 - ENV9 - Sustainable Drainage
 - ENV13 - Conservation and Enhancement of Heritage Assets
 - EMP11 – Tourism
 - TRA3a – Parking Standards

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011
Residential Parking and Design SPD 2010
Dark Skies SPD 2014

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:-

Paragraphs 84 & 85 (Supporting a Prosperous Rural Economy)
Paragraph 197 (Proposals Affecting Heritage Assets)

National Planning Policy Guidance (NPPG)

Assessment

18. The key areas for consideration in the assessment of this application are:

- Principle of Development
- Visual Amenity & Heritage
- Residential Amenity
- Highway Safety
- Impact on Ecology

Principle of Development

19. 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. This is endorsed by Local Plan policy EMP11 which seeks to encourage the sustainable growth of tourism. The preamble to EMP11 states that new initiatives must respect the character of an area and should not be harmful to the character of the rural environment. Paragraph 7.94 of the preamble states that "rural tourism development is also

encouraged in order to take advantage of the Borough's large areas of attractive countryside, where this would not be harmful to the character of the environment that attracts tourists in the first instance."

20. The two outbuildings are within the south / south-western section of the site but, given the nature of the overall site, will still be in fairly close proximity of the main building "Westover". Due to the said close proximity of the buildings in question to the main dwelling, and given the facts that the proposal would be utilising existing buildings and the holiday let accommodation proposed would be of a limited scale (i.e. 1 bedroom / bedspace units), I am of opinion that this is an appropriate location for small holiday let accommodation. The close proximity to the countryside and Smarden also makes this a good location for sympathetic tourism accommodation. A condition can be imposed to keep a register of guests using the holiday lets to enable the Local Planning Authority to monitor the occupation if required.
21. With the above discussed conditions imposed and the proposal being acceptable in terms of heritage, visual amenity, residential amenity, highway safety and ecology (as demonstrated later in the report). I am of the opinion that the principle of the proposed holiday let accommodation is acceptable.

Visual Amenity/Heritage

22. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission 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.
23. The buildings are curtilage listed existing outbuildings within the site. The use of the buildings as holiday let accommodation can be carried out without any physical extensions to the buildings which would, for example, extend their footprints. With the amended plans provided to retain the weatherboarding to the gable end entrance of the garage outbuilding and the information submitted to ensure heritage compliant glazing, the change of use of the outbuildings can be undertaken with limited intervention and less than substantial harm to the curtilage listed buildings and the Grade II listed main dwelling. The limited scale and nature of the proposed pergola and wall enlargement associated with the workshop outbuilding would ensure that these elements of the scheme would not harm the character and appearance of the curtilage listed buildings or the wider countryside. Overall, the proposal would allow the outbuildings to continue to be used in a manner consistent with their conservation and which provides a public benefit in the form of tourist accommodation, which in turn is also likely to provide some positive

gains for the local economy, in terms of sustaining facilities and services in Smarden Village and elsewhere in the borough.

24. I am satisfied there would be no visual harm to the surrounding countryside as a result of the development. Likewise no harm would be caused to the curtilage listed outbuildings or the setting of the main listed building, Westover, whilst continuing to preserve their significance. Therefore, it is considered that the development complies with policies.

Residential Amenity

25. Given the distance to and the relationship with neighbouring dwellings, combined with the limited scale and intensity of the works and use proposed, there would be no significant harm caused to the residential amenity of adjoining occupiers as a result of the development.

Highway Safety

26. The proposal would provide a single parking space for each of the holiday lets which would comply with local plan parking standards and would be acceptable. The proposed holiday lets would utilise an existing access off Smarden Bell Road currently used by the garage outbuilding on site and Boorolong House. Given the limited scale and intensity of use of the said holiday lets, I do not believe that the proposal would generate any highway amenity or highway safety issues with regards to the use of the existing shared vehicular access.
27. Therefore, I do not consider that the proposal would generate any highway safety issues.

Ecology

28. The applicant has submitted a preliminary ecological appraisal and an ecological survey in relation to bats. The bat survey highlights that the buildings are unlikely to be used by roosting bats but confirmed that at least 3 species of foraging/commuting bats have been recorded within the site. As a consequence KCC Biodiversity highlight that any external lighting to be installed must be designed to minimise light spill as lighting can have a negative impact on bats (and other nocturnal species). Therefore, a condition relating to external lighting is to be imposed on the permission in order to protect foraging bats.
29. The submitted information has also detailed that there is potential for Great Crested Newts and other reptiles to be present. However, KCC Biodiversity have confirmed that as the works proposed relate to the refurbishment of the

existing outbuildings and do not include any changes to the hard standing and only require the clearance of small areas of sparse vegetation and a rubble pile, they are satisfied that the precautionary approach recommended for reptiles is appropriate. This will be secured by the imposition of an appropriate ecological mitigation condition during the proposed works. A precautionary mitigation approach should also be taken with regard to ensuring that any vegetation clearance does not impact any potential nesting birds.

30. One of the principles of the National Planning Policy Framework is that “opportunities to improve biodiversity in and around developments should be integrated as part of their design”. The proposed site plan has confirmed that wildflower and wild grassland areas will be created, and climbing plants and native species hedgerow planted. Whilst this planting would have some ecological benefit, KCC Biodiversity advise that more could and should be done across the site to benefit biodiversity. I would therefore suggest that an ecological enhancement condition is imposed on any permission in order to agree and secure a schedule of enhancements.
31. Overall subject to the imposition of the above mentioned conditions, I am satisfied that the proposal would not harm biodiversity on site and would actually enhance ecology within the site.

Flooding and Drainage

32. 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.
33. The application site is located within an area of ‘low’ probably of flooding being located within Environment Agency Flood Zone 1.
34. In terms of surface water drainage, given the limited degree of the proposed external works, and the fact that existing hard surfacing can drain off within the site, I do not believe that further surface water drainage information is required. For sewerage disposal, the development will connect to the mains drainage system which serves the nearby properties.

Human Rights Issues

35. 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

36. 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

37. 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 rural outbuildings. 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.

Recommendation

Permit

- A 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.

1. Standard 3 year time limit
2. Approved plans
3. Use as holiday let accommodation only
4. Register of guests
5. Ecological construction mitigation measures
6. Provision of ecological enhancements
7. Landscaping details
8. No lighting unless approved by LPA and as per ecological guidance
9. Retention of parking for holiday lets

Notes to applicant

- Working with the Applicant
- Precautionary approach – nesting birds

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/2023/0200)

Contact Officer: Sally Hodgson
Email: sally.hodgson@ashford.gov.uk
Telephone: (01233) 330724

Application Number	PA/2023/0209
Location	Westover, Smarden Bell Road, Smarden, TN27 8NT
Parish Council	Smarden
Ward	Weald North
Application Description	Conversion works to existing garage and workshop outbuildings to facilitate their use as holiday lets.
Applicant	Mr I Coppins
Agent	Mr Simon Hoyle
Site Area	0.26 Hectares

Introduction

1. This application is reported to the Planning Committee because the agent is the spouse of a member of staff.

Site and Surroundings

2. The application site comprises the main dwelling known as “Westover” which is a detached two storey grade II listed building, as well as several outbuildings in the southern section of the site (including the existing garage and workshop buildings which are the subject of this application). The site is located outside the built confines of the village of Smarden, and sited on the south eastern side of Smarden Bell Road and within the Smarden Bell Farmlands Landscape Character Area.
3. The subjects of this application are the two historic outbuildings in the south west of the overall site which are both considered curtilage listed, and currently used as a garage and a workshop. Both outbuildings are timber framed buildings with brick infills and tiled roofs. They are significant for their surviving historic fabric, character and relationship to the main house, Westover.
4. There are two existing accesses serving the site; one to the southwest which provides access to the existing garage and also to a neighbouring property

(Boorolong House) and one to the northwest which serves the main dwelling.

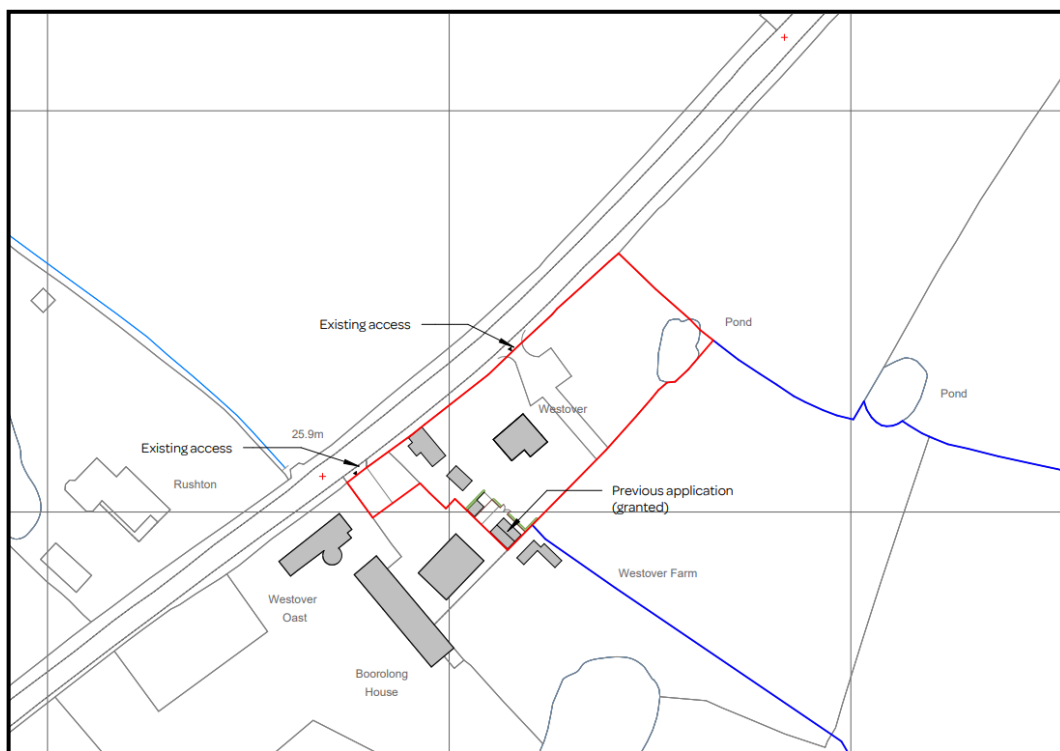


Figure 1 - Site Location Plan

Proposal

5. Listed building consent is sought for conversion works to the existing garage and workshop outbuildings to facilitate their use as holiday lets. Each of the buildings will provide one bedspace. The workshop outbuilding would have an internal stud wall built and internal insulation added to create an open plan dining / bed space and kitchenette area and a separate wet room. The garage outbuilding would also have internal stud walls built and internal insulation added to create an open plan living / dining / kitchen area, a separate bedroom, storage and a separate wet room.
6. The proposals would also make alterations to the fenestrations and doors of the garage and workshop outbuildings. Following concerns raised by officers in relation to the amount of glazing proposed in the conversion of the garage outbuilding, the applicant has reduced the amount of glazing proposed to the entrance gable end (i.e. now retaining the weatherboarding on the gable) and has also removed an additional window in the north east elevation of the garage outbuilding.

7. A separate application for planning permission is also for consideration under planning reference PA/2023/0200.



Figure 2 Proposed Site Layout Plan

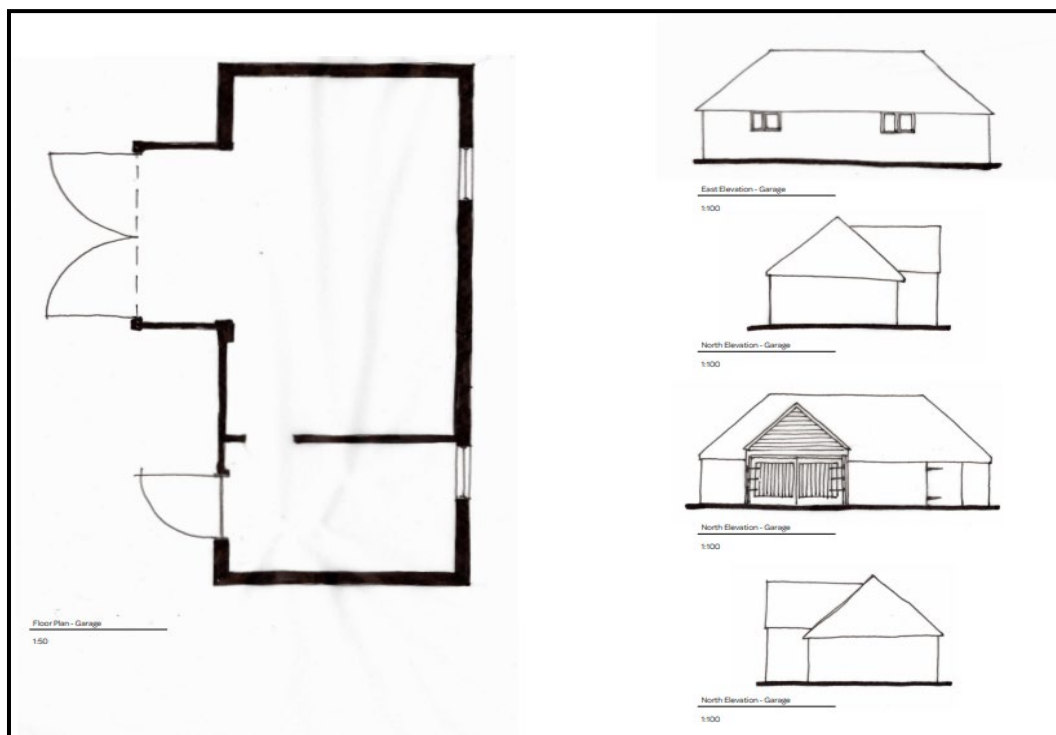


Figure 3 - Existing Garage Plan / Elevations

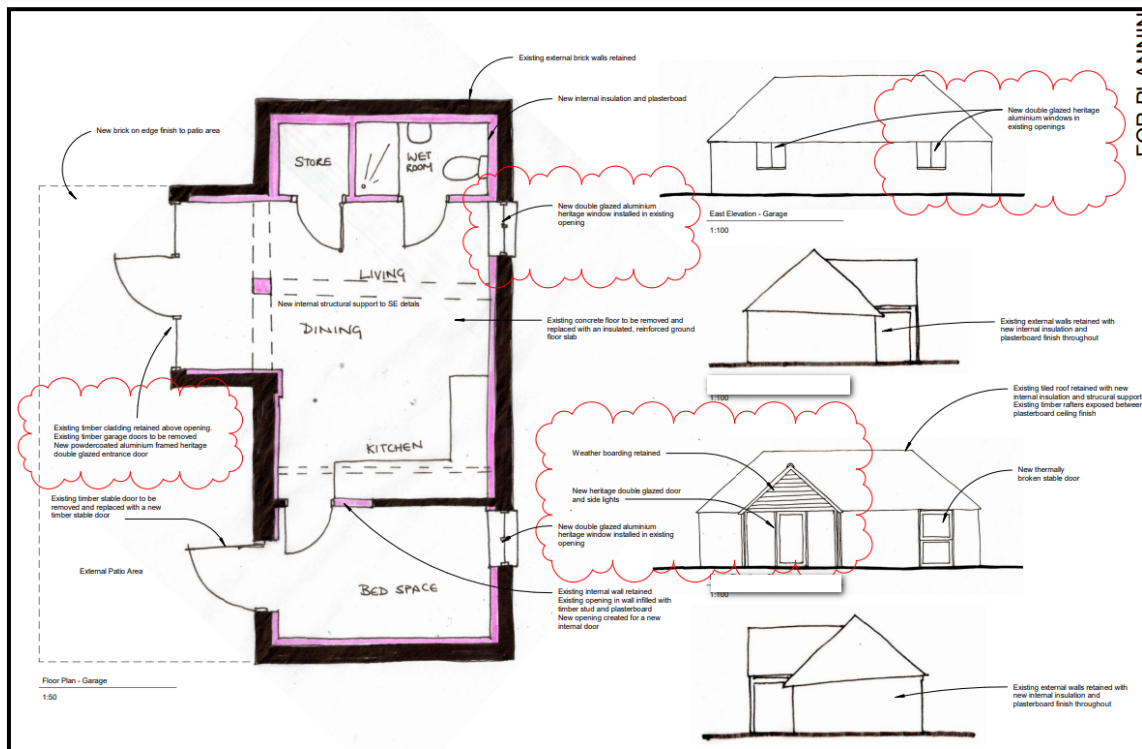


Figure 4 - Proposed Garage Plan / Elevations

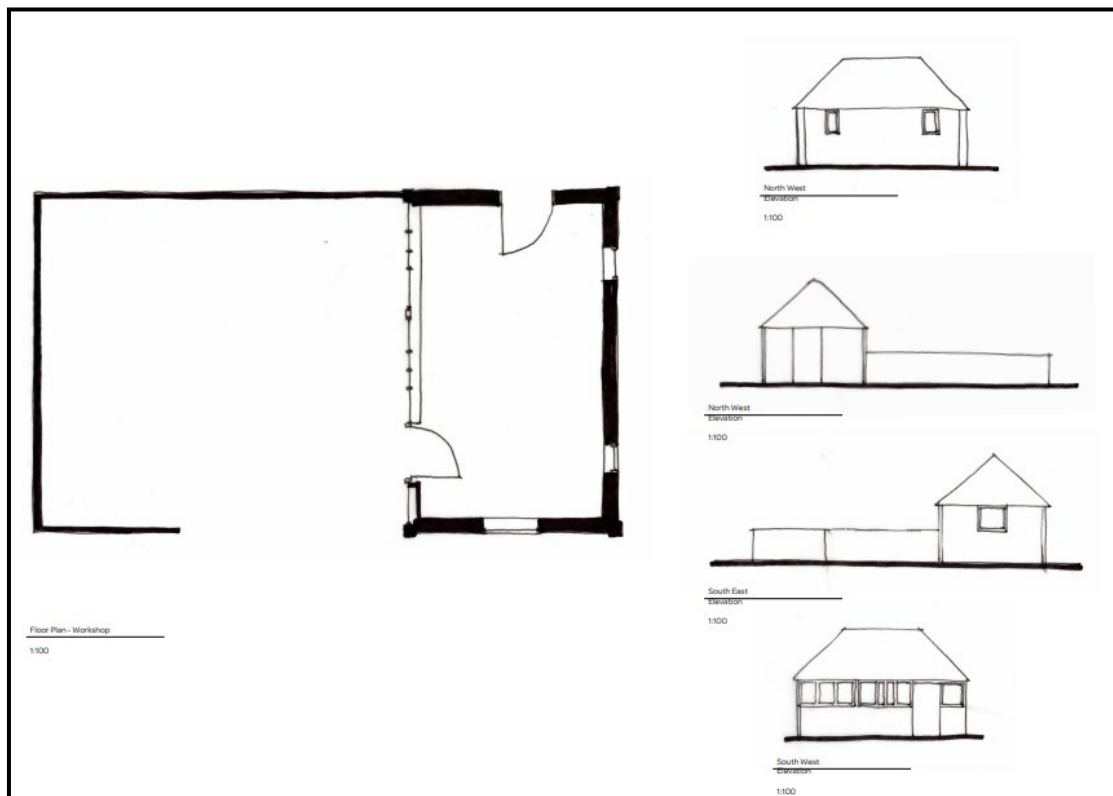


Figure 5 - Existing Workshop Plan / Elevations

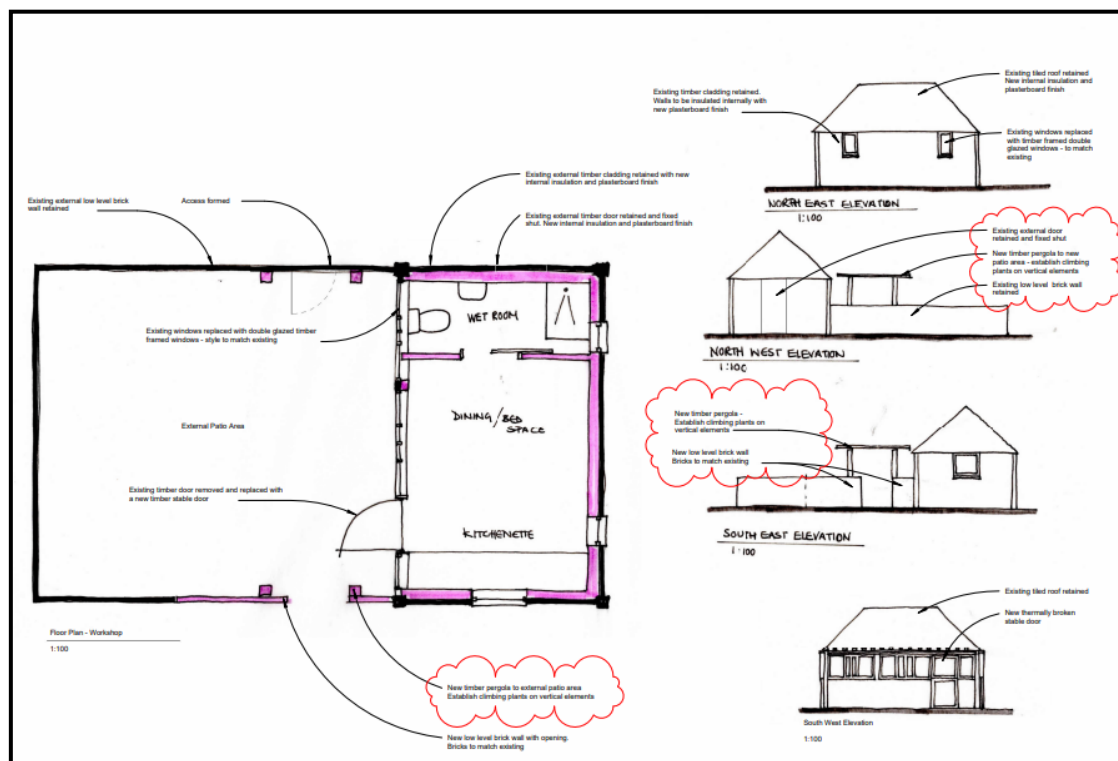


Figure 6 - Proposed Workshop Plan / Elevations

Planning History

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

- 17/00491/AS “Reinstatement of vehicular access and creation of parking area” – planning permission granted 22/05/2017

(NB – this access reinstatement relates to the main access to serve the dwelling northwest within the wider site)

Consultations

9. **Ward Member:** Cllr Kayleigh Brunger-Randall, who is a member of the Planning Committee. (N.B. the previous ward member, Cllr Mulholland, raised no issues with the application).
10. **Smarden Parish Council** – They refer this application to Listed Buildings. (*planning officer note: applications are considered by the Local Planning Authority and all necessary internal consultations were carried out with the Conservation Officer*).
11. **Historic England** – No comment received.

12. **Amenities Societies** – No comment received.
13. **Neighbours** – 4 neighbours consulted. As well as a site notice put up and a press advert placed. No representations received from neighbours but a comment was received from Headcorn Aerodrome highlighting the proximity of the development to the aerodrome, and that there is noise connected with the aviation activity of the existing and established use/activity of the aerodrome. They do not wish to inhibit the development.

Planning Policy

14. 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), the Charing Neighbourhood Plan (2023) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
15. 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).
16. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives
SP6 – Promoting High Quality Design
ENV13 – Conservation & Enhancement of Heritage Assets
17. The following are also material considerations to the determination of this application.

Government Guidance

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 197 (Proposals Affecting Heritage Assets).

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 paras.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.”

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.

National Planning Policy Guidance (NPPG)

Assessment

18. The key areas for consideration in the assessment of this application are:
- Visual Amenity / Heritage

Visual Amenity / Heritage

19. 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.
20. The garage and workshop outbuildings which are the subject of this application are both curtilage listed outbuildings within the site. The proposal would not harm the historic plan form or appearance of the said buildings. The internal works and accommodation proposed are acceptable, with the proposed insulation and insertion of new internal partitions in both outbuildings being appropriate in heritage terms. The exact details of insulation (including its breathability) would be agreed by way of a condition.
21. The impact to the historic fabric of the outbuildings would be minimal, with the existing tiled roofs being retained and actually improved with better insulation (details to be agreed by way of a condition), and the replacement windows and doors utilising existing openings. Furthermore, with the amended plans provided showing the retention of the weatherboarding to the gable end entrance of the garage outbuilding and the information submitted to ensure heritage compliant glazing and proposed replacement timber stable doors, the proposed works to the buildings can be undertaken with limited intervention and less than substantial harm to the curtilage listed buildings. Exact

fenestration details (including the means of attaching the windows) should be secured by way of a condition on any consent.

22. In light of the above the proposed works would facilitate the continued survival and sympathetic re-use of curtilage listed buildings, thereby preserving these historic buildings for the future which is strongly promoted in the NPPF and the development plan. I consider that the development as a whole would not be harmful to the character and appearance of the curtilage listed outbuildings or the setting of Westover. As a result, the proposal would allow the buildings to continue to be used in a manner consistent with their conservation and which provides a public benefit in the form of tourist accommodation. Overall, the development would result in less than substantial harm to the heritage assets, where any such harm would be outweighed by the public benefit of ensuring the buildings are safeguarded and retained in a suitable use.

Human Rights Issues

23. 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

24. 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

25. The proposed development would comply with the requirements of Development Plan policy and Central Government guidance and I recommend that listed building consent permission is granted subject to the conditions listed.

Recommendation

Permit

Subject to the following Conditions and Notes:

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

1. Standard 3 year time limit
2. Approved plans
3. Materials as shown
4. Detailed drawings to scale 1:5 and 1:1 of typical details of all new fenestration. In addition, sections shall be to a scale of 1:1 or 1:2 and will show means of fixing glazing
5. 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed
6. 1:10 scale section through all external walls which is proposed to alter the existing details to achieve better insulating, weatherproofing or for other purposes

Notes to applicant

- Working with the Applicant

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/2023/0209)

Contact Officer: Sally Hodgson
Email: sally.hodgson@ashford.gov.uk
Telephone: (01233) 330724

Application Number	PA/2023/1211
Location	25 Riverside Close, Kingsnorth, TN23 3EL
Parish Council	Kingsnorth
Ward	Kingsnorth Village & Bridgefield
Application Description	Proposed single-storey rear and side extension
Applicant	Mr C Ostridge
Agent	Mr C Lamb
Site Area	0.02 Hectares

Introduction

1. This application is reported to the Planning Committee because the applicant is the partner of a Council staff member.

Site and Surroundings

2. The application site comprises a two storey, two bedroom semi-detached property located on the north eastern side of Riverside Close and situated within a fairly modern housing development within the built confines of Kingsnorth. The site is not located within any designated areas (i.e. AONB or conservation area). It is of note that the attached neighbour (No. 27 Riverside Close) benefits from a two storey side extension granted permission in 2001 and a single storey rear extension granted permission in 2011.



Figure 1 - Site Location Plan

Proposal

3. Full planning permission is sought for a single storey side and rear extension.

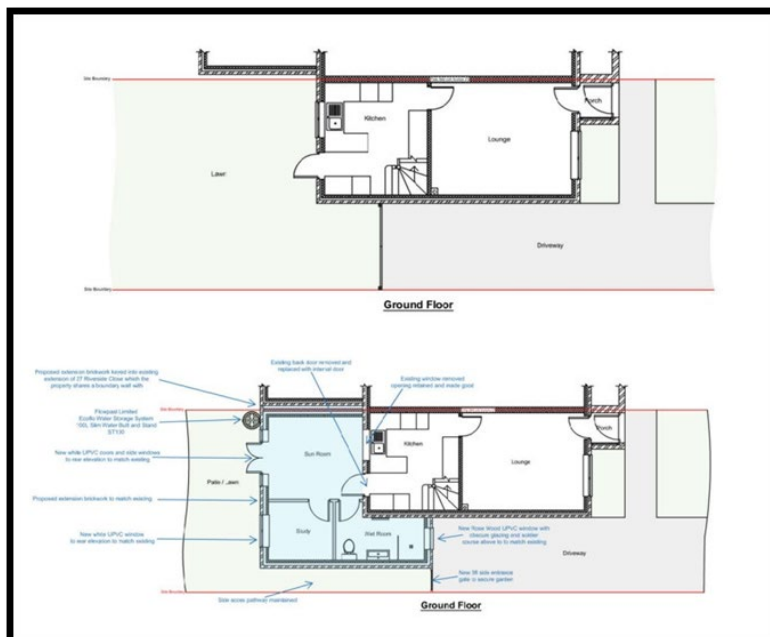


Figure 2 - Existing & Proposed Floor Plans

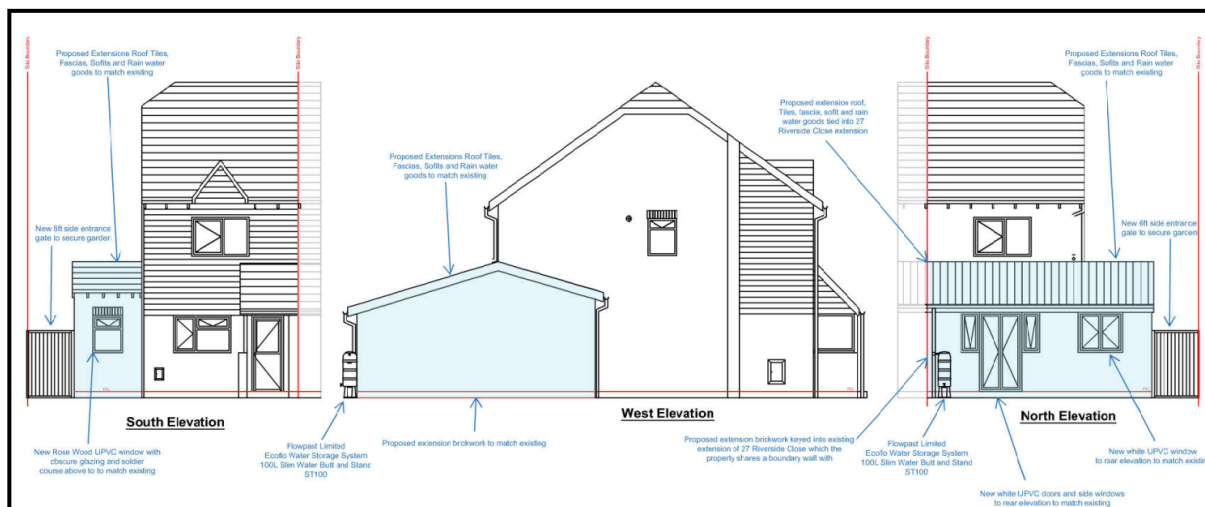


Figure 3 - Proposed Elevations with pale blue detail being the proposed extension

Planning History

4. There is no relevant planning history for the site.

Consultations

5. **Ward Member:** Councillor Ray McGeever, who is a member of the Planning Committee.
6. **Kingsnorth Parish Council:** No objection.
7. **Neighbours:** 4 neighbours consulted; 2 letters of support received with one comment stating building work should not disrupt the existing parking situation (*planning officer note: this would be a civil matter between residents and for a householder development such as this a condition requiring specific site personnel parking would not be considered reasonable or necessary*).

Planning Policy

8. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022), the Charing Neighbourhood Plan (2023) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial

Review (2020).

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

Ashford Local Plan 2030 (adopted February 2019)

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

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

Supplementary Planning Guidance/Documents

Domestic Extensions in Urban & Rural Areas SPG10
Residential Parking and Design SPD 2010
Landscape Character Assessment SPD 2011
Climate Change Guidance for Development Management

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.

National Planning Policy Guidance (NPPG)

Assessment

11. The main issues for consideration are:

- Visual amenity
- Residential amenity
- Highway safety

Visual Amenity

12. The proposed single storey rear and side extension would be mainly to the rear of the property with the side element set back approximately 6m from the front building line of the host dwelling. Whilst adding a further 28m² of footprint, the extension would as a result of its limited size, bulk and mass, and sympathetic design and appearance, appear as a sympathetic and subordinate addition to the main property. The proposed materials of the extension will match the existing dwelling. As a result, the proposed extension would not cause any visual harm to No. 25 Riverside Close and the surrounding street scene.

Residential Amenity

13. As stated above the attached neighbour at No 27 Riverside Close also benefits from a rear extension similar to that now for consideration under this application. The proposed extension will extend no further than the rear wall of the neighbour's extension. The single storey nature of the extension combined with the limited depth of the rear element of the proposal, would in my opinion ensure that the scheme would not harm the residential amenity of the occupiers of No 27 Riverside Close.
14. There are no windows in the flank elevation of the neighbour at No 23 Riverside Close which faces towards the application site. This fact combined with the single storey nature and limited depth of the proposed extension, and the degree of separation of the proposed works from No. 23 Riverside Close, would result in the proposal not harming the residential amenities of the occupants of No. 23 Riverside Close either.
15. Overall I am satisfied that the proposal would not result in any unacceptable harm to residential amenity of existing residents.

Highway Safety

16. There is no increase in bedroom accommodation as a result of the proposal and therefore in accordance with Policy TRA3a, the development does not require any further parking provision. Also, the proposed extension would still allow for the required 2 car parking spaces to be accommodated on site. As a result, the application would not result in any harm to highway safety.

Human Rights Issues

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

and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

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

Conclusion

19. In light of the above assessment, the development is visually acceptable and does not cause harm to the residential amenity of neighbouring residential properties. Furthermore, the proposal is not considered to cause detrimental impact on the highway safety of the site or the surrounding road network. As such the proposal fully accords with the Development Plan, and as such I recommend that planning permission is granted.

Recommendation

Permit

- A 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.**

1. 3-year standard condition

2. Approved plans
3. Materials in accordance with the submitted details

Notes to Applicant

- Working with the Applicant
- Climate Change

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/2023/1211)

Contact Officer: Sally Hodgson
Email: sally.hodgson@ashford.gov.uk
Telephone: (01233) 330724

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Application Number	PA/2023/1184
Location	Tenterden Sports and Leisure Centre, Recreation Ground Road, Tenterden, TN30 6RA
Grid Reference	Easting 588731, Northing 133187
Parish Council	Tenterden
Ward	Tenterden South Ward
Application Description	Installation of solar PV on the roof and for maintenance purposes, a Man-Safe line with walkways is required (retrospective)
Applicant	Ashford Borough Council, Mr P. Stanton
Agent	N/A
Site Area	1.5 hectares.

Introduction

1. This is a retrospective application for the installation of solar panels and man-safe line with walkways proposed by Ashford Borough Council.

Site and Surroundings

2. The application site, which is located towards the southern boundary of the built confines of Tenterden, comprises the existing Tenterden Recreation Centre. The site is surrounded by open landscape and car parking facilities which serve the Leisure Centre. To the north lies the recreation field and 'Little Explorers Children's Centre' and 'Tenterden Infant School' lie to the west.
3. Immediately to the south of the site lie a number of recently built residential properties which form 'Mercer Drive'.

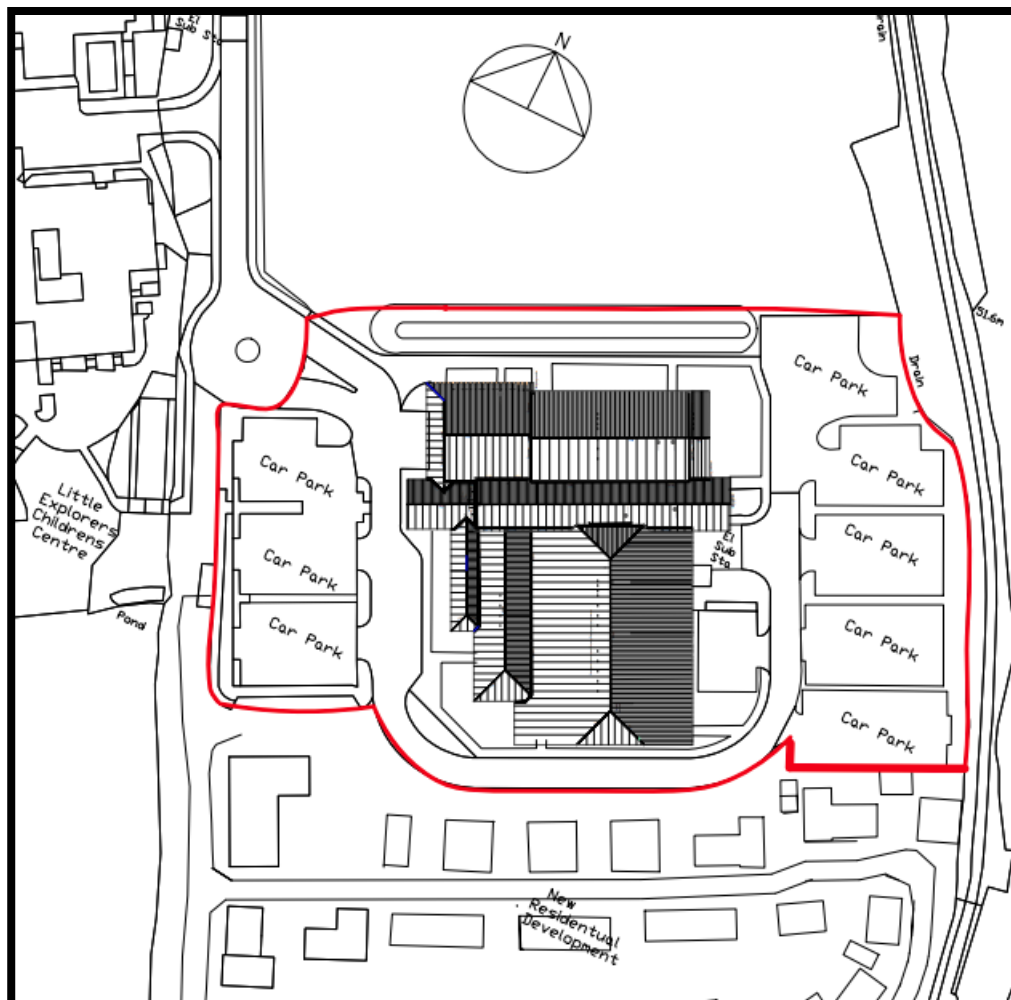


Figure 1 - Site Location Plan

Proposal

4. This is a retrospective application. Planning permission is sought to regularise the installation of two hundred and four (204no.) solar PV panels and a man-safe maintenance line to the western-facing roof slope of the building. The panels cover approximately 557 square metres of the roof.
5. The panels, which were installed in April 2023, are arranged symmetrically across the area of the western roof slope. The panels are black and the man-safe walkway, which provides access for maintenance purposes, is light grey.

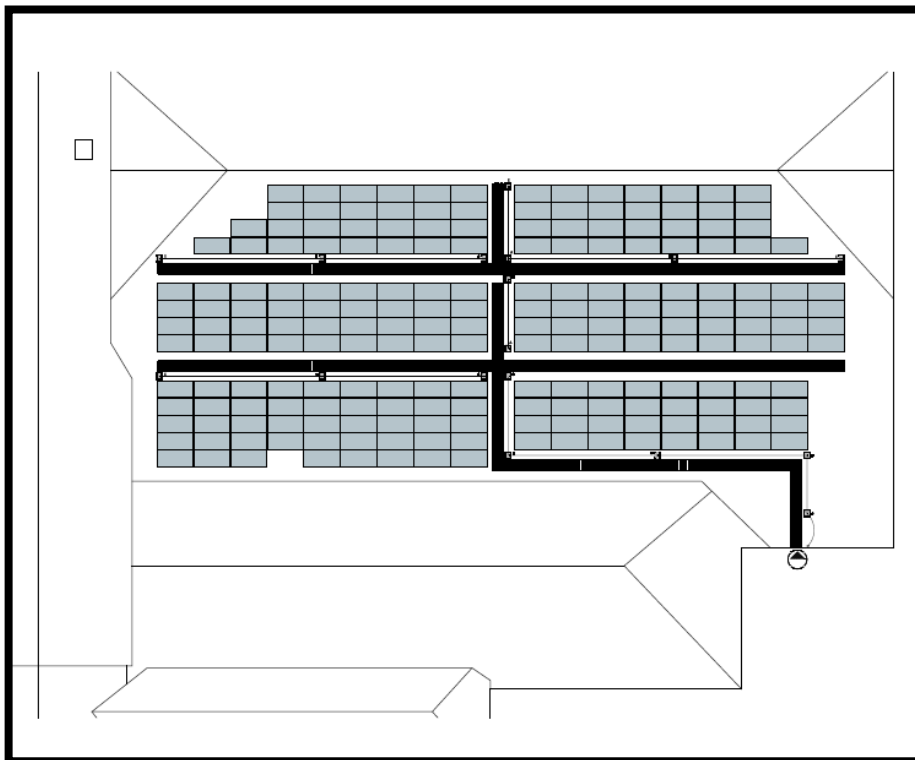


Figure 2 – Roof Plan

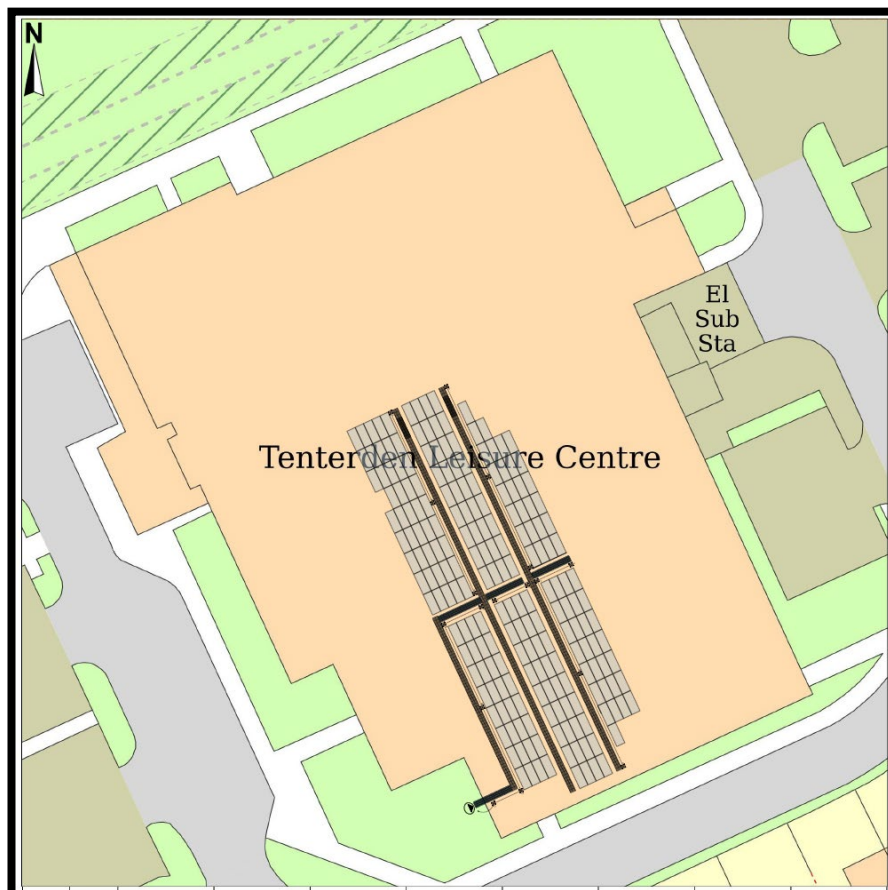


Figure 3 – Block Plan

Planning History

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

11/01161/AS: *Proposal to install solar panels on the roof of the existing Tenterden Leisure Centre. Permitted on 23/11/2011, however the permission was never implemented.*

20/00505/AS: *Removal of existing roof materials to be replaced with profiled metal sheet; removal of plastic guttering replacing with metal guttering; removal of existing fascia/soffit materials and replacement with metal fascia/soffit; removal of roof panels above swimming pool and replacement with profiled metal sheet incorporating photovoltaic panels. Permitted on 26/06/2020.*

20/00505/AMND/AS: *Non-material amendment to planning permission 20/00505/AS (Removal of existing roof materials to be replaced with profiled metal sheet; removal of plastic guttering replacing with metal guttering; removal of existing fascia/soffit materials and replacement with metal fascia/soffit; removal of roof panels above swimming pool and replacement with profiled metal sheet incorporating photovoltaic panels) to install a metal deck built-up roofing system to 282mm as per the fixing arrangement drawing D001. Permitted on 11/05/2021.*

PA/2023/0217: *Lawful Development Certificate - Proposed - To install a compound to the rear of the building to house an Air Source Heat Pump. Installation of solar PV on the roof and for maintenance purposes, a mansafe line with walkways is required. Withdrawn by the applicant on 23rd of June 2023.*

PA/2023/0101: *Proposed installation of 2no. air source heat pumps to the North-East with a 3m high wooden compound. Withdrawn by the applicant on 23rd of June 2023.*

PA/2023/1186: *Lawful Development Certificate – Existing - The installation of 2 no. Air Source Heat Pumps sited within a purpose-built part acoustic fenced enclosure adjacent to the eastern elevation at the northeast corner of the building. Under consideration (21/08/2023).*

Consultations

Ward Member(s): No comments received.

Tenterden Town Council support the application.

29 Neighbours consulted. 9 letters of objection received, however no material planning considerations relevant to this application were raised.

Planning Policy

7. 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), the Charing Neighbourhood Plan 2023 and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

8. 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,
ENV10 – Renewable and Low Carbon Energy

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

Government Advice

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

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

10. The main issues for consideration are:

- Principle of development
- Visual amenity
- Residential amenity
- Highway Safety

Principle of development

6. Regard must be had to Policy ENV10 - Renewable and Low Carbon Energy of the local plan. The policy lends support for the planning applications for the proposals to generate energy from renewable and low carbon sources subject to a number of criteria being met.
7. The National Planning Policy Framework sets out a proactive approach towards the provision of Renewable Energy development to meet aims to reduce greenhouse gas emissions and meet renewable energy targets. Chapter 14 of the NPPF sets out the national planning policy with regards to climate change, flooding and coastal change. This requires the planning system to support the transition to a low carbon future and to support renewable and low carbon energy and associated infrastructure. Paragraph 151 of the NPPF (2021) requires plans to help increase the use and supply of renewable and low carbon energy and heat. Paragraph 158 of the NPPF (2021) states that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. It also requires applications to be approved where its impacts are (or can be made) acceptable.
8. The starting point for proposals delivering renewable energy is a positive policy framework for which significant weight must be given. This is defined in Policy ENV10 which encourages such development provided that, there is no unacceptable adverse impact, including cumulative impact on a number of identified issues within the policy. The potential key issues are:
 - visual impacts on local landscapes,
 - highways and access and
 - residential amenity
9. The application relates to the installation of solar panels over the roof of the existing building. As such, the principle of development is considered acceptable subject to site-specific considerations.

Visual Amenity

10. The leisure centre was built in 1991 and, over the passage of time, there have been many alterations to the roof as a whole. The PV panels, which are already in situ, and therefore visible at the site, are considered to have a low visual impact. They have a symmetrical design across the section of the western roof slope and, whilst they dominate the western roof slope, they do not over-dominate the roof as a whole. The panels, which are black, complement the building's current grey roof and, therefore, they are not considered to appear out of place within the site. Overall, the proposal is considered acceptable in terms of the visual impact and complies with Policy SP6 in terms of visual amenity and design.

Residential Amenity

11. Given the nature of the development, it is not considered that this causes unacceptable impact to the residential amenity of the neighbouring residential occupiers.

Highway Safety

12. Given the nature of the development there would be no harm to the highway safety of the site or the surrounding road network.

Human Rights Issues

13. 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

14. 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

15. In light of the above assessment, the development is visually acceptable and does not cause harm to the residential amenity of neighbouring residential properties. Furthermore, the proposal is not considered to cause detrimental impact on the highway safety of the site or the surrounding road network. As such, it is recommended that planning permission is granted.

Recommendation

Permit - Subject to the following Conditions and informatives:

1. 3-year standard condition
2. Approved Plans
3. Materials
4. Removal of solar panels when the use ceases.

Informatives

1. Working with the applicant

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/2023/1184)

Contact Officer: Rebecca Potter
Email: rebecca.potter@ashford.gov.uk
Telephone: (01233) 3302

Application Number	PA/2023/0225
Location	36 Hurst Road, Kennington, TN24 9PS
Grid Reference	Easting (x) 601106 / Northing (y) 145040
Parish Council	Kennington Community Council
Ward	Bockhanger
Application Description	Proposed conversion of a 4-bedroomed house to No.2 self-contained 1-bedroomed flats including elevational alterations
Applicant	Ashford Borough Council
Agent	ABC - Housing Development and Regeneration
Site Area	0.014 Hectares

Introduction

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

Site and Surroundings

2. The application site comprises a two-storey end-of-terrace property that is located on the southern side of Hurst Road in Kennington. The property currently comprises a lounge, kitchen, and W.C. on the ground floor and 4 bedrooms and a bathroom on the first floor. There is no off-street parking associated with the dwelling; however, there is on-street parking immediately in front of the house. There are no parking restrictions in the surrounding streets.
3. The street scene includes properties of a similar style/design with a mix of terraced and semi-detached dwellings with facing brickwork and tile hanging. There is a degree of landscaping in the immediate vicinity of the site with some established mature trees and grassed amenity areas.

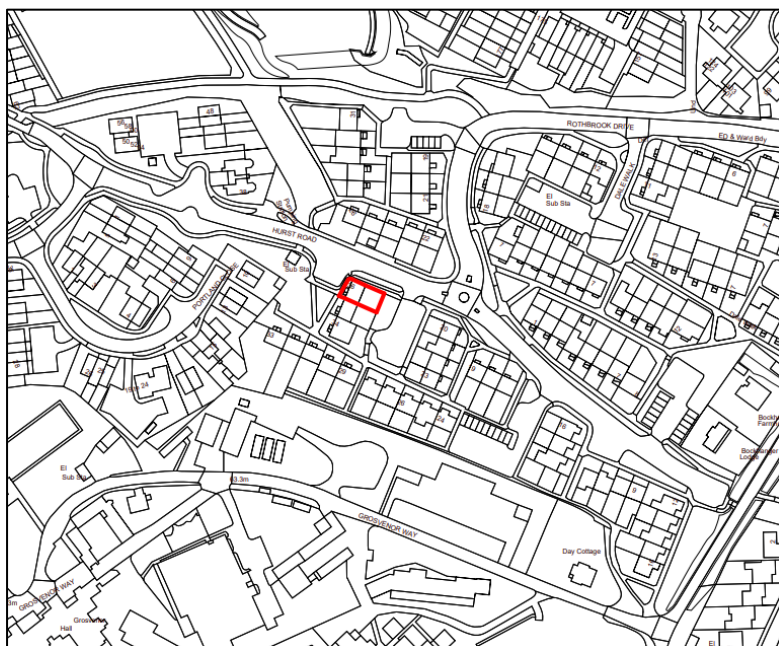


Figure 1: Site Location Plan



Figure 2: Photo of Front of Existing Property

Proposal

4. Full planning permission is sought for the proposed conversion of the existing dwelling to 2 self-contained 1 bedroom / 1 person flats. The proposed external alterations include the removal of a small (front) window and repositioning of a ground floor (rear) door, minor changes to window heights and the addition of external wall insulation to meet Building Regulation requirements. The

proposed development would include solar panels and water butts to increase its overall sustainability and to meet Council requirements.

5. The conversion of this property is part of a Government scheme to help rough sleepers rebuild their lives and the property was bought by the Council specifically for this project. It has been confirmed this property will be for single-person occupancy of each unit only.
6. It is of note that 36 Hurst Road is one of a number of properties being converted to provide housing for rough sleepers in the Borough. At this time, Ashford Borough Council has identified that a minimum of 15 properties are required to accommodate the needs of this project in the Ashford Area. A similar application was heard by the Planning Committee in August 2023 under application reference PA/2023/0218 at 15 Warwick Road and also in December 2022 under application reference 22/00569/AS at 240 Beaver Road, Ashford. It was resolved to permit these applications subject to the resolution of Stodmarsh concerns.
7. In support of this application, the Development & Regeneration Manager, Housing has set out the context behind this proposal.
 - The property has been purchased by ABC specifically for the conversion.
 - The conversion is part of a nationwide programme to provide rough sleeper accommodation.
 - Two units of accommodation next to each other provides a concentration of provision for management without being excessive.

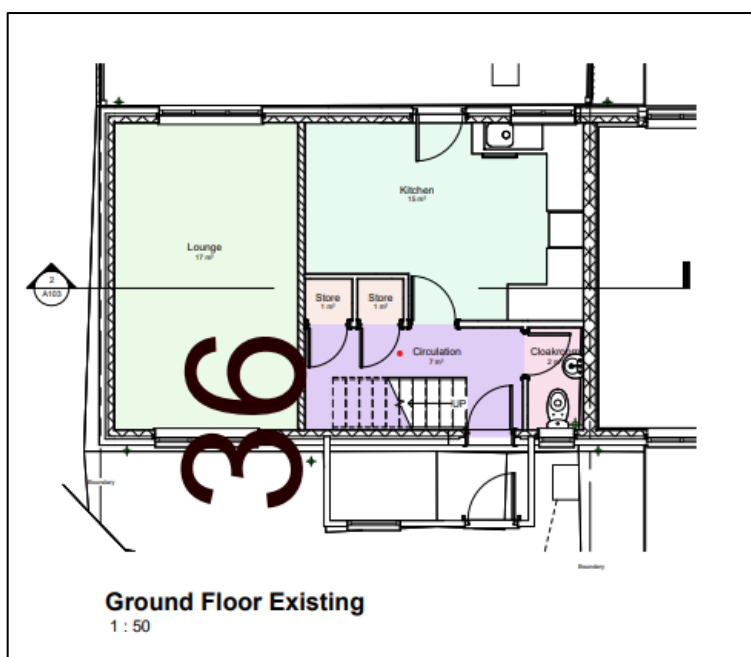


Figure 3: Existing Ground Floor Plans

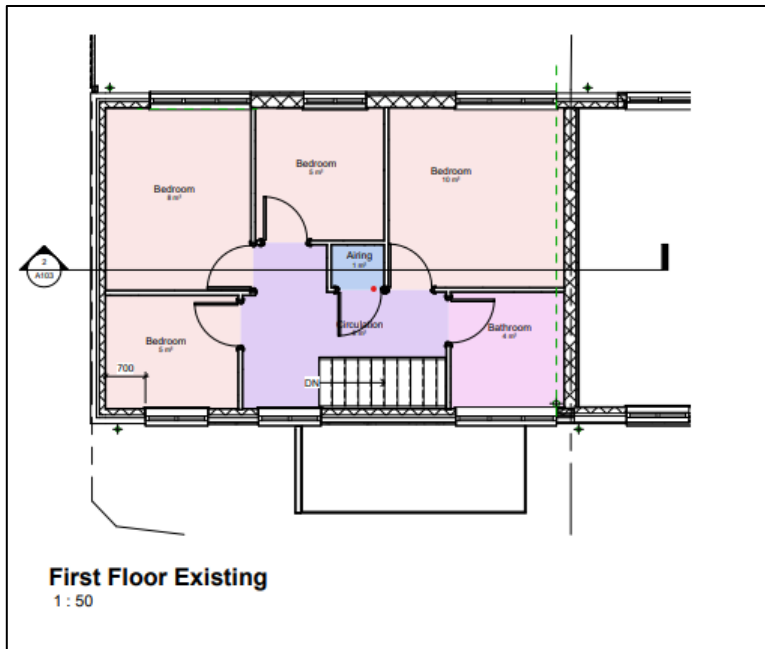


Figure 4: Existing First Floor Plans

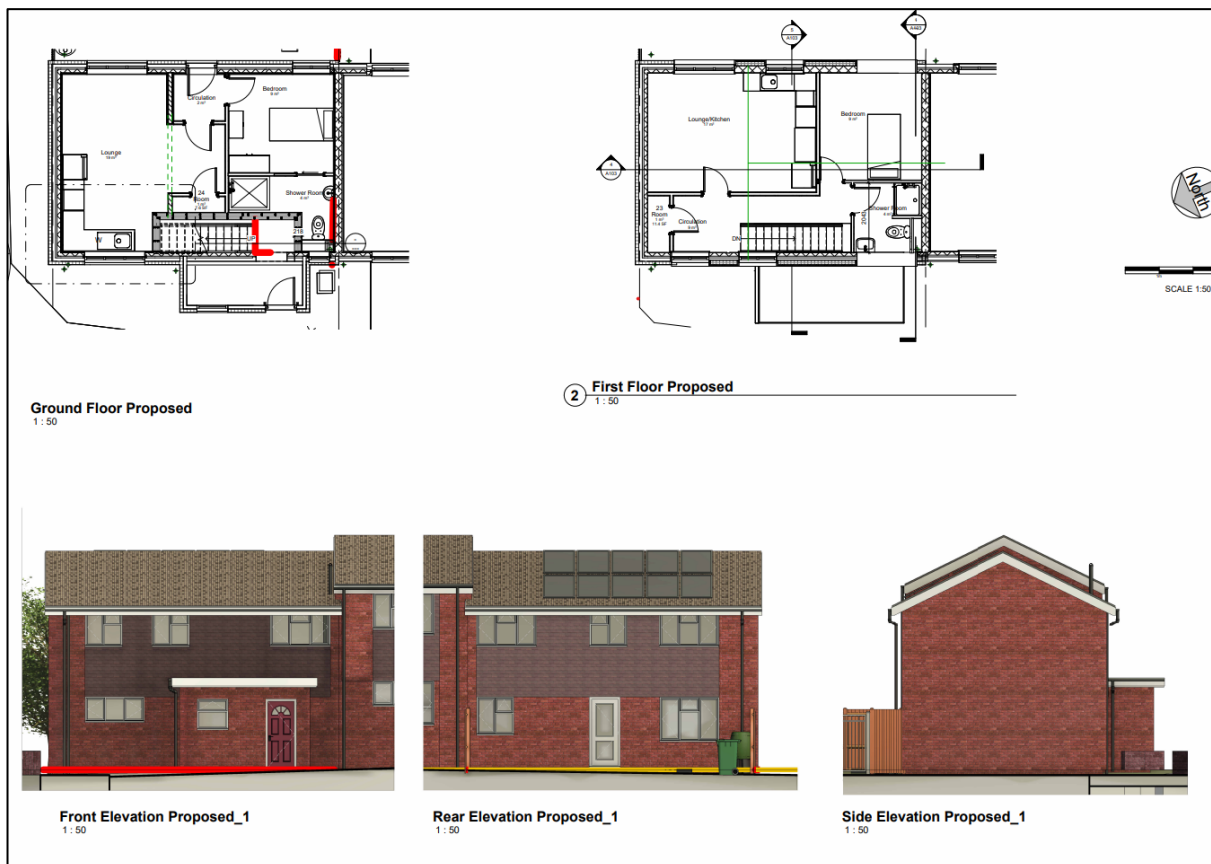


Figure 5: Proposed Floor Plans and Elevations

Planning History

8. There is no relevant planning history for the site.

Consultations

9. The application has been subject to formal statutory and non-statutory consultation.
10. **Kennington Community Council** – No response received.
11. **Natural England** – No objections subject to appropriate mitigation being secured through reduced occupancy.
12. **Neighbours** – Notification letters were sent to the occupiers of 6 properties in the vicinity of the application site and 1 representation has been received with the following comments:
 - Lack of parking in the area;
 - Skips will take up parking spaces
 - Impact on neighbours during construction phase, including noise for people that work night shifts and sleep in the day

Planning Policy

13. 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), the Charing Neighbourhood Plan (2023), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
14. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
15. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP2 – The Strategic Approach to Housing Delivery
 - SP6 – Promoting High Quality Design

ENV1 - Biodiversity
HOU3a – Residential Windfall Development Within Settlements
HOU12- Residential Space Standards Internal
HOU15 - Private External Open Space
TRA3a - Parking Standards for Residential Development
TRA6 - Provision for Cycling
TRA7 – The Road Network and Development

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

Supplementary Planning Guidance/Documents

Residential Space & Layout (External space standards) 2011
Residential Parking & Design SPD 2010
Sustainable Drainage SPD 2010
Climate Change Guidance for Development Management

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

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

4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places

Planning Policy Guidance: In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled

when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

Technical Housing Standards – Nationally Described Space Standards

Assessment

17. The main issues for consideration are:

- Principle of Development
- Design, Character and Appearance
- Residential Amenity and Standards
- Parking Provision and Highway Safety
- Other Matters

Principle of Development

18. The site lies within the settlement boundary of Ashford. As such, the principle of development is considered acceptable subject to site-specific considerations.

Design, Character and Appearance

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

20. The proposed external alterations to the building include minor changes to windows and a door, together with external wall insulation to meet Building Regulation requirements. The proposed development would also feature solar panels on the rear elevation in order to meet Council requirements. On the whole, it is considered these proposed amendments are minor in nature and would have a limited impact on the character and appearance of the street scene and surrounding area. Therefore, the proposal is considered acceptable and would comply with policies SP1 and SP6 of the local and paragraph 130 of the NPPF.

Residential Amenity and Standards

21. Regard must be had to paragraph 130 of the NPPF which amongst other things, requires the planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
22. The proposal would not result in any harm to the residential amenity of the neighbouring properties. The proposed residential use would be in keeping with the surrounding area and the proposed external alterations would not be harmful to the living conditions of the adjacent occupiers.
23. In terms of the proposed internal layouts, the ground floor flat would feature an open plan kitchen / dining / living room, single bedroom and en-suite bathroom, totalling 35sqm. This flat would be accessed from the rear garden. The first floor flat would feature an open plan kitchen / dining / living room, single bedroom and separate bathroom, totalling 40sqm. This flat would be accessed from the front porch. Both flats have been suitably arranged in terms of stacking with the first floor bedroom positioned above the ground floor bedroom. As such, the relationship between the 2 flats would be acceptable.
24. Although the proposed ground floor flat would fall marginally short of the national housing space standards by approximately 2sqm in order to accommodate the stairwell to the first floor, it is considered this would be unlikely to impact the overall quality of the living environment being provided and a grounds of refusal on this basis would be unreasonable.
25. The property benefits from a garden which is approximately 8m deep and this will be shared between the two units, including for the entrance to the ground floor flat. It is understood that the tenants will have joint responsibility for taking care of the property. In order to ensure that ground floor flat would be afforded with appropriate levels of privacy, it is considered that defensible spaces (immediately outside of the rear facing bedroom window and living room window) should be provided by suitable landscaping, which could be secured by way of a condition. Overall, the external amenity space is considered acceptable for the 2 non-family units that are designed for single persons and accords with the aims and objectives of policy.

Parking Provision and Highway Safety

26. Policy TRA3a of the Local Plan requires one off-street car space to be provided for 1 bedroom dwellings.
27. In this instance, the existing dwelling currently has no off street parking and none would be provided. However, there are no parking restrictions in the surrounding streets and there is on-street parking available immediately outside the house, which is accessed via an existing footpath.

28. In this case, it is important to realise that off-street parking is not considered a necessity for the proposed flats which are intended to cater for former rough sleepers who have very few possessions and are highly unlikely to have a car.
29. The existing 4 bedroom family home would have already been operating without dedicated parking and it is more likely that this would have resulted in a requirement for parking provision. As such, it is considered the current proposal may improve the local situation by removing the requirement for a family car to park on the adjacent roads.

Other Matters

30. The site is located within the Stour catchment. The Council received advice from Natural England (NE) in respect of the nationally and internationally designated protected sites at Stodmarsh lakes, east of Canterbury. This relates to an increased level of nitrates and phosphates within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
31. The development proposes to convert the existing dwelling into new accommodation. The existing dwelling is a 3 bedroom house, which in accordance with the Natural England methodology, is assumed to have an existing occupancy of 2.4 persons.
32. The proposed development would result in the creation of two single occupancy flats. Given that the proposed flats are intended for single occupancy, it is considered that the standard occupancy value of 2.4 persons per dwelling is not appropriate for the type of accommodation proposed and that assuming an occupancy value of 1 person per flat would be more appropriate. Again, this is the approach taken with the similar application at 240 Beaver Road (22/00569/AS) and 15 Warwick Road (PA/2023/0218).
33. The proposed development would convert an existing dwelling into 2 self-contained flats for single occupancy. Subject to the imposition of a condition restricting the occupancy of the units to one person per flat, the scheme does not result in any increase in net population within the Stour catchment. Consequently, there would be no net increase in nutrients generated from the proposed use. Additionally, there is no land use change associated with this application, given that the site is an existing residential site. Consequently, there would be no net nutrients generated from the surface water/land use change.
34. The Assistant Director of Planning & Development, in his capacity as Competent Authority, has considered the Natural England consultation comments and has signed off the Appropriate Assessment. Therefore subject to the inclusion of the single occupancy condition, the development proposal achieves nutrient neutrality and it is concluded that the development would not result in an adverse effect on the integrity of the Stodmarsh Lakes.

Human Rights Issues

35. 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

36. There is no policy objection to the conversion of larger dwellings into smaller units in the adopted Local Plan. Neither are there compelling housing needs that support the retention of larger homes in this part of the Borough. Nonetheless, the proposal generally complies with the aims and objectives of relevant Local Plan policies in relation to design, residential standards, parking / highway safety and amenity impact. For the reasons set out above, the proposed development is satisfactory and therefore recommended for approval.

Recommendation

Permit

- A 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.**
1. 3-year standard condition
 2. Approved Plans
 3. Single person occupancy condition
 4. Materials in accordance with the submitted details

5. Landscaping and boundary treatment (to include details for rear amenity space and access gate)

Notes to Applicant

- Working with the Applicant
- List of plans/documents approved
- Construction practices (including hours of construction, avoiding burning of controlled waste, and minimising dust emissions)

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/2023/0225)

Contact Officer: Georgina Galley
Email: georgina.galley@ashford.gov.uk
Telephone: (01233) 330724

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