

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

First consultation

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

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

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

## Site and Surroundings

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

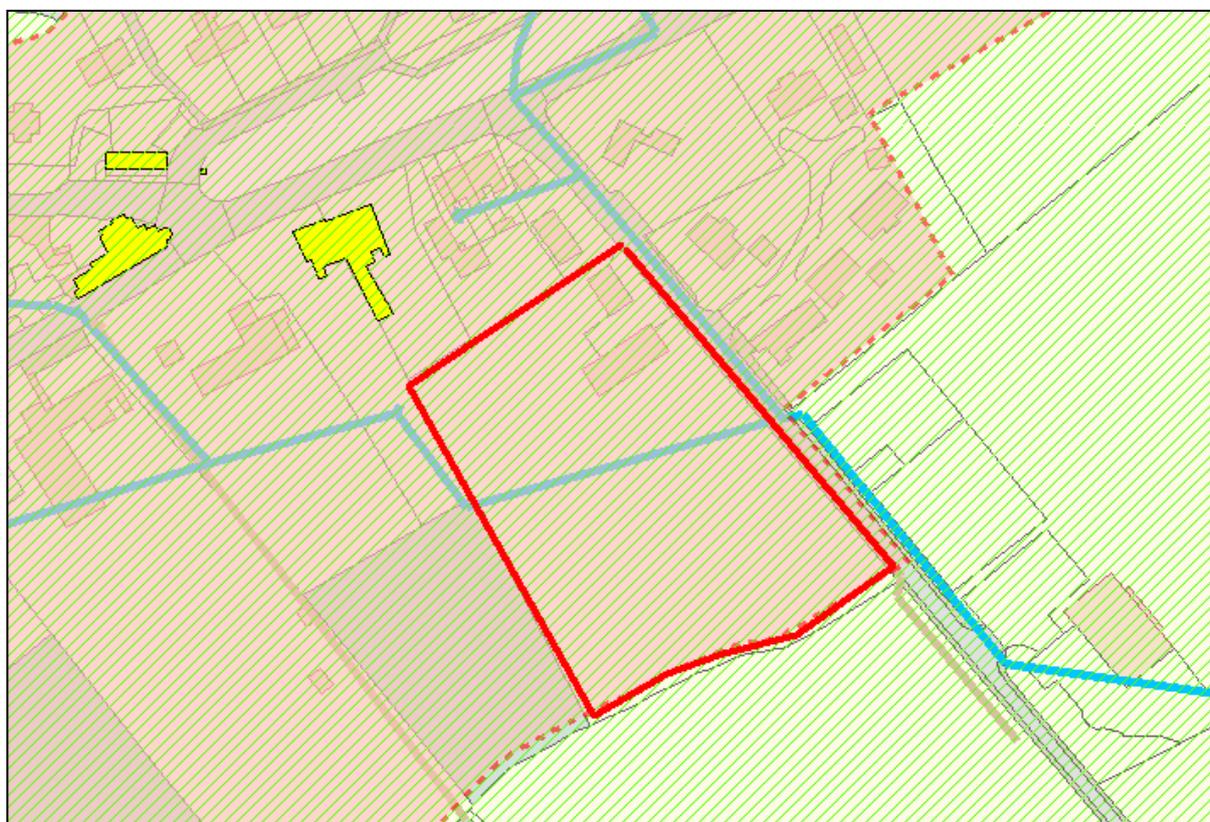
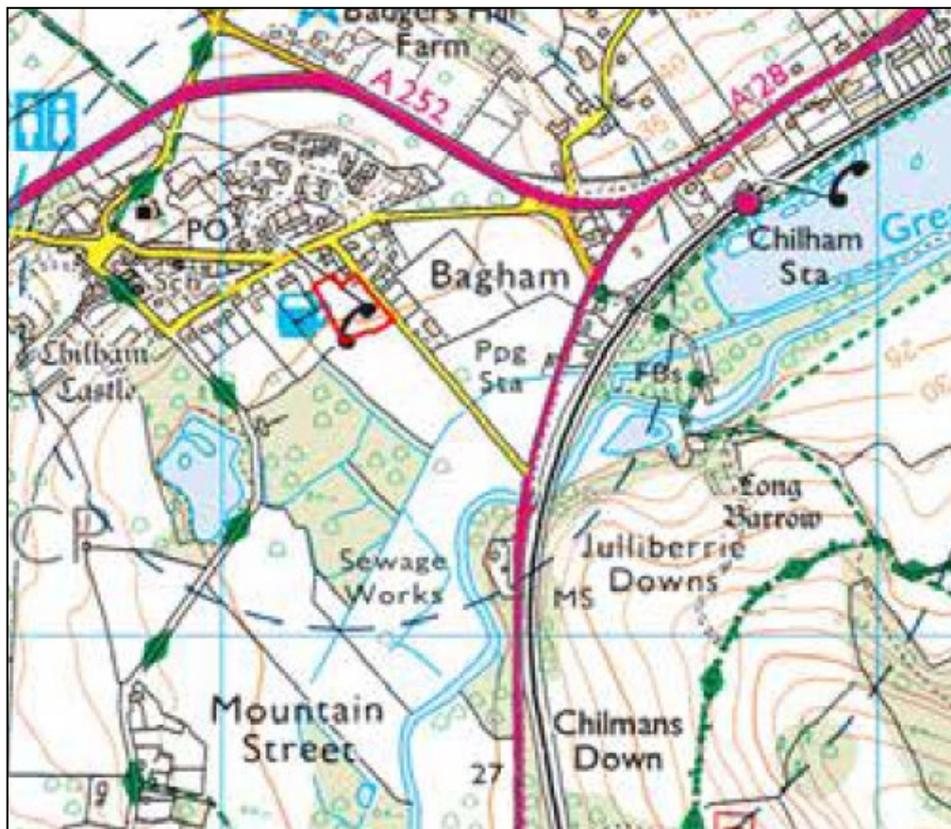
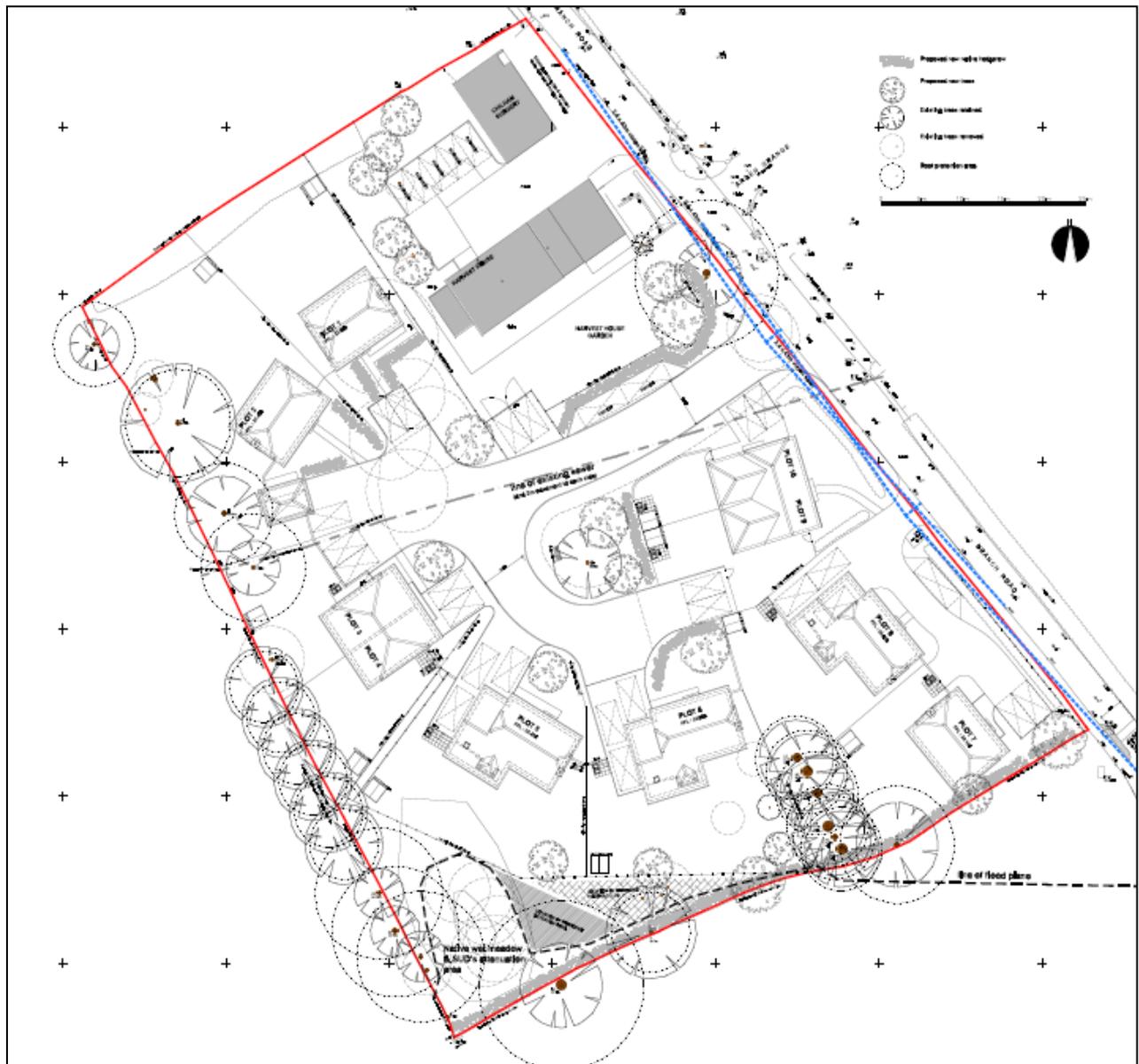


Figure 1a and b: Site location plans

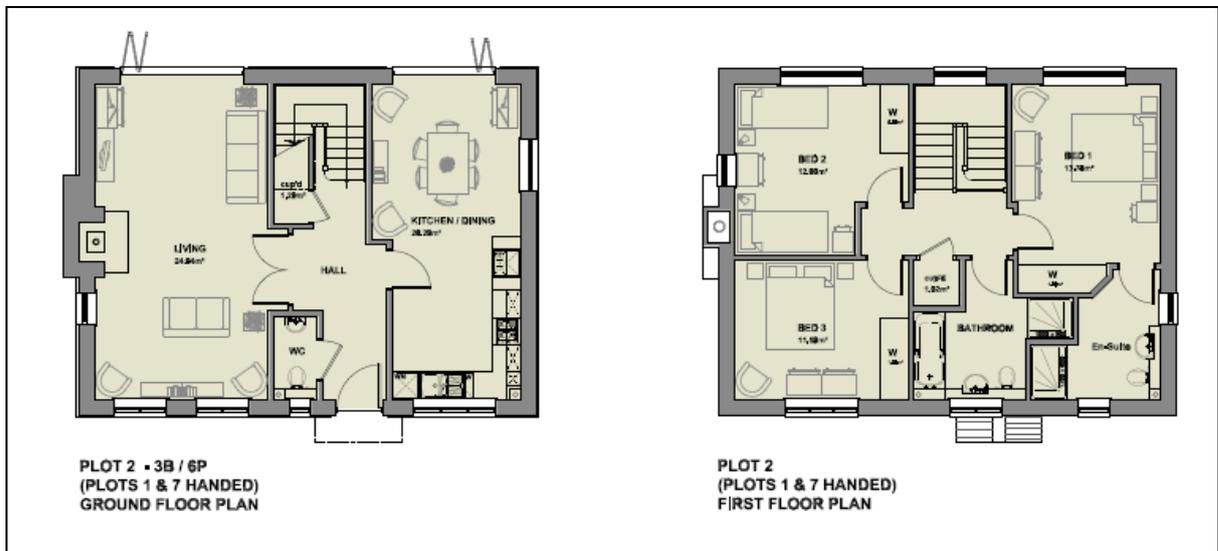
## Proposal

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



**Figure 2: Proposed layout plan**

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



**Figure 3: 3-bed unit**



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



Figure 5: 4-bed unit

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

### **Arboricultural Survey and Constraints**

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

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

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

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

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

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

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

### **Preliminary Ecological Appraisal**

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

### Great Crested Newts

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

### Reptiles

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

### Birds

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

### Hazel Dormouse

No potential.

### Badger

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

### Bats

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

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

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

### **Badger Survey**

The report confirms there is no evidence of badger.

### **Flood Risk Assessment**

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

### **Heritage Impact Statement**

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

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

## **Consultations**

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

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

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

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

**Environment Agency:** No comment.

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

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

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

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

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

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

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

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

**ABC Refuse:** Comment as follows:

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

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

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

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

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

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

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

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

Objections

:

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

The comments on the scheme are as follows:

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

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

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

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

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

**Environment Agency:** No further comments.

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

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

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

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

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

Additional issues:

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

## Planning Policy

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

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

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

S56 – Chilham, Branch Road

HOU1 – Affordable Housing

HOU5 – Residential Windfall Development in the Countryside

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

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

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

ENV14 – Conservation areas

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

**Village Design Statements**

Chilham Village Design Statement

### **Other Guidance**

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

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

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

Kent Downs AONB Management Plan 2015 – 2019

### **Government Advice**

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

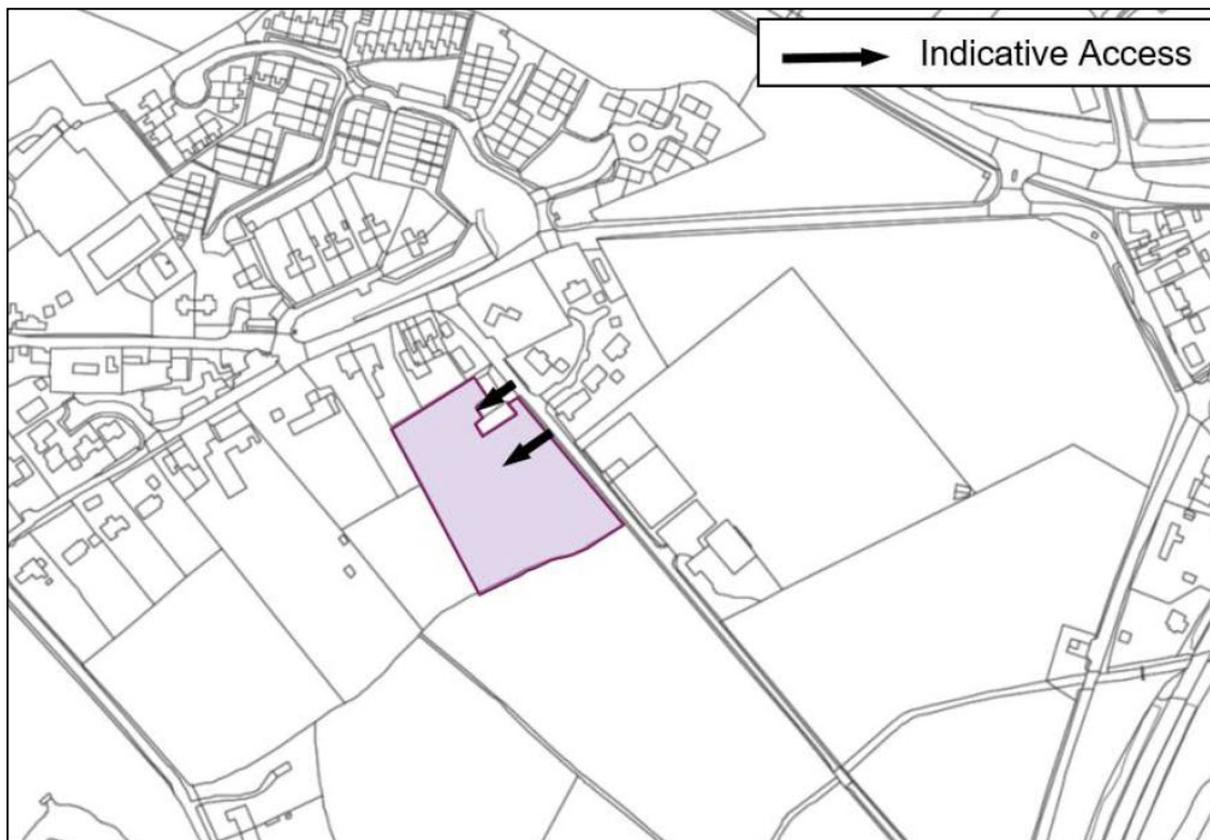
20. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies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

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

## Assessment

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



**Figure 6: Site allocation.**

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

**Policy S56 - Chilham, Branch Road**

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

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

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

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

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

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

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

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

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

37. Policy ENV3b of the Local Plan states:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

### **Ecology**

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

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

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

## **Drainage**

### Surface Water Drainage

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

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

#### Foul Sewage Disposal

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

#### **Highway Impacts**

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

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

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



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

#### Accessibility Standards

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

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

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

#### **Planning Obligations**

101. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,

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

## Heads of Terms for Section 106 Agreement/Undertaking

**Table 1**

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

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

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

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

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

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

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[Notices](#) must be given to the Council at various stages in order to aid monitoring. All contributions are [index linked](#) in order to maintain their value. The Council's legal costs in connection with the deed must be paid.

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

## Human Rights Issues

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

## Working with the applicant

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

## Conclusion

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

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

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

## **Recommendation**

### **Permit**

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

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

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

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

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

#### Informatives

1. S106
2. Refuse collection indemnity

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

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

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

In this instance

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

## **Background Papers**

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

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Annex 1

