

Application Number	19/01669/AS
Location	Smallhythe House, Tawney Bank, Oakengates, Woodberry and Micken Lodge, Smallhythe Road, Tenterden, TN30 7LN
Town Council	Tenterden
Ward	Tenterden South
Application Description	Redevelopment to form 53 no. apartments for older people (60 years of age and/or partner over 55 years of age), guest apartment, communal facilities, access, car parking and landscaping.
Applicant	Churchill Retirement Living
Agent	Planning Issues, Churchill House
Site Area	0.64 ha

(a) 133/23R 4G (b) S (c) KCCH/X KCCE/X , KCCA/X,
KCCLLFA/X, KCCDC/R,
Kent F&R/X, AONB/+, ABCH/R,
ABCEP/X,ABCSOS/X,
NHS/X,HE/X,SW/X

Introduction

1. This application is reported to the Planning Committee because it is a major planning application. The applicants have appealed against non-determination and as such the committee cannot determine the application now. This report seeks endorsement in respect of deemed reasons for refusal upon which to contest the appeal.

Site and Surroundings

2. This is a roughly rectangular shaped site made up of 5 plots - 4 residential and one commercial - on Smallhythe Road within the built up area of Tenterden. The site is elevated from the street with the properties set back on their plots with landscaping to property boundaries. The houses are mid-20th Century and 1 or 2 storeys in height. The commercial unit is situated behind the property known as Tawny Bank and accessed along a short drive which

extends along the northern boundary of the site. In contrast to the residential plots, this plot is dominated by hardstanding for the parking of cars.

3. To the north of the site is the wide access road which serves the supermarket (Tesco) and its car park. This road also serves a recently built residential block of 36 retirement living apartments, which is situated to the north east of the site. The area to the east and south east forms the TENT1a residential allocation in the development plan. It is now largely built out.
4. To the west and south west of the site on the opposite side of Smallhythe Road to the application site is parkland associated with the large Grade II listed building, known as Heronden. The boundary of the parkland with the street is well planted with a red brick wall.
5. The application site adjoins the High Weald AONB, which lies immediately to the west of the site. It also adjoins the Tenterden Conservation Area which also lies to the west and takes in Heronden and its park land setting.
6. A plan showing the application site in relation to its surroundings is found below.

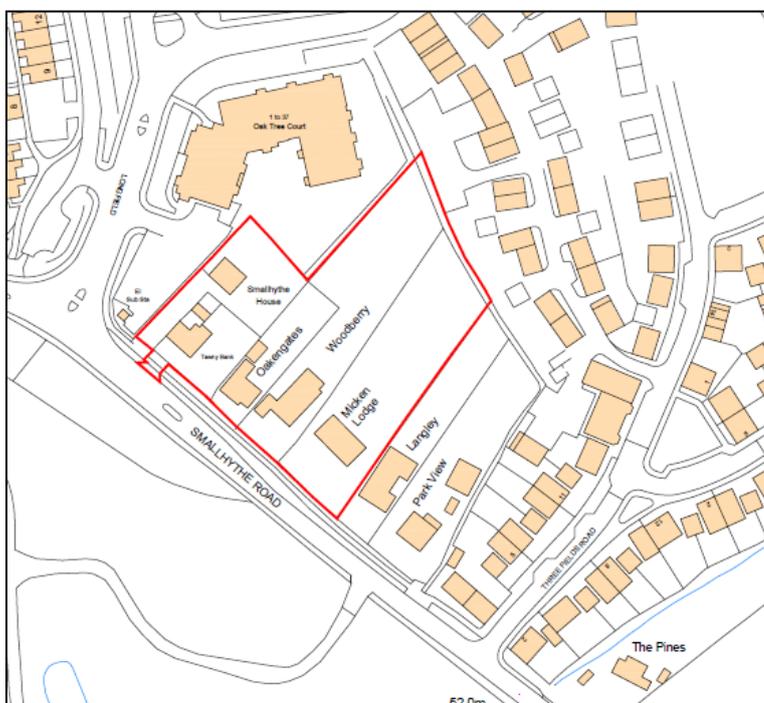


Figure 1: The Site

Proposal

7. This proposal is to redevelop the site to provide 53 retirement apartments.
8. The proposal would have a broadly T shaped footprint with the apartments arranged either side of an internal corridor. The site is not level and the proposal takes advantage of this by providing a combination of two and three storey development whilst providing a broadly constant ridge height.



Figure 2: Block Plan



Figure 3: Elevation fronting Smallhythe Road



Figure 4. Other Elevations

9. The majority of the floorplans comprises the 1 and 2 bed apartments but at ground floor would lie a reception room, and communal lounge with access to an owners lounge patio. Vehicular access to the site would lie along the north western side of the frontage building leading to 34 parking spaces aligned with the north west boundary the north eastern boundary where it abuts the garden of the nearby McCarthy Stone scheme. Pedestrian access to the site leads from Smallhythe Road into the building, from Smallhythe Road leading to the bin store and from the parking area in a circular route around the sides and rear of the site providing access to the landscape gardens. A modest sized plant room is proposed in the rear garden towards the northernmost corner of the site.
10. The landscaping scheme proposes the retention of existing trees where suitable for retention on the boundaries with proposed trees and native

planting to enhance the existing planting screen. Inside the boundary planting the site would be laid to lawn with planting beds adjacent to the building and around small individual patios, adjacent to the ground/lower ground floor apartments (depending upon site levels). An area of lawn would be provided in front of the building with modest scaled planting beds adjacent to the flats and along the front boundary.



Figure 5: Landscape Plan

11. The scheme has been designed along Smallhythe Road to give the appearance of a number of terraced buildings by means of changes in materials (brick, render and tile hanging), the use of modest recessed elements (where the front building line is set back from the building on either side and using black weather boarded elevations) and changes to the roof line creating separate roof forms. A number of porch canopies are provided suggesting separate entrances. It does though provide a single block of apartments with a part pitched and part flat roof crown, being two storeys at the front.
12. The elevations at the rear are designed making use of the site level changes to provide blocks of 2 and 3 storey development. As at the front they are designed to suggest a number of separate but terraced blocks using changes in height, roof style, materials and different window/dormer designs to articulate the block. The changes in levels result in the two storey elements being towards the front of the site with approximately 60% of the length of the rear elevation being 3 storey in height.



Figure 6: Rear Elevations: EE GG HH

13. Since the application was first submitted the applicant has made some changes to the scheme. These are listed below:
- Net loss 1 apartment overall (53 down from 54). Revised units and mix (32 one beds + 21 two beds);
 - Omission of single storey components at the end of the rear leg;
 - Flat layouts amended to reduce the number of windows looking towards Langley and the McCarthy & Stone scheme (some kitchens made internal);
 - Entrance approach & elevation amended to provide an improved & more legible arrival sequence.
 - Owners lounge & surrounding and amenity benefit from changes;
 - External stepped access to fire stair 1 simplified;
 - Flat layouts amended to reduce the number of windows looking towards Langley and the M&S scheme;
 - Number of dormers reduced;
 - Larger dormers omitted (no dormer to exceed SO of 1510mm width);
 - Eaves and ridge heights lowered to central roofs along rear leg (Ridges lowered by approximately 1350mm and eaves by approx. 500mm);
 - The provision of photovoltaic tiles shown on the roof plan as a renewable energy source instead of ground source heat pumps has allowed Plant room to be removed;
 - Substation omitted allowing parking to be reconfigured;
 - Footpath added from the garden access at lower ground better connecting the flats to the wider network of proposed paths and walks around the building and through the amenity;
 - 6 Sheffield stands added as per the air quality statement;
 - Shared footpath denoted in different material;

14. In support of the application, the following information has been submitted and summarised below:

Affordable Housing and Viability:

Concludes that the scheme cannot support the provision of on site affordable housing but could make a financial contribution of £531,591.00, towards the affordable housing and infrastructure payments that would be generated by this scheme.

Arboricultural Assessment:

This includes an assessment of existing trees and details of how they will be protected during construction and a tree protection plan. A number of Category C trees would be removed from the site but it is suggested that none are of significant individual quality or visibility. A number of new trees are suggested with final details of species and location to be addressed by means of a condition.

Desk Study Appraisal:

Assessing ground conditions including potential contamination issues and foundation solutions. The report concludes that there is no evidence of potential sources of significant contamination although domestic activities such as bonfires may have made a modest impact. A piled foundation may be needed subject to further investigation, and it is suggested that the site may not be compatible with a soakaway drainage solution and an alternative solution should be identified.

Design & Access Statement:

Discusses the design rationale for the scheme seeking to create a scheme that responds to the local vernacular respecting the setting of the site and providing a safe and enjoyable environment for residents. It considers the character of the surrounding environment including the adjacent 2 and 3 storey McCarthy Stone development and the new Taylor Wimpey scheme to the south west/west of this site. It concludes that the scheme should provide a form and detail which maximises the breaks between the blocks to communicate a resemblance to the short terraces in the area and the street elevations should be sympathetic to the building heights and rhythm of development along Smallhythe Road. It should enhance the character of the adjacent Conservation Area and AONB.

Drainage Statement:

The proposed scheme would provide a sustainable drainage system with some infiltration to ground. An online pumping station would be required to lift the foul drainage to a manhole upstream of the Longfield Tenterden Sewage Pumping Station. A surface water drainage system is achievable that is SuDs compliant in compliance with KCC Drainage and Planning Policy Statement.

Ecological Statement:

The majority of the habitats to be lost are of negligible ecological importance whilst the scattered parkland quality trees and hedge which are of local importance will be retained. Required works to an identified bat roost would be undertaken under licence from Natural England during spring-autumn when bats are most active, feeding nightly and less likely to be adversely affected by the changes. Several artificial roosts would be provided as compensation and enhancement. Working practices should take account of legislative requirements in respect of other species although none have been found on the site.

Heritage Statement:

The site lies on the edge of the urban area of Tenterden, replacing dwellings which make a neutral contribution to the setting of the Tenterden Conservation Area replacing them with a single building which would also provide a neutral contribution to the setting. This would be achieved through the use of design and materials details referencing the appearance of buildings in the surrounding streetscene. The mass of the building will reflect the McCarthy Stone building whilst its height would correspond to the houses found to the east. The scheme would not harm a designated heritage asset.

Planning Statement:

Explains the background to the developer and the scheme being provided. It assesses the planning background to the application concluding that this is a site in a highly sustainable location which would offer a scheme to meet the identified housing needs for older people in the area. The scheme would provide economic, social and environmental benefits thereby comprising a sustainable form of development.

External Lighting Study:

Identifies a lighting strategy for the site comprising a mixture of wall lights, low level bollards and uplighters.

Transport Statement:

Draws attention to the location of the site within 500m of the town centre, and 430m to local bus services. It concludes that the scheme would generate about 80 vehicle movements per day over a 12 hour period with little traffic during peak hours. The traffic can be safely and easily accommodated by the surrounding highway network.

Planning History

14/00799/AS Notification of proposed change of use: Prior approval for proposed change of use of B1 Offices to C3 residential

Prior Approval Not Required

Consultations

Ward Member: No comments received.

Tenterden Town Council: Supports this application on condition that:

- There needs to be additional parking;
- The financial contribution allocated in lieu of affordable housing should be allocated specifically to Tenterden;
- There should be an enhanced payment to go towards the upgrading of Smallhythe Road from the development to the junction with the A28 (West Cross);
- We welcome the installation of photovoltaic panels and ask that the highest standards of energy sustainability be applied to the Development in its construction and operation;
- Electric charging points should be included for vehicles if not included.
- Is enough capacity allocated on site for residential waste and is there is appropriate provision for waste collection.

NHS Ashford Clinical Commissioning Group (CCG) – No objection

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

The CCG has requested a sum of £35,100 (Based on 54 chargeable units) towards creating suitable capacity within the Ashford Rural Primary Care Network.

This proposal will generate approximately 108 new patient registrations when using an average occupancy of 2 people per dwelling. The proposed development falls within the Primary Care Network known as Ashford Rural. There is currently limited capacity within existing general practice premises to accommodate growth in this

area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

The CCG along with the Ashford Rural Primary Care Network are developing a plan to meet the needs of the expanded population created by this and other local developments to ensure these patients can be accommodated in the local practices which are currently at capacity.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements.

The population growth of 108 will require 9m² based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £27,000. A further 30% allowance for development fees means our request totals £35,100. In addition to the above we request that any agreement regarding a financial contribution:

- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practice detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

Highways England: No objection on the basis that the proposed development would not materially impact the reliability, operation or safety of the Strategic Road Network.

Southern Water: Comments that its initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. It requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

KCC Biodiversity: No objection subject to a number of conditions. A condition is needed to secure the provision of a site wide management plan which details how the habitats on site are going to be managed to benefit biodiversity and retain connectivity with the wider area. A pre-commencement condition is requested to require the submission of a bat mitigation strategy. Lastly a pre-commencement condition is requested to require the submission of a Receptor Site Identification Report and then to implement the report, also prior to commencement.

KCC Archaeology: No objection - highlights the archaeological potential of the site and recommends a condition.

KCC Highways and Transportation: No objection subject to a number of requirements being secured by condition or planning obligation. These include the need for highway condition surveys before and after development, for the highway access routes and a commitment to fund the repair of any damage caused by vehicles related to the development. There is also a condition to require the highway alterations to be delivered prior to first occupation.

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

KCC Developer Contributions – No objection – requests contributions in respect of community learning; libraries; social care and waste (amounts identified in table below). A condition is requested to secure broadband.

Kent Fire and Rescue: Has confirmed that their access requirements have been met.

High Weald AONB Unit: Refers the planning authority to the High Weald AONB Management Plan which sets out a checklist to assess the impact of proposals on AONBs, which have the highest level of protection. It identifies the proposal as major development in the setting of the High Weald AONB and states that development in such areas will need sensitive handling that takes its potential impacts into account.

ABC Streetscene and Open Spaces: No objection

ABC Environmental Protection – No objection - initially sought clarification over the damage cost analysis in the air quality assessment. Following this clarification, it has no further comments.

ABC Housing: There is an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 54 homes are coming forward on the site as part of the full application. With regard the affordable housing, this would see 6 units brought forward as affordable rent and 16 for home ownership (of which 10 would be for shared ownership and 6 either shared ownership or another home ownership product as agreed with the authority).

(Officer comment: The amended scheme provides one less unit. The figures above have therefore been amended to take this into account: 5 affordable rent and 16 for home ownership)

Neighbours – 113 consulted

Objections

23 Residents raised objection to the original scheme (54 Units), including the Tenterden & District Residents Association, with a further three comments in respect of the amended scheme. They raised the following issues:

- Potential highways safety concerns in particular in respect of the proximity of the entrance to Longfield Road
- Additional traffic impacts particularly during peak hours
- Inadequate parking provision
- Loss of green space/local gardens providing benefits to local area
- Over provision of retirement homes in the town
- Over development of the site: too high, density too high and too close to site boundaries
- Too close to nearby properties
- Adverse neighbour impact- loss of privacy and overlooking, loss of outlook, visually intrusive, loss of light and sunlight, close proximity of bin store to neighbours with resultant noise and smell
- Harm to wildlife
- Inadequate local infrastructure
- The adverse impact of development on the large Oak tree situated on the boundary with residential development to the east. It is considered that the proximity of the development to this tree combined with the clay soil could lead to subsidence;
- Concern that any damage to this tree would also impact upon the underground drains which extend along this boundary;
- Air pollution
- Concern about appearance: materials are inappropriate, especially the use of UPVC windows
- Blocking safe walking access to town
- Lack of affordable housing
- Potential drainage issues
- Proximity to adjacent properties
- The scale would alter the landscape of the area
- The poor condition of Smallhythe Road would be exacerbated
- It doesn't address the need for housing for the young in this town

4 letters received making general comments as below have been received:

- Cycle parking and electric cars should be provided –
people over 60 are not too old for cycling
- Money should be allocated from the commuted sum to pay for
resurfacing part of Smallhythe Road following construction
- More parking required

On the amended plans one neighbour has written in raising the following issue:

- The developer has not made any serious efforts to mitigate the impact of his proposals on the adjoining properties. The slight alteration to window numbers on elevation FF is merely paying lip service. No other effort has been made to alter the scheme.

Planning Policy

15. 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).
16. 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).
17. The relevant policies from the Local Plan relating to this application are as follows:-

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU1	Affordable Housing
HOU4	Residential Development in the rural settlements
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
EMP2	Loss or redevelopment of employment sites and premises
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV3b	Landscape Character and Design in the AONBs
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
COM1	Meeting the community's needs

IMP1	Infrastructure provision
IMP2	Flexibility, viability & deferred contributions

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD

Landscape Character SPD

Residential Space and Layout SPD 2011– External Space Standards Only

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

High Weald AONB Management Plan

High Weald AONB Design Guide

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

Advice note: Legislation and Planning Policy in the High Weald AONB

Government Advice

National Planning Policy Framework (NPPF) 2019

19. 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 are considered most relevant:

- 2, Achieving sustainable development
- 4. Decision making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Nationally Described Space Standards

Assessment

20. There is no requirement for the applicant to demonstrate that a need exists for this development. Indeed, it is nationally and locally accepted there is a growing need for accommodation to meet the needs of an ageing population. As such the main issues for consideration are:

- The principle of development;
- Landscape Impact
- Impact on visual amenity including the setting of the adjacent Conservation Area
- Residential amenity
- Highway impact;
- Ecology;
- Trees/Landscaping;
- SUDS and foul water;
- Housing and
- Planning Obligation and Viability

Principle of Development

21. Central government guidance contained within the NPPF provides concise guidance with the presumption in favour of sustainable development to be seen as the “golden thread running through decision-taking”. The Council’s adopted Development Plan Documents and policies are up-to-date and should therefore be given full weight in the consideration of the application in accordance with the advice given in the NPPF.
22. The Framework encourages *“the effective use of land by reusing land which has been previously developed (brownfield land) provided it is not of high environmental value”*. Annex 2 of the guidance defines 'Previously Developed Land (PDL)' and it is my view that the land would fall within this definition.
23. Applications for new housing should be considered against the principle of sustainable development whilst also considering the need to deliver a wide choice of high quality homes, current and future demographic trends and the need of different people in the community such as, but not limited to, older people, as stated in paragraph 61 of the NPPF.
24. The need to provide housing for older people is important given the projected increase in the number of households aged 65. National policy indicates that plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could free up houses that are under occupied.
25. Ashford Local Plan (ALP) Policy SP1 Sets out strategic objectives, including;
a) to focus development at accessible and sustainable locations which utilise the existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities.
26. ALP Policy HOU3a makes provision for residential development of a scale that can be satisfactorily integrated into the existing settlement within the built-up confines of a number of settlements, which includes Tenterden, where:

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

See Visual amenity section.

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

See Residential amenity section

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

See Visual amenity section.

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

See relevant sections of this report.

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

This is considered to be the case. See section on Highway Safety and Parking.

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

This is a developed site within the built-up confines of the town. The proposal is within easy walking distance of a range of shops and services on the high street and a Tesco supermarket is in close proximity to the site.

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

27. It would be subject to the Council's Dark Skies policy, Policy ENV4, which requires the lighting to be designed such that it is directed downwards to avoid any significant adverse effects either individually or cumulatively on the character of the area, residential amenity, the safety of vehicle users and pedestrians and the interests of biodiversity. Pedestrian access to the main building entrance could be safely achieved and appropriately lit. The submission of a lighting strategy would be a condition of any planning permission.

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

28. The site is occupied by 3 residential units and an office, which would be demolished to make way for the development.

29. Policy EMP2 advises that the loss of existing employment sites will not be permitted unless the site is no longer appropriate for the use in terms of its neighbours impact, the premises could be replaced with the same sized or larger premises within or adjoining the same settlement or it has not been possible to let or sell the premises for an appropriate employment use.
30. In this instance we are advised that the existing business use in one of the buildings (granted in 1985) will continue to operate in other premises in Tenterden. A material consideration is that Prior Approval was confirmed as unnecessary for a change of use of the premises back to a residential use. Attention is also drawn to the fact that the proposed development, once complete would require a lodge manger thus continuing, even if only at a very limited capacity, future employment on the site.
31. Whilst there is a clear need and demand for older persons accommodation within the Borough, and the site lies within the built confines of Tenterden where new residential development can be considered acceptable in principle, the critical issue is whether or not this represents an appropriate and acceptable form of development based upon the NPPF and the development plan and this is considered in detail below.

Landscape Impact

32. The NPPF advises that great weight should be given to conserving and enhancing landscape and scenic beauty in, amongst others, Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Policy SP1 of the Ashford Local Plan 2030 sets out the Council's strategic objectives including b) the conservation and enhancement of the Borough's natural environment. Local Plan Policy ENV3a requires all proposals to have particular regard to landscape characteristics according to the landscape significance of the site. Policy ENV3a refers to landscape character and design and advises that all proposals in the Borough shall demonstrate particular regard to a number of landscape characteristics including, landform, topography, pattern of trees and woodlands, pattern and distribution of settlements, presence of historic landscape features, setting, scale layout, design and detailing of vernacular buildings, existing features that contribution to the definition of the local landscape character and non designated, locally identified significant landscape features justified in a Parish Plan or equivalent.
33. All proposals affecting the setting of AONB's will also only be permitted where the proposed development is considered to enhance or restore the character of the landscape, enhance the special qualities, distinctive character and tranquility of the AONB have regard to the AONB Management Plan and associated guidance.
34. In terms of Landscape Character, the site lies within the identified built confines with the boundary of the High Weald AONB on the opposite side of

Smallhythe Road. The character of the High Weald AONB is considered by the HW Management Plan which defines its beauty through assessment of 5 essential components which have survived over its history and the landscape patterns and extent which are most prevalent in the AONB. These are geology and landform, water systems and climate, settlement, woodland, routeways and field and heath. These components can be used to assess impacts of a scheme upon the landscape:

35. Turning to the five essential components of the AONB:

i) Geology: Considering the main issue regarding geology it is clear that the proposed scheme would have little, if any impact. The main objective is to protect and enhance soils, sandstone outcrops and other important landform and geological features. Lying outside the AONB this aspect of the AONB would remain unaffected by the application scheme.

ii) Water systems and Climate: The main objectives are to restore the natural function of rivers and water courses, and help to secure climatic conditions and rates of change which support continued conservation and enhancement of the landscape and habitats. This scheme along with most others would have some impact upon climate changes leading to greenhouse gas emissions which in turn will affect the AONB. However, the site is located within the settlement boundaries identified as a sustainable location for new development with access to facilities and services that minimise the need for the use of the private motor vehicle. Walking and cycling are encouraged by the Management Plan and this objective could be supported by an appropriate condition. The parking requirement for developments such as this are lower than for other forms of residential schemes so compared to a conventional non age related block of apartments the impacts are reduced.

Since the site lies outside the AONB it would have no direct impact upon the natural functions of rivers, water course and water bodies that would affect the wider AONB and which is an objective of the Management Plan. This aspect would not therefore be demonstrably affected by the development.

iii) Settlement: The 'vision' of the Management Plan is to support a landscape in which the distinctive and historic pattern of settlement is protected in a way that positively contributes to the natural environment and improvement connections between the countryside and settlements. Settlements need to retain their distinctiveness and individual historic buildings and conservation areas. The adjacent Conservation Area does at this point lie within the AONB, butting up to

the site but not including it. The Management Plan considers the key characteristics that could affect the manner in which settlements assimilate with the AONB referring to the “Green-ness of roads and streets with trees, hedges and verges dominant, a limited palette of local materials, clay as tiles and brick, timber as weatherboarding and framing and some localised instances of stone.

The top five issues identified include increased greenfield development, (not this site) , generic layout and design of new housing development failing to respond to or reinforce AONB character (see below) , erosion of character through suburbanisation including pressure for residential intensification unrelated to land management outside of towns and villages, large/landscape intrusive replacement dwellings and smaller interventions such as boundary treatments which have accumulative effect, declining housing affordability with a lack of social housing, (this site although the lack of social housing is justified by a viability assessment), and the loss of agricultural/economic functional relationship with the land. Objective S2 is to protect the historic pattern and character of the settlement, protecting the distinctive character of towns villages and hamlets that contribute to the local identity. Objective S3 is to enhance the architectural quality of the AONB and ensure development reflects the character of the High Weald in its scale, layout and design.

The scheme would have no impact upon existing routeways within the AONB.

The AONB Unit comments refer to the use of materials that would be appropriate to the setting of the AONB – this can be addressed by means of an appropriate condition.

The matter of design is addressed in the section below where it is concluded that the design of the scheme does not represent the high standards required by the need to protect the setting both of the adjacent Conservation Area but also the High Weald AONB, as required by the Local Plan.

- iv) Woodland: The proposed scheme would have not impact upon the closest woodland which lies adjacent to the Smallhythe Road. Care should be taken with the proposed planting plan to ensure that species are chosen that would be compatible with the AONB, to ensure that invasive non native species are not chosen that may contaminate the adjacent AONB. This could be dealt with by means of condition.
- v) Field and Heath: The High Weald AONB is characterised by small, irregularly shaped and productive fields often bounded by hedgerows

and small woodland. The proposed development would lie outside the AONB and in this respect would have no impact upon the adjacent AONB.

The impact of the scheme upon the AONB is that relating to a scheme that lies outside but adjacent to the AONB rather than an impact caused by a scheme lying within the AONB. It could be argued that the setting of the AONB would be unaffected since this site lies within built confines and from the AONB would simply be seen as another residential development in amongst other such schemes. Views of the scheme from the directly adjacent AONB would be limited due to the wooded nature of the AONB at this point. However, the site does contribute to the setting of the AONB and the appreciation of its character when seen from the settlement. At present the site contributes to a less densely developed and greener character that is sympathetic to the adjacent AONB. That would cease to be the case as a result of the scheme and it is considered that as a result of the scale of development proposed that the setting of the adjacent AONB would be harmed, contrary to the provisions of the Management Plan and Policies SP1 and ENV3A of the Local Plan.

Impact on visual amenity including the setting of the adjacent Conservation Area

36. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (which includes its setting).
37. The above criteria are consistent with Government policy set out in the NPPF and ALP policy ENV13 which seeks to safeguard heritage assets, and ensure new development responds positively to its context by indicating that Local Planning Authorities should seek to promote or reinforce local distinctiveness
38. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Paras. 124-132 seek to ensure high standards of design that help raise the standard of design more generally in areas and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
39. Ashford Local Plan Policy SP1 sets out strategic planning objectives. It includes at c) the conservation and enhancement of designated and non-designated heritage assets. Local Plan policies SP1 d) and SP6 require the highest quality of design. Both these policies are consistent with the NPPF.
40. The context of the site is primarily that of Smallhythe Road, a main route into the town from the south with parkland on its western side (within the AONB) and linear, low density, one and two storey housing development on its

eastern side. The site itself takes in 4 of these dwellings: Tawny Bank, Oakengates, Woodberry and Micken Lodge together with Smallhythe House, a small commercial unit to the rear of Tawney Bank and accessed to the side of this property. All of the residential units are modest in size and set back at a raised level from the street. Smallhythe House is also modest in size. The residential properties occupy relatively large plots with gaps between units and mature landscaping to boundaries. This part of Smallhythe Road is therefore characterised by its semi-rural feel, comprising parkland on one side and green verge/low density housing on the other, creating a pleasing and verdant approach into the town. The Town Conservation Area takes in the parkland on the western side of Smallhythe Road as well as taking in the green verge on the eastern side of Smallhythe Road adjoining the application site. The site itself falls just outside the conservation area.

41. The wider context to the site is more variable with a new part two; part three storey residential block providing 36 retirement living flats to the north east and the TENT 1A development to the east as well as a supermarket building / its access and parking to the north. The TENT1A development is predominantly 2 storey with 2.5 storey interspersed along some of the roads. Semi-detached properties predominate. The scheme includes two 1.5 storey units to the NW of the site and 6 x 3 storey apartment blocks. The 3 storey apartment blocks are designed to appear as town houses. This is an area diverse in character with a general theme of a similar use of high quality materials including brick, clay tiles, tile hanging and timber weatherboarding as well as key design features.
42. Whilst the site is developed with 4 modest housing units and one small commercial unit, the proposed development represents a significantly more intensive, mostly three storey, urban form with a large broadly T-shaped footprint which would dominate the site. In views from Smallhythe Road, it would appear as a solid two storey terrace extending for some 64m which is out of character with the rest of the street. I do not consider that this development would assimilate comfortably into the context of the site in terms of its scale and massing. The site is very prominent and important in its low density and spacious form. It acts as a transition from the denser built up area of Tenterden to the countryside beyond and to the openness of the conservation area / AONVB opposite. The site sits in a very different context to that of the McCarthy Stone development.
43. The chosen palette of materials would include natural and painted brickwork, plain concrete roof tiles, cedar weatherboarding in black, ornamental reconstituted stone, UPvC windows, fascias and soffits and rainwater goods and powder coated metal balcony railings. Whilst this falls short in terms of quality of that typically found in the locality and replicated on the TENT1A development, it is not dissimilar to the recently built retirement living apartments, which has a clay tile roof and UPVC windows. However this development immediately adjoins the CA / AONB and I would expect to see palette much higher standard of design and appearance. Further the attempt to replicate housing in the appearance of this scheme is a missed opportunity.

There is the opportunity to attempt a far higher and more innovative design quality rather than trying to make a block of retirement flats appear as a housing development. The scheme fails to achieve this design aspiration and combined with the detailing, flat roof crowns etc represents poor design.

44. The ratio of built form to open space is not comparable with the existing situation, although the circulation space around the rear of the building would be adequate. The proposal would appear cramped and the site overdeveloped in terms of the site frontage and providing no gaps and feeling of spaciousness. This in respect of the issues raised above would result in development that is harmful.
45. Overall, this scheme would change the character of this part of Smallhythe Road and it is not considered that this change in character is acceptable. I am not satisfied that the building can be accommodated on the site without harm to the visual amenity of the area and that the setting of the adjacent Tenterden CA would be preserved. The proposal would result in less than substantial harm to the character and appearance of the setting of the conservations area. Whilst there is a public benefit through the provision of 53 units towards the Council's 5 year housing land supply as well as social and economic benefits this would not outweigh the harm identified to warrant the grant of planning permission. The proposal does not comply with the Development Plan as a result.

Residential amenity

46. Paragraph 127(f) of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is reflected through Development Plan policy as well as adopted Supplementary Planning Documents.

Existing occupiers

47. The proposed scheme would form a 'T' shape with a 2 storey frontage and part 2, part 3 storey 'wing' projecting through the middle of the site towards the rear boundary. It would contain numerous windows and balconies/small terraces) facing towards the garden boundaries and therefore towards neighbouring occupiers within the near vicinity.
48. At the front of the site the scheme would remain 2 storeys in height which would adjoin the McCarthy Stone car park to the west and a bungalow (Langley) to the east. The block would be set back 7.4m – 10.1 m from the flank wall of the Langley. The depth of the block at this point would be very similar to that of the Langley. Flank facing windows in the front section, adjacent to Langley, would be to kitchens and the hall only, causing a minimum of overlooking of the side of this bungalow. At ground floor level any overlooking would be prevented by fencing and planting leaving three first floor windows facing the adjacent property. At the rear of this part of the building two first floor terraces are proposed but each would have a privacy

screen along the eastern facing edge to prevent overlooking from the terrace of the rear of Langley. Overall taking account of the separation distances, it is considered that the proximity and level of overlooking from this part of the building to Langley would be at an acceptable level and unlikely to be any worse than the results were a two storey house proposed on this plot to replace the existing bungalow.

49. The rear wing steps back from the boundary shared with Langley providing separation distances of 25.1m (immediately to the rear of the bungalow) reducing to 16.9m at the end of the rear garden. The scheme would clearly include a significant number of windows and terraces that could overlook the rear garden and indeed rear elevation of the bungalow, but at these distances it is not considered that this would be at such close proximity as to be unacceptable. Additionally there is existing boundary planting on the shared boundary already and it would be supplemented with additional planting that would, in time, obscure some of the initial overlooking available from the new building.
50. At the rear of the site occupants of the newly constructed Tent1a site would view a three storey development with windows of bedrooms and living rooms facing towards the rear of the site. The three storey element would be set back between 13.9 – 17.5m from the shared boundary. Housing on the other side of the boundary would be set back a minimum of 12m from the boundary providing a minimum separation of over 25m. This would provide adequate separation in excess of that usually sought between principle facing windows. It would be sufficient separation to ensure that the scheme would not have a significant or unacceptable impact upon the privacy of existing residents. Whilst the scheme would lie to the south of these houses the separation would be sufficient to minimise the impacts of overshadowing and loss of sunlight and ensure it would not appear overbearing.
51. On the western boundary the proximity of the block to the car park at the front of the site would clearly not result in any adverse impacts upon either existing or future residents. The rear part of the frontage block would be separated from the closest point of the McCarthy Stone apartments by a minimum of 33.1m, which would be more than enough to prevent unacceptable levels of overlooking or loss of privacy. Indeed sufficient to prevent any overshadowing or loss of sunlight / overbearing development. At the rear of the parking court where the site narrows, the rear wing of the block (three storeys at this point) would lie 11.6 – 12.2m from the flank site boundary, shared with the McCarthy Stone site. This part of the adjacent scheme is amenity space for residents. The shortest separation distance between a flank facing window of the proposed scheme and the McCarthy Stone scheme would be 26m, again more than sufficient to prevent any significant or unacceptable levels of overlooking or loss of privacy – although clearly residents of both scheme would be able to see each other, particularly when on terraces and balconies. The separation is likely to result in some overshadowing in the winter months but not to a degree such as to be materially harmful or unacceptable.
52. Concern has been expressed by residents of the adjacent scheme regarding the potential loss of trees, shrubs and greenery that the adjacent residents

see from their amenity area and which could provide a softening impact when viewing the scheme from the neighbours side of the fence. Whilst an indicative landscaping scheme has been submitted, the final landscaping details would be addressed by condition offering officers the opportunity to consider how the existing planting may be amalgamated into the final planting scheme such as to protect the visual amenities of local residents.

53. It is appreciated that this development would represent a significant change in outlook for all those residents surrounding the site, with significant numbers of windows and terraces facing the various residents. However the separation distances proposed would be greater than the minimum required and it is therefore considered that the impact of the scheme upon surrounding residents would be acceptable and compliant with the approach of the NPPF to protect amenities whilst enabling the efficient use of land.

Future Occupants

54. Local Plan Policy HOU12 advises that all new residential development shall comply with the Nationally Described Space Standards, which sets out minimum gross internal floor areas and storage. These standards relate to internal standards only. Reference needs to be made to the Council's Supplementary Planning document Residential Space and Layout for guidance relating to external space.
55. Internally the scheme would meet the requisite standards in terms of space and layout and would accord with the standards of Churchill Retirement, experienced providers of accommodation for the elderly and includes a level of communal facilities for residents.
56. Local Plan Policy HOU15 seeks the provision of private external space, preferably within the site and that such space should not be overlooked from the road or other public spaces. For flats a minimum of 5sqm should be provided for 1 or 2 bed units. The minimum depth and width for all balconies and other private external spaces should be 1.5sqm.
57. This scheme would provide 2,260 sqm garden area, significantly in excess of the 378sqm required by policy HOU15 in addition to 41 of the apartments having private terraces. It would be readily accessible to all residents, provide an acceptable degree of privacy: to be enhanced by new planting around the site boundaries. The applicant has submitted an indicative plan which demonstrates an attractive external environment for residents.
58. Acknowledging the age of future occupants, (the applicant advises that despite the minimum age being 60 with a spouse of 55 that the average age is in fact 81), the scheme would provide a store or mobility scooters with limited provision for bicycles – although considered most likely for visitor bicycles rather than residents. The County Highways team consider that greater provision should be provided and this could be addressed by means of a condition.
59. Overall it is considered that the scheme would provide an acceptable environment for future residents. Whilst it is acknowledged that the scheme

would result in a changed environment for existing surrounding residents, the scheme would comply with the Council's standards and would not cause unacceptable harm to the amenities of those residents surrounding the site.

Highway Impact

60. KCCH&T have commented that the traffic generated by this development is relatively low compared to other forms of developments. The Transport Impacts as presented in the transport statement use specific examples from the company's sites elsewhere in the country. These trip rates are slightly higher than that established using the national database TRICS. As such these are considered more robust and are acceptable. Trips generated by the site would be combined two way movements of approximately 80 movements spread across the whole day, with no particular peak to coincide with the traditional AM and PM peaks. As an example, AM peak hour movements using the TRICS database would be approximately 4 departures and 4 arrivals, and PM peak hour movements would be approximately 3 arrivals and 3 departures. As such the traffic impact of the development on the wider network is minimal and cannot be seen cumulatively with existing development to be severe in nature.
61. The proposed access is of suitable layout and is of sufficient size to cater for the traffic associated with such a site. There is adequate visibility onto Smallhythe Road with visibility splays being entirely within the public highway.
62. Alterations to Smallhythe Road are proposed which remove the existing residential accesses, extend the existing right turn facility for Longfield and install parking restrictions on Smallhythe Road along the site frontage. A safety audit has been provided which supports the proposed layout as being acceptable.
63. Car ownership and associated traffic movements for retirement flats are typically lower than for standard dwellings. The proposed parking provision on site is supported by evidence from the operator's other sites across the country and is also in line with that approved for similar retirement flat facilities (such as the adjacent site). Smallhythe Road frontage is to be protected by parking restrictions to prevent overspill parking onto the highway and on this basis the parking provision is acceptable.
64. With regard to cycle parking provision, the applicant states that there is low demand for such facilities and as such are promoting no specific cycle parking and that cycle parking would take place within the buggy store on site. I don't doubt that cycle use may be lower, I don't accept that it will be so low that the already quite small buggy store is a suitable alternative, especially taking account of visitors. As such I would be willing to accept 1 space per 5 units in line with sheltered accommodation as a minimum. As a minor issue which can be accommodated elsewhere on site I am content for this item to be dealt with via condition.
65. The issue of electric vehicle charging points has been raised by residents and such provision would accord with the general approach of the NPPF to cut

greenhouse gas emissions. Provision could be addressed by means of an appropriately worded condition.

66. Taking account of the above issues, KCC have confirmed no objection providing that a number of requirements are secured by condition or planning obligation and accordingly no objection is raised on highways grounds to this scheme.

Ecology

67. Local Plan Policy ENV1 advises that schemes that conserve or enhance biodiversity will be supported, whilst where harm to biodiversity cannot be avoided appropriate mitigation will be required. Normally mitigation will be required on site unless special circumstances dictate that an off site model is more appropriate.
68. No sites of statutory or non statutory importance are found within the zone of influence with one local wildlife site at Heronden Woods and Pasture LSW, lying 0.4km from the site. The site contains a number of habitats including hedgerows, dense scrub, scattered broadleaved trees, ephemeral/short perennial vegetation and amenity grassland. The majority of habitats lost are proposed for mitigation through new habitat planting forming part of the landscaping proposals.
69. Habitat survey work was undertaken which concluded that the likelihood of the presence of Great Crested Newt or other amphibians being on site is very low, limited suitability for foraging and commuting bats on the site, the presence of one bat roost in Smallhythe House, an existing potential nesting habitats for birds on the site, the gardens are suitable for supporting a wide range of common invertebrates, no reptiles were found on site although parts of the site offer suitable habitats for foraging sheltering and basking, no suitable habitats for water voles, and the site offers potential for hedgehogs.
70. A European Protected Species Licence would be required to facilitate the destruction of the bat roost in Smallhythe House and a mitigation strategy would be agreed with Natural England to support the licence application. The compensation for the loss of this one roost would include a range of artificial roost features to be included in the design of the proposed development including one hanging bat box, one pole mounted bat box and 6 integrated bat boxes .
71. In respect of other species potentially present on site the following strategy is proposed:
- Enhancements for nesting birds includes increasing their habitat to increase nesting and foraging opportunities.
 - It is considered highly unlikely that Great Crested Newts would be found onsite but prior to commencement of development, contractors will be briefed on safe working methods, what to do in the event a GCN is found on site, and following that dense scrub, introduced scrub and

amenity grassland would be cut back to a height of approximately 15cms. following that a finger tip search of likely habitats would be carried out timed outside of hibernation periods.

- Given the limited habitat suitable for reptiles, it is recommended that the same approach as for GCN be adopted for reptiles.
- In respect of hedgehogs care must be taken during shrub/scrub clearance with the area being searched prior to cutting. As part of the wider mitigation strategy hedgehog fence panels are proposed to allow hedgehogs to move between this and surrounding sites.

72. The submitted assessment has been assessed by the County Ecology Service and the approach and recommendations found to be acceptable, subject to a number of conditions. On that basis and subject to the imposition of the suggested conditions the scheme is considered to be compliant with Policy ENV1 of the Local Plan. It would also satisfy the tests set out in the Habitats Directive. The scheme would not harm the favourable conservation of protected species and would cause no unacceptable harm to matters of ecological interest.

Trees / Landscaping

73. Local Plan Policy ENV3a draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection.

74. In this instance there are a number of trees scattered around the site which contribute to the general character of the site and wider area the majority of which are not protected nor appear to be of such quality as to warrant protection. A tree on the border of this site and a house in the new development at the rear of the site is protected with a TPO.

75. The submitted landscape plans indicate that a large number of existing trees would be retained around the periphery of the site, (including the protected tree) primarily along the rear boundary and the boundary with the bungalow Langley to the south east. The proposed scheme shows tree planting mainly around the periphery of the site mixing existing and new trees interspersed with shrub planting. A group of fruit trees are proposed within the site to the south east of the building and individual ornamental trees would be planted in various locations around the site, including the parking area to the north west of the building and some ornamental trees to the south east of the building close to the group of fruit trees. Planting beds are shown around the boundaries of the site amongst the trees, more modest beds around the building in between individual terraces, along the front boundary and around the parking area to the north of the building.

76. The proposed block would be far enough from the protected tree to ensure that it would not be harmed, subject to suitable protection during construction. The landscaping scheme would provide an attractive environment for future

residents. The final planting plans would be secured by condition and would enable officers to secure as much retention of existing boundary planting as possible to be interspersed with new planting to ensure that the visual amenities of surrounding residents are maintained to the fullest extent possible, given the scale of building now proposed.

77. The hedgerows and planting in three of the gardens within the site would be lost, to be replaced with a more modest and formal landscaping scheme to reflect the changed scale and character of the proposed development and reduction in available planting area at the front of the site. It should be noted however that the quality of the individual trees, apart from that tree already subject to a Tree Preservation order, are not worthy of formal protection.
78. The AONB Unit have raised the issue of the use of native planting within the site to try to stop the spread of invasive non native plants into the adjacent AONB. This matter could be satisfactorily dealt with by means of a condition requiring the details to be submitted for the proposed landscaping scheme
79. Overall a good quality planting scheme could be secured, involving the retention of many of the boundary plants around the site resulting in a pleasant environment for future residents. To that extent the scheme would comply with those policies seeking to retain and protect trees as valuable features in the landscape. However as noted above the loss of space at the front of the site combined with the increased scale of the building would result in a scheme that, as a result of the inability to provide significant scale planting, affect the character of the streetscene.

SUDS and foul water

80. Local Plan Policy ENV6 seeks to ensure that new development should contribute to a flood risk reduction and development would not be permitted where it would be at an unacceptable risk of flooding on site itself nor that it would increase flood risks elsewhere.
81. The site lies in flood Zone 1, so in an area at the lowest risk of flooding.
82. This application is supported by a Drainage Statement prepared by the Civil Engineering Partnership (November 2019). It is proposed to manage surface water on site through cellular attenuation and a voided sub-base with a controlled outflow of 2 l/s to a surface water sewer in Smallhythe Road. This proposal will contribute surface water flows to a drainage system which already receives surface water from this site, though surface water will be introduced into the drainage system via a new connection.
83. The submission has been assessed by the County Council Drainage Team who agree that this is a feasible and appropriate approach to surface water discharge, but note that this connection will require coordination with Kent County Council Highways Drainage Team. This aspect of the scheme would be compliant with all relevant policies.

Housing

84. Local Plan Policy SP2 identifies that the identified housing target will be met through a combination of committed schemes, site allocations and windfall sites, such as this. Windfall housing will be permitted where it is consistent with the overall spatial approach (it is) and all other policies in the Local Plan to ensure that sustainable development is delivered.
85. Local Plan Policy HOU1 sets out the Council's affordable housing strategy which in the case of development on this site seeks a total affordable housing contribution of 40%, with 10% being affordable/socially rented accommodation and 30% being affordable homes including a minimum of 20% being in shared ownership. Flexibility in approach is identified in the event that independently verified viability evidence is provided to establish that it is not possible to provide this level of accommodation
86. The Council's Housing service have identified that this site should provide 22 affordable homes in compliance with Policy HOU1 to include 6 units for rent and 16 for shared ownership. In this instance however the viability assessment submitted has been independently assessed and verified and demonstrates that the scheme would not be financially viable if this amount of affordable housing were delivered. Rather a one off payment is considered viable of £531,591 which is recommended to be used to address an affordable housing contribution.
87. In terms of the Council's housing delivery programme it is able to identify and provide a 5 year housing land supply as required by the NPPF.
88. There is no doubt that there is a need for accommodation for the elderly, including affordable accommodation, despite the concerns of local residents about the excessive amount of such accommodation in Tenterden. However in accordance with the results of the independent assessment of the viability case acceptance of the commuted sum would accord with Policy HOU1.. On this basis the scheme is found to accord with the terms of Policy HOU1.

Planning Obligations

89. 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
90. The planning obligations in Table 1 have been identified as being required should the Committee resolve that they would have granted permission for this scheme. They have been assessed against Regulation 122 and for the

reasons given consider they are all considered 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. However these contributions are affected by the viability position outlined below.

91. The applicant has submitted a viability statement demonstrating that the scheme would be unviable if required to provide all the monies and contributions deemed necessary. This has been independently assessed for the Council and it has been determined that a sum of £531,591 in total could be provided by the scheme. This money would represent the total contribution to be allocated – including with reference to an affordable housing contribution. It is proposed that this amount is put towards the provision of affordable housing although it is requested that delegated powers is given to the Head of Planning and Development to alter this, should the need arise. Table 1 shows the full extent of the areas where S106 monies would normally be requested.

92. Based upon the viability assessment carried out on behalf of the Council, it is recommended that this sum be agreed as representing the contributions that the proposed scheme could viably deliver. Although not the full sum sought, it would nevertheless represent the viable maximum and subject to completion of a S106 Agreement securing the money would be policy compliant. The proposed monies would represent a benefit of the scheme and mitigate the harm generated. As full contributions are not viable at this stage the S106 agreement will require a deferred contributions mechanism to claw back contributions should the viability improve.

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><u>Affordable Housing</u></p> <p>Contribution towards provision of offsite affordable housing elsewhere in the borough in lieu of onsite provision of the relevant proportion of 40% affordable housing as required by policy.</p> <p>Deferred contributions mechanism.</p>	<p>Total cost of offsite provision = £531,591</p> <p>[Payable as follows:-</p> <p>£x</p> <p>The balance, to be capped at £x]</p>	<p>To be Paid Regardless of viability, prior to Occupation of the 50% of the dwellings onsite.</p> <p>[From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability</p>	<p>Necessary as the commuted sum collected would provide housing offsite for those who are not able to rent or buy on the open market pursuant to Local Plan Policy HOU1, Policy IMP2, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the amount requested is calculated as the cost of providing policy compliance, but it has been demonstrated that it would not be financially viable to deliver policy compliant affordable housing onsite.</p> <p>Fairly and reasonably related in scale and kind related in scale and kind based on the 'Cost Plan Report' submitted by the applicant and external advice sought from the Council's Viability Consultants.</p>

			assessment.]	
	<p><u>Adult Social Care</u></p> <p>Project: Towards specialist care accommodation within the borough.</p>	<p>£146.88 per dwelling</p> <p>A total of £7931.52</p>		<p>Necessary 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>Directly related 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>Fairly and reasonably related in scale and kind 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><u>Community Learning</u></p> <p>Project: Towards additional IT equipment for additional learners from development at Tenterden AEC</p>	<p>£16.42 per dwelling</p> <p>A total of £886.68</p>		<p>Necessary 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>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind</p>

				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><u>Health Care</u></p> <p>Project: Towards creating suitable capacity within the Ashford Rural Primary Care Trust</p>	<p>£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1008 for each 3-bed dwelling £1260 for each 4-bed dwelling £1728 for each 5-bed dwelling or larger</p> <p>£0 for any affordable units</p>		<p>Necessary as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
	<p><u>Libraries</u></p>			<p>Necessary as more books required to meet the</p>

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	<p>Project: Towards additional bookstock and resources for Tenterden library for the new borrowers generated by this development</p>	<p>£55.45 per dwelling</p>		<p>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> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 one-off payment</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Notices must be given to the Council and County Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and County Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

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Human Rights Issues

93. 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

94. In accordance with paragraphs 38 of the NPPF Ashford Borough Council 9(ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application,
 - where possible suggesting solutions to secure a successful outcome,
 - informing applicants/agents of any likely recommendation of refusal prior to a decision and,
 - by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The applicant was informed of the Council’s concerns about the impacts upon the local area and following discussion amended plans were submitted seeking to address these concerns.

Conclusion

95. The proposed scheme would comprise the development of a brownfield site lying in a sustainable location providing accommodation for the elderly. The scheme would result in the loss of a small commercial property but this could anyway, in accordance with a previous application submitted, be changed to a residential use without the need for permission from the Council. The principle of the development is therefore considered acceptable subject to no unacceptable harm.
96. The scheme would provide a good quality residential environment by an experienced provider. Some elements such as the cycle store provision and landscaping would be secured by condition, but it is considered that these matters could be achieved in a satisfactory manner, including the protection of a protected tree in an adjacent garden at the rear of the site.

97. The scheme would provide acceptable levels of parking and a safe vehicular and pedestrian access onto the site. Level of traffic anticipated could be satisfactorily accommodated on the adjacent highway.
98. Submitted details regarding drainage and ecology suggest that the scheme would be compliant with the relevant policy background and in the case of the biodiversity details would provide an enhancement to the site and local biodiversity.
99. The design has been amended increasing some of the originally proposed separation distances, such that the scheme could be implemented without adversely affecting the amenities of surrounding residents – albeit clearly resulting in a change in character to the environment that they would experience.
100. The site lies in a sensitive and prominent location adjacent to both the Tenterden Conservation Area and the High Weald Area of Outstanding Natural Beauty. The site lies on a main route into the town from the south with parkland on its western and low density housing development on its eastern side. This part of Smallhythe Road is therefore characterised by its semi-rural feel, comprising parkland on one side and green verge/low density housing on the other, creating a pleasing and verdant approach into the town.
101. The proposed scheme would by contrast change the balance between development and green open space around the proposed building. The scheme seeks to mimic the scale of the frontage building in the nearby Taylor Wimpey scheme, designing the frontage building in particular to suggest a number of attached, smaller, individual buildings. However the overall scale of the development, in combination with the limited space around the frontage block (compared to its size) and the lack of meaningful recesses or gaps in the frontage building would result in an obviously single large block that would erode the existing spacious and green character of the area around this site. The design approach is below the standard required by the Council in that it fails to in any way preserve or enhance the character and appearance of the area. It would adversely impact upon the character of the setting of the adjacent AONB and Conservation Area.
102. A number of financial and other contributions would be due as a result of the scale of development. However a viability assessment has demonstrated that the full scope of contributions could not be achieved if the scheme is to remain financially viable. The scheme has been independently assessed and it is agreed that the commuted sum proposed would be acceptable and policy compliant. No S106 agreement has been entered into and as such this harm is not mitigated and forms a deemed reason for refusal. Should an acceptable S106 agreement be signed prior to the appeal being heard then the Council would no longer contest this deemed reason for refusal.

- 103 The Council is able to demonstrate a 5 year housing land supply and as such it is not considered that the need for the scheme would outweigh the harm identified.
104. Overall the scheme would not be compliant with those parts of the Development Plan which seeks to protect the setting of the adjacent Conservation Area nor the setting of the adjacent High Weald Area of Outstanding Natural Beauty.

Recommendation

An appeal has been lodged against the non determination of this application and therefore the Council cannot issue a decision. The following is recommended to represent the Council's deemed reasons for refusal to be contested at appeal:

1. The scale, design and mass of the proposed scheme, in combination with the loss of green and open space around the front of the site would result in a scheme with a cramped, bulky and poor appearance that would be harmful to the visual amenity of the area and urbanise the semi-rural feel to this part of Smallhythe Road. As a result it would also adversely impact upon the character of the setting of the adjacent High Weald AONB and Tenterden Conservation Area, contrary to the provisions of Policies SP1, SP6, HOU3a, ENV3a, ENV3b and ENV13, of the Ashford Local Plan, the High Weald AONB Management Plan and the provisions of the National Planning Policy Framework.
2. In the absence of a S106 Obligation providing for infrastructure payments to mitigate the harm generated by the development the scheme would be contrary to the provisions of Policies COM1, IMP1 and IMP2 of the Ashford Local Plan 2019 and the provisions of the National Planning Policy Framework.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and 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,
- The applicant was provided with the opportunity to submit amendments to the scheme/ address issues,
- the applicant/ agent responded by submitting amended plans which did not address all the outstanding issues, and permission is recommended for refusal

- The application is being considered by the Planning Committee where the applicant/agent has the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01669/AS)

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