

<b>Application Number</b>	20/00154/AS	
<b>Location</b>	Land West of Calleywell Lane, Aldington	
<b>Grid Reference</b>	605987/137058	
<b>Parish Council</b>	Aldington	
<b>Ward</b>	Saxon Shore	
<b>Application Description</b>	Erection of 33 dwellings including the creation of access, green space, a communal green, and landscaped areas and associated infrastructure	
<b>Applicant</b>	Camburgh House	
<b>Agent</b>	Taylor-Hare Architects	
<b>Site Area</b>	4.8ha	
(a) 164/136R 1+	(b) R	(c) KH&T/X, KCCLLFA/X, KCCPROW/X, KCCED/X, ABCED/X, HO/X, EHO/X, KF&R/X, KP/X, NE/X, NHS/E RA/X

## Introduction

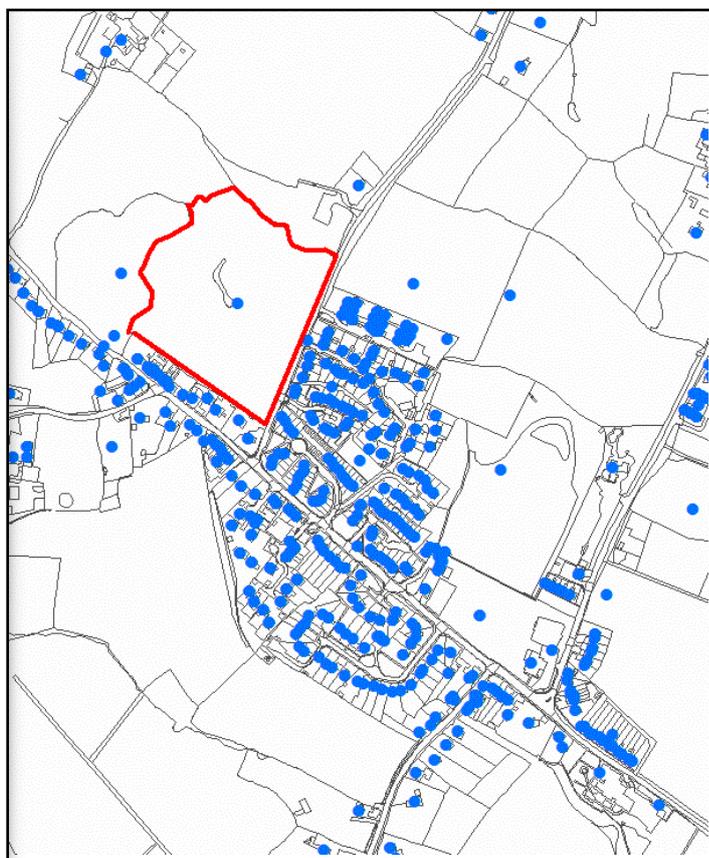
1. This application is reported to the Planning Committee because it constitutes major development. The scheme is currently the subject of an appeal against non-determination. Consequently the Council cannot now issue a decision. However this report seeks the endorsement of members in respects of the reasons to contest the appeal.

## Site and Surroundings

2. The site comprises a broadly rectangular agricultural field lying adjacent to Calleywell Lane, close to the junction of Calleywell Lane and Roman Road. It lies to the rear of properties fronting Roman Road. The site lies outside the identified built confines of Aldington although immediately adjacent to it. The site lies adjacent to the Aldington Clap Hill Conservation Area with a number of listed buildings in relatively close proximity. The Aldington Sand Pit Wildlife site lies to the north and the site comprises Grade 2 Agricultural land and lies

in an Area of Archaeological Potential. The site comprises an area of former landfill. Public right of Way AE466 intersects with the site. The site also lies partly within the catchment area of the Stodmarsh European Designated Nature Conservation Site.

3. The site is gently undulating in nature, but generally the site levels fall down slightly away from the road. The Aldington Sand Pit Wildlife site is heavily wooded and restricts longer views into and out of the site. To the north is an area of woodland, which also restricts views in that direction. Between these two areas, long views exist looking north from the southern corner of the site. There is an established hedgerow boundary along Calleywell Lane.
4. On the opposite side of Calleywell Lane is residential development, including a relatively new residential development and care home. To the south west of the site fronting Roman Road lie a line of detached and terraced dwellings including the Village Shop/Post Office, lying within the village confines leading to a line of largely detached dwellings lying outside the village confines on the edge of the village. The main body of Aldington lies to the south of the site.



**Figure 1: Site Location**

## Proposal

- The proposal comprises a scheme for the erection of 33 dwellings set around the vehicular access from Calleywell Lane. The access runs through the length of the site with two spurs leading to housing fronting onto those spurs and a turning head at the end of the site. A number of footpaths would lead through the site from Roman Road and Calleywell Lane. The housing would be divided into a number of smaller areas delineated by footpaths, planting or access roads. The housing would be set back behind a planted area adjacent to Calleywell Lane, and with areas of planting along the boundary with the rear of houses fronting Roman Road, as well as areas of planting lying outside individual gardens along the north eastern boundary of the site with the countryside and in the northernmost corner of the site.



**Figure 2: Site Layout**

- The scheme proposes a mixture of detached and terraced 2 storey dwellings, some with rooflights, but with no habitable floorspace within the roof, with a generally contemporary approach to a traditional form. The houses would generally be two storey with a pitched tiled roof, but with some of the larger houses having single storey flat roof additions. The materials range represents this approach with a mixture of red brick, hardwood timber cladding, Kent ragstone and clay roof tiles. Some of the larger houses

incorporate zinc profiled cladding as the predominant facing material rather than brick. The proposed windows generally have a deeper profile and would be powder coated aluminium. The scheme would provide a range of 2, 3 and 4 bedroom units.

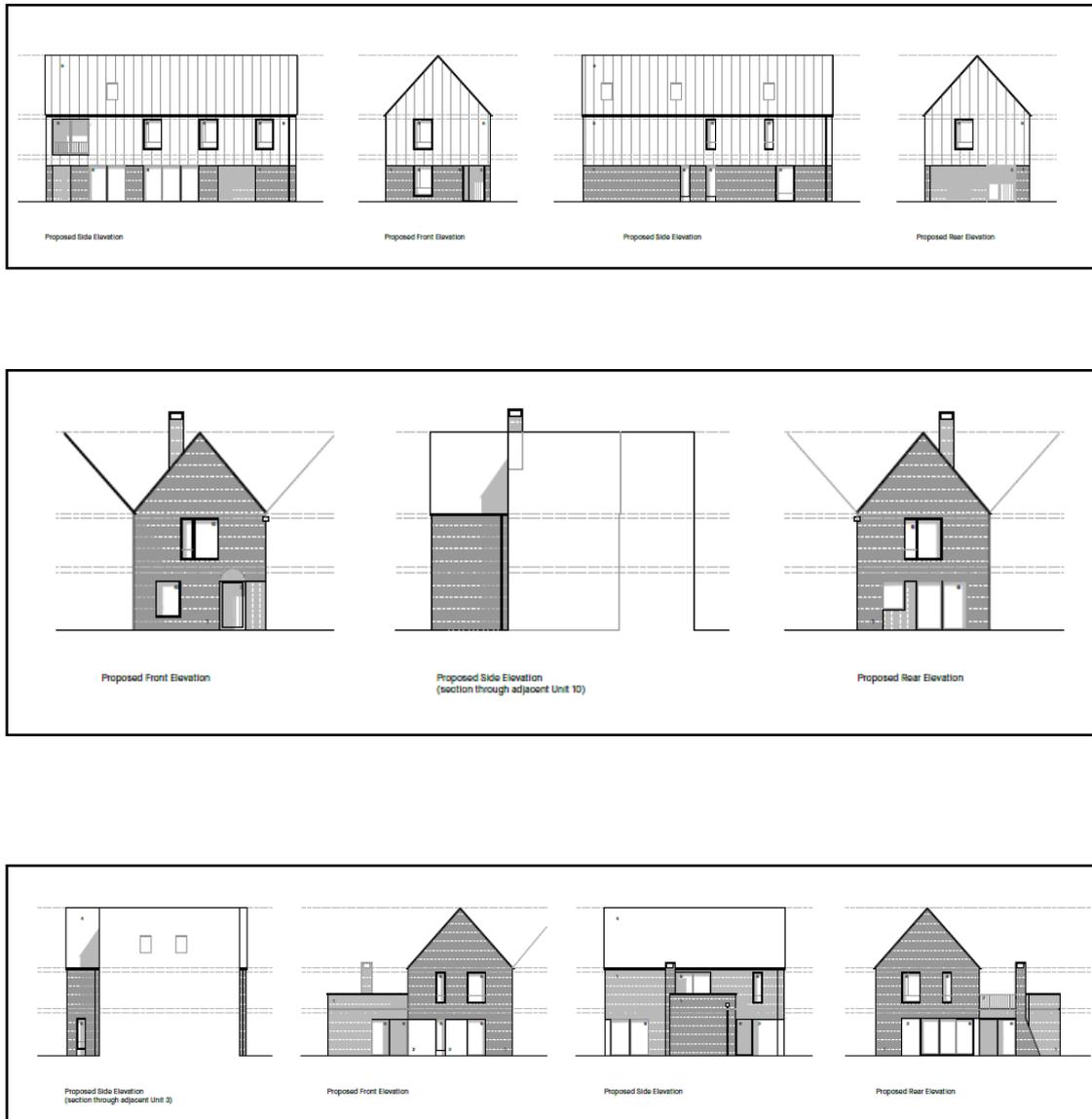


**Figure 3: Streetscene: South**



**Figure 4: Streetscene South East**





**Figure 5: Illustrative House Designs**

7. Parking would be provided on site in accordance with the required standards with parking for each house located on or in close proximity to the individual houses whilst visitor parking would be available, located along the roadside throughout the site. The main vehicular access into the site would be adopted highway whilst the two smaller spurs off the main access road would not.
8. The scheme would provide 9 x 2 bedroom affordable homes and 4 x 3 bed affordable homes which would be spread across the site and would be designed to be indistinguishable in appearance from the rest of the scheme.
9. The following documents were submitted to support the application:

- **Archaeological Report & Heritage Statement:**  
Concludes that archaeological remains of regional significance might be extant and a watching brief and field evaluation is recommended. The site is largely screened from the adjacent Conservation area. Sensitive design, screening and best practice should soften any effects of the development.
- **Design and Access Statement:**  
Concludes that the land is suitable for development, the scheme meets the exemplar standards required and the scheme would conserve the character and distinctiveness of the rural environment whilst providing housing that will meet local needs and increase economic activity in the village and local area.
- **Flood risk assessment:**  
The site is in an area of low flood risk, meets the sequential test and flood risk will not be increased elsewhere.
- **Geological Survey:**  
Submitted data addressing the protection of groundwater quality.
- **Historic maps and Photos of site**
- **Landscape and Visual Assessment:**  
Identifies the landscape character and assesses impacts upon the landscape. The scheme would have some adverse impacts reducing as planting grows. Impacts are identified as negligible at a national scale and minor adverse at a local level.
- **Phase 1 Desk Study:**  
Identifies that an intrusive investigation is required to quantify the risks which may reveal sources of contamination not identified in the Phase 1 Desk Study and site walkover.
- **Planning Statement:**  
Concludes that the amended scheme accords with local and national policy, comprising a sustainable development that will assist the Council in delivering its housing land supply with this high quality scheme.
- **Pre-development Tree survey and Report**  
Concludes that the trees are around the edge of the site and pose no constraints on proposed development. An existing gap in a hedgerow will be widened to provide the entrance to the site. All trees are to be retained.

- **Transport Assessment**

Concludes that the scheme would not lead to any significant or severe impacts on the local highway network and the proposed access could be provided without an adverse safety impacts.

## **Planning History**

18/00225/AS      Development of 80 dwellings with associated parking, access, landscaping and open space on land to the west of Calleywell Lane.

This application covered a larger site than this application site and the application was withdrawn.

## **Consultations**

**Ward Member:** Cllr Harman - is a member of the Planning Committee

### **Aldington and Bonnington Parish Council:**

Objects on the following grounds:

- The scheme would be disproportionate to the scale of the village and its facilities
- The village school would be more than 800m's from the houses, there is no sustainable method of transport to the medical facilities and the bus service offers no evening or weekend service. There is inadequate local infrastructure and facilities for a development of this scale.
- The local highways network is characterised by narrow lanes which in places are single track
- Lack of clarity regarding the proposed affordable housing provision
- The scheme would be on the crest of a hill and would be clearly visible on the approach from the north
- It would not sit sympathetically within the wider landscape as it borders the Clap Hill Conservation Area one side and is on the Aldington ridge
- The choice of materials does not accord with the general village character
- The submission does not demonstrate that the residents could rely on public transport, particularly since the bus service is not available at the weekends and finishes early during the week
- Concern that the TS bases its averages for the number of vehicles using Calleywell Lane are inaccurate and the true figure for usage of this road is much higher. Likewise traffic speeds are higher than the speed limit suggests
- Concerns about the dark skies policy
- No governance strategy has been submitted for the open spaces.
- Concern about the landscape implications

- Highways safety concerns
- Green infrastructure would be damaged by this scheme
- Potential harm to air quality and road safety
- This site has previously been considered unacceptable for a Local Plan allocation due to its location within the countryside, prominence in the landscape, relationship with the adjacent conservation area and lack of suitable pedestrian connectivity to the village, albeit it is in close walking distance of a number of facilities

### **Kent Highways & Transportation:**

Advise that the predicted traffic generation would be 16 vehicle movements in the AM peak and 15 vehicle movements in the PM peak hour. The impact upon the highways would not be described as severe and does not warrant a recommendation of refusal. However it would be appropriate for the applicant to fund warning signage and lining improvements to highlight to existing road users the additional traffic entering the highway from this scheme.

Visibility splays are proposed which are adequate for the speed limit to enable safe access. The internal road layout and dimensions are acceptable. The road layout is suitable to accommodate larger vehicles and turning facilities.

Parking is provided in accordance with the ABC Residential Parking SPD for allocated and off plot parking and secure cycle parking will be provided. Conditions relating to:

- Construction management
- Provision of parking and cycle parking prior to occupation
- Provision and maintenance of visibility splays
- Installation of bend warning signing and lining highways improvement scheme to Evegate Mill lane prior to occupation

### **KCC Flood & Water Management:**

No objections subject to the imposition of conditions relating to details of a sustainable surface water drainage scheme being submitted and the submission of a verification report pertaining to the drainage system installed.

### **KCC Public Rights of Way:**

Public Right of Way AE446 passes through the site and a minimum width of 2m's should be maintained for this path through the site. To protect pedestrians at the access road crossing point a ramped pedestrian crossing should be constructed to Kent highways Specifications. In view of the significant increase in the use of the footpath this scheme is likely to generate, conditions relating to the following issues are requested:

- The existing footpath surface be upgraded
- A S106 contribution be provided to enable the upgrade of footpath AE446 in the immediate vicinity of the site

Informatives would be required in respect of:

- Any proposals to put furniture on or across the PROW
- No hedging or shrubs should be planted within 1.5m's of the path
- If a temporary closure order is needed the developer must pay for this, the closure must be kept to a minimum and alternative routes must be provided for the duration of the closure.

### **KCC Economic Development:**

Development contributions as set out below in Table 1 are required.

### **ABC Economic Development:**

The scheme should provide fibre to the premises in accordance with Policy EMP6. The Aldington Exchange is nearby and connection to the site should be viable.

### **ABC Housing Services:**

In accordance with relevant policies 13 affordable homes are required – 3 x 2bed units and 1 x 3 bed unit for affordable rent and 6 x 2bed units and 3 x 3 bed units for affordable home ownership.

The units should meet the Nationally Prescribed Space Standards and 20% of the units should be accessible and adaptable and specific plots should be identified to meet this target.

### **ABC Environmental & Streetscene Officer:**

Overall the scheme looks like a fantastic and environmentally sensitive scheme to accommodate families with excellent communal amenities such as the orchard. Whilst it has a good overall refuse sweep further consideration should be given to the refuse plans for 10 of the units as these do not meet our current guidelines to enable these properties to be within a 10 metre refuse pull or a front of property collection. This could be achieved by putting in further turning points beside house numbers 9 and 20 to allow safe refuse collection needs.

### **ABC Environmental Protection:**

As the site lies on a former landfill site it is recommended that the applicant carry out intrusive investigations, including gas monitoring. Appropriate conditions should be

applied to secure this and formalise the requirement for a watching brief and remediation in the event that unexpected contamination is discovered.

Additionally conditions are recommended regarding the following:

- Hours of construction
- No burning of wastes on site
- Minimisation of dust emissions from construction activities
- Provision of electric charging points

### **Kent Fire & Rescue:**

The off-site access requirements of the fire and rescue services have been met.

### **Kent Police:**

If approved a condition should be included to address a number of points of concern regarding:

- As long as no access points are planned or intended other than those shown then the layout shown is not a concern
- The permeability of the PROW requires additional security and maximum surveillance. Footpaths should not run behind private rear gardens
- The perimeter treatment are of concern. Whilst we appreciate the desire for open areas the opportunity for crime must not be increased for aesthetic reasons. We recommend that boundary treatments and divisional treatments must reach 1.8m in height although this can be achieved with deeper densely planted buffers, ideally with native prickly species.
- All gates to rear elevations must be a min of 1.8m high and lockable from both sides.
- Corner properties require defensible space. Semi private gardens are of significant concern for security and privacy of those dwellings.
- Parking is of concern with reference to those spaces out of sight of the home, visitors spaces with inadequate natural surveillance, visitor spaces should be marked as such, parking barns are not encourages unless they have plenty of natural surveillance of the designated residents.
- Landscaping should be designed to enhance security and maintain surveillance.
- Doorsets and windows to meet the relevant Standard.
- Site security is required for the construction phase.

### **Natural England:**

No comments – the site is close to a designated landscape and the scheme should be assessed against national and local polices to assess impact. The lack of comments does not imply there are no impacts but only that it is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

### **Ramblers Association:**

The need is stressed to ensure both entrances from the road to the PROW is marked with footpath signs. The nature of the path will be changed from a pleasant rural location with a view, to a way through houses but this is considered to be a matter for local residents to comment upon.

### **NHS Clinical Commissioning Group:**

The impacts have been assessed upon delivery of general practice services and these will require mitigation through the payment of an appropriate financial contribution. (See table 1 below).

### **Environment Agency:**

No objection providing conditions relating to the following matters are attached to any permission:

- Details provided regarding a contamination strategy (reference made to the Phase Desk Top Study already submitted as being sufficient in this respect
- Submission of an options and remediation strategy addressing the outcome of the above desk top study
- Submission of a verification report regarding the effectiveness of the completed works
- A strategy for unexpected contamination found
- No drainage system for the infiltration of surface water drainage into the ground are permitted other than with the express consent of the LPA
- Piling or other such foundations designs are not permitted other than with the express consent of the LPA

**Neighbours:** 164 residents were consulted and 136 objections and 1 general comment received raising the following comments:

- Scale of development is disproportionate to the size of the settlement – 96 dwellings having been completed since 2013 and with two sites identified in the Local Plan ((policies S51 and S52)
- Other surrounding areas are scheduled for greater levels of development that are more capable of accommodating the impacts
- The local school is in excess of 800m from some of the proposed housing and is full: some residents already taking their children to other schools outside the village
- The Doctors surgery in the village has closed and there is no sustainable method of transport to medical facilities
- The only bus service accesses Ashford with no weekend or evening services and very limited daytime service. There are too few facilities to accommodate more development. The applicant overstates the level of local amenities available

- Cars are an essential mode of transport for villagers and the local road networks is characterised by narrow country lanes with concerns about highways safety arising from additional traffic
- Reliance upon the private car for access
- Lack of visibility for pedestrians at the site entrance
- Shared access is not safe
- The position of the access opposite an existing drive would not be safe
- Road speeds need to be reduced in this area
- Concern about new footpath behind existing dwellings and the potential for crime
- Concerns about the parking layout and numbers with potential for cars to spill out into the surrounding area
- Little if any local employment encouraging more car journeys on local roads – this is an unsustainable location
- Lack of information regarding provision of affordable housing
- The site lies on the crest of a hill and would be clearly visible approaching from the north
- It would not sit sympathetically within the wider landscape
- Two previous schemes have been built in elevated positions (Care home and Lyons Gate) both of which are badly positioned and unduly visible in the surroundings. That does not make this scheme any more acceptable
- The choice of materials does not accord with the local character
- It would introduce an urban form of development into the village out of character with the historic core of the village
- The proposed design includes tall roofscapes which would be visible on the landscape ridge line
- Lack of reference to the dark skies policy with concerns about light pollution
- Landscape character is not assessed on the approach from the A20, and screening by trees would not be able to hide this development.
- Adverse impact upon the character and setting of the adjacent conservation area which this development would fail to conserve and enhance: the proposed “linear park” is no more than a narrow tree lined footpath contributing nothing to the CA.
- Loss of neighbour’s amenities through loss of privacy, overlooking, increased noise,
- Harm to biodiversity
- Concerns about increased crime
- Contrary to policy HOU5 of the Local plan
- This would pre-empt decision to be taken a part of the Neighbourhood Planning process
- If permission is granted conditions should be attached relating to green energy alternatives, electric charging points for vehicles, water recycling in all houses, full discussion with the PC of the S106 obligation

## Planning Policy

10. 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).
11. 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).
12. 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
HOU5	Residential windfall Development in the countryside
HOU6	Self and Custom Built Development
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
TRA3a	Parking Standards for Residential Development
TRA4	Promoting the local bus network
TRA5	Planning for pedestrians
TRA6	Planning for cycling
TRA7	The road network and development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light pollution and promoting dark skies
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
ENV15	Archaeology
COM1	Meeting the community's needs
COM2	Recreation, sport, play and open spaces
COM3	Allotments
COM4	Cemetery provision

IMP1            Infrastructure provision

13. The parishes of Aldington and Bonnington are designated as a neighbourhood area, but do not yet have a neighbourhood plan at an advanced stage such as to form a material consideration in the determination of this application.

14. **Supplementary Planning Guidance/Documents**

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

Affordable Housing SPD

Landscape Character SPD

**Informal Design Guidance**

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

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

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

**Government Advice**

National Planning Policy Framework (NPPF) 2018

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

Relevant sections:

- 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 15 - Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG)

Nationally Described Space Standards 2015

## **Assessment**

16. The main considerations are:

- Principle of Development
- Design and Impact upon visual amenities including the surrounding landscape
- Impact upon Heritage assets
- Highways
- Residential Amenities
- Ecology/Trees
- Drainage
- Contamination
- Housing
- Open Space
- Planning Obligations

### **Principle of Development**

17. The Council can currently demonstrate a 5 year housing land supply and therefore the policies in the adopted Local Plan relating to the supply of housing are afforded full weight. 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.
18. The strategic approach to housing delivery within the District is addressed by Policy SP2 which advises that the majority of new housing will be at Ashford and its periphery whilst development in the rural areas will be of a scale that is consistent with the relevant settlements accessibility, infrastructure provision, level of services available, suitability of sites and environmental sensitivity. Windfall development will be permitted where it is consistent with the spatial strategy and with other policies in the Ashford Local Plan.
19. The village is one which has an identified settlement boundary and the principle of development in relation to sites outside that boundary, which lie adjacent or in close proximity to the boundary, is considered against the provisions of policy HOU5 of the Ashford Local Plan (ALP). This policy sets out the criteria against which any scheme would be addressed including matters such as the scale of development in relation to the size of the settlement and its service provision, service accessibility, highways, public transport access, natural environment, heritage assets, design, neighbours amenities, biodiversity and landscape.
20. Other matters identified in Policy HOU5 are assessed below and it is only if the scheme is compliant with the criteria of this policy that the principle of development could be acceptable.
21. The applicant draws attention to a number of other “relevant” developments that have been approved within or adjoining the village since 2013 amounting to permission for 63 dwellings and a 33 bed extra care facility. In the case of the care facility this was granted permission as an exception to general policies of restraint, pursuant to a policy addressing the provision of specialist housing schemes in accordance with the provisions of the Tenterden and Rural Sites DPD. The larger of the residential sites resulted from a site allocation in the Tenterden and Rural Sites DPD. The two smaller sites were the result of the redevelopment of part of a former abattoir site where it was felt the scheme would be seen as part of the built up part of Aldington, whilst the final of the three permissions referred to (for 10 houses) was considered when the Council could not demonstrate a 5 year housing land supply.

22. Overall it is not considered that the circumstances applicable to any of these permissions are such as to act as a precedent for the consideration of this scheme, which should be determined in accordance with the relevant Development Plan policies.

**Design and Impact upon Visual Amenities including the surrounding Landscape**

23. Local Plan Policies SP1, SP6 and HOU5 seek development that is in accessible and sustainable locations, making best use of brownfield sites. It must conserve and enhance the landscape, create the highest quality design promoting a sense of place through the built form and the relationship of buildings with each other and the spaces around them and preserve or enhance the setting of the nearest settlement and include an appropriately sized and designed landscape buffer to the open countryside.
24. Policy ENV3a references landscape character and design requiring attention to landform and topography, the pattern and composition of trees and woodlands, wildlife habitats, pattern and composition of field boundaries, pattern of settlements, roads and footpaths, the presence of historic landscape features, the setting of vernacular buildings and other traditional man made features.
25. Policy ENV5 seeks to protect important rural features including rural lanes which have a landscape, nature conservation or historic importance, and public rights of way.
26. Policy HOU5 sets out a list of criteria which must be met if the development is to be deemed acceptable on this site. These include that the development is “consistent with local character and built form” and that it “sits sympathetically within the wider landscape” and that it “preserves or enhances the setting of the nearest settlement”. Policy HOU5 requires that new development should include “an appropriately sized and designed landscape buffer to the open countryside”.
27. The hedgerow bounding the site along Calleywell Lane at present is quite high such as to largely prevent views from ground level into the site, albeit views are still available of the site from the first floors of the Calleywell Lane developments. A public footpath runs into the site from alongside the post office to the west before turning towards Calleywell Lane whilst a proposed new footpath would run through the field from Calleywell Lane. Due to changes in land level culminating along the site boundary with Calleywell Lane, views of the site and across the site from the village are restricted to a relatively close distance. Short distance views into the site are considered as part of the Conservation Area impact below.

28. In terms of longer distance views, it is noted that the tree line to the north/north west of the Aldington Sandpit Wildlife site restricts views from the wider landscape beyond that woodland. Meanwhile trees and shrubs to the north east of the wider field obscures longer distance views of the site from beyond that woodland. However a gap in the woodland areas opens up longer distance views from and into the heart of the site and beyond.



**Figure 6: View from Footpath junction with Calleywell lane**

29. The submitted Landscape and Visual impact Assessment identifies the views that would be available of the development concluding that the site is generally well contained by the strong vegetation structure adjoining the site and that the site is seen in the context of existing development in the village, including Wheatfields and the Care Home adjacent to Calleywell Lane. Wider views are largely screened by topography and the vegetation structure. Views into the site (as shown in the photograph above) would be seen in the context of the settlement of Aldington.
30. The site does not lie within an Area of Outstanding Natural Beauty or other nationally designated landscape such as to be considered part of the most valued landscape referred to in the NPPF. However it retains a local value and visual importance as part of the setting of the village of Aldington. The site lies within the national Wealden Greensands Character Area and at a county level the landscape Aldington Ridgeline Landscape Character Area which refers to a high ridgeline topography, with the North Downs framing views to the north. Small woodland copses, tree belts and native hedgerows are identified as prevalent features. Aldington is described as retaining dramatic views over the Low Weald. At a Borough level the site is within the

Adlington Ridge Clap Hill Landscape Character Area with key extensive views to the north to Mersham, west and north west to Ashford and the North Downs and south to Dungeness. Key characteristics are noted to include farming land, steeply sloping topography, hedgerows and open long distance visibility. Recommendations include conserving views from the ridgeline and planting new hedges on the slopes. The applicant suggests that the sensitivity of the village landscape to new development has reduced as a result of the changes that have already taken place in terms particularly of the care home and Wheatfields, given their concentration to the north east of the village.

31. The hedgerow that lines the boundary with Calleywell Lane is a strong feature that clearly delineates the edge of the village from both short and long distance views. Additionally quite significant levels of new planting would be secured as part of the scheme effectively seeking to screen and soften the housing from its surroundings. Planting in the northernmost corner of the site and along the boundary with the proposed new footpath along the north eastern boundary could in time be expected to significantly soften and shield the proposed development from anything other than close views of the site.
32. It is clear that a scheme of this magnitude would have an impact upon the character of the immediate and wider landscape with the development being visible in both short and long distance views. Sufficient tree planting could eventually shield the site from most long distance views and at least soften the visual impacts from many short distance views.
34. In this instance it is considered that the scale and mass of development proposed would be harmful to the landscape character of the immediate area and, until such time as significant tree planting matures, would also cause adverse impacts upon the wider landscape. Whilst any new development would, to a degree, be seen against the backdrop of the existing village from its surroundings, the success of such integration is reliant as much upon the scale and form of development proposed as the topography and character of the site and surroundings. In this case the scale and form of development is unacceptable and visually harmful. The scheme is considered to be contrary to those policies seeking to protect the landscape and the landscape setting of the village.

### **Impact upon Heritage Assets**

35. Policy ENV13 seeks to preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. It goes on to say:

“Development will not be permitted where it will cause loss or substantial harm to the significance of a heritage assets or their

settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.”

36. The above reflects the guidance set out in the NPPF.
37. The Clap Hill Conservation Area lies immediately adjacent to the westernmost boundary of the site. Concerns had previously been raised with the applicant about impacts of the development of this site upon the adjacent Conservation Area, and the resulting loss of open countryside which provides part of the setting of the conservation area.
38. The submitted plan shows a planted buffer zone between the rear boundaries of properties fronting Roman Road and the nearest houses. This varies considerably in depth throughout the length of the shared boundary allowing little more than a narrow access route at some points but a larger planting area in others with footpaths running through it. The greatest separation gap would lie broadly to the rear of the Post Office where the level of visibility is perhaps greatest due to the public footpath which runs alongside the post office.





**Figure 7: Illustrative views from inside the Conservation Area to the site**

39. The Conservation Area (CA) is a relatively modest area set around the junction of Roman Road with Frith road. It is set around a dip in the road which slopes downhill from the junction with Calleywell Lane before rising from the junction with Frith Road to a point just beyond the north western most boundary. Clap Hill is the only conservation area in the Borough to include a section of Roman Road that once connected forts at Dover, Lympne and Rochester. The properties contained within the CA exhibit a range of styles, densities and ages with the larger newer houses set to the south and west of the junction with Frith Road whilst the older smaller generally terraced properties lie to the north and east of the junction with Frith Road. They include 3 clusters of listed buildings facing onto Frith Road or the junction with Frith Road / Roman Road. As a result of the modest size of the CA when viewed from the road there are plentiful views through the gaps in between houses to the countryside beyond, albeit the distance of those views differs from each side of Roman Road. This is made easier by the fact that when viewed from the road the houses are only single depth, such that the countryside is easily visible from within the CA.
40. Views towards the site from Roman Road are more limited to a closer distance than those looking towards the west where the land lies at a lower level affording longer distance views. However limited views are available and inform the character of the CA when viewed from Roman Road. Views are

also available from private gardens within the CA as well as from the footpath that runs alongside the Post office onto the site. These views inform the character of the CA as well as providing a sense of openness since the site is currently an open field with little planting along the boundary with the CA, other than that forming part of the individual gardens abutting the site.

41. Historic maps indicate the land to the north of the conservation area has remained undeveloped whilst post-war development has encroached on the conservation area from the east and west. The open field that forms the application site remains unspoilt and makes a positive contribution to the significance of the conservation area eroding the rural character of the conservation area.
42. The CA is also appreciated in the context of this being an open site from various vantage points outside the CA emphasising the importance that this openness has to the setting of the CA.



**Figure 8: View from the site towards the Conservation Area**

43. The development of the site as proposed would change the setting of the CA when viewed from both within and outside the CA. From outside the CA it would be apparent that the open field is now a small housing development that extends along the length and beyond of the CA. From Calleywell Lane and the public footpaths that would continue to run through and alongside the development (as well as other surrounding footpaths) views of the CA would be virtually obliterated. From the proposed new footpath along the north eastern boundary, views would be those glimpsed through the proposed housing in a few limited places and where the view of the CA would be limited to one or two buildings rather than the range of buildings currently visible from this part of the site. The boundary of the site and Calleywell Lane is marked by hedgerow planting that largely obscures views into the site other than in a few places where the hedgerow is reduced and lower in height. The main view at ground level through to the CA would be either through the point of the proposed access or close to the south west boundary of the site. If the

boundary hedgerow is retained at its current height, future public views would be through the access to the scheme or the access to Plot 1. Planting and housing would lie between the viewpoints and the CA.

44. The scheme shows a buffer zone of planting along the south western boundary designed to act as a buffer between the CA and the nearest proposed housing. Due to changes in land level between Roman Road and the site, the buffer would be likely to replace an open view with one of planting, providing a sense of enclosure, with little visibility, other than glimpsed views, of the housing from the public realm, unless on the public footpath alongside the post office. Otherwise the majority of views are likely to be limited to those from within individual properties.
45. The design is described as a local vernacular modern architectural approach to reflect the rural location using a traditional pallet of materials including red brick, and ragstone as well as black agricultural zinc to reflect materials evident in the local area of Aldington. Whilst the range of materials may reflect the materials palette found in the wider rural area, the scheme is not considered to particularly well reflect the character and materials palette of the immediately adjacent area or indeed CA. The houses would be predominantly red brick, but with a few timber and zinc clad houses spread around the development. The zinc clad dwellings would lie along the outer edge of the scheme facing onto the countryside. They would present a particularly harsh appearance in an area of predominantly traditionally designed houses with a generally 'softer' character. Whilst they may be sympathetic to the more contemporary approach of the wider scheme, they would nevertheless not be sympathetic to the general character of the surrounding area in general, nor adjacent Conservation Area in particular. . In addition to concerns about the general location, scale and mass of development, officers therefore also consider that the material choice and design could be improved across the scheme to more sympathetically blend into the surrounding area. To this extent and in addition to concerns about landscape impacts, it is considered that the scheme would not comply with those policies seeking development sympathetic to its surroundings.
46. The listed buildings in the adjacent Conservation Area comprise two cottages fronting Roman Road whose rear boundary abuts the westernmost boundary of the site, an individual detached house lying to the south of Frith Road and one pair of cottages lying to the north of Frith Road. Certainly, the buildings lying either side of Frith Road are considered to lie far enough from the site to avoid it having an adverse impact upon their setting. The two cottages abutting the site would lie adjacent to the site where an area of tree planting is proposed as an undeveloped buffer to provide visual separation between the CA and the nearest proposed houses.

47. On the basis of the separation distance the change in levels between the cottages and the site and the intervening planting it is not considered that the scheme would cause harm to the setting of the listed cottages. Policy ENV13 identifies that where a scheme would cause loss or substantial harm to the setting of heritage assets or their setting, that permission be refused unless there are substantial public benefits that outweigh the harm or loss. In this instance it is considered that the scheme would cause less than substantial harm to the setting of the Conservation Area. The public benefits would be additional affordable and open market housing, additional customers for existing services and facilities, potential for some biodiversity improvements and limited provision of additional open space/a community orchard. The Council can demonstrate a 5 year housing land supply and whilst additional affordable housing, biodiversity improvements and an orchard would be welcome, it is not considered that these benefits are such as to compensate for or outweigh the harms identified as a result of the scheme.
48. Accordingly it is considered that as a result of the scale, design and massing of the scheme it would result in an adverse impact upon the character of the CA contrary to the provisions of Policy ENV13 of the Local plan and the provisions of the NPPF.

### **Highways and Accessibility**

49. Local Plan Transport policies seek to ensure that new development that generates significant levels of traffic must be well related to the primary and secondary road network, that traffic movements to and from sites can be accommodated to avoid severe cumulative residual impacts, provide sufficient off street parking and would promote sustainable forms of travel including provision for cycling and planning for pedestrians.
50. The scheme would have a single main vehicular access into the site, broadly opposite the property of 40 Calleywell Lane. Pedestrian access would run along either side of the entrance into the site with a footpath alongside the access along the full length of the site. A number of footpaths are shown around the site connecting either to the front of the site or to a pedestrian route alongside the Post Office. They connect different parts of the site and also help to subdivide the proposed housing into smaller blocks of development.
51. An existing Public Right of Way runs along the north eastern boundary of the site and that would be retained but incorporated into the site running along the length of the north eastern boundary. At the junction with Calleywell Lane that would also connect with a footpath that would run directly to the footpath that runs alongside the Post Office thus connecting the PROW with Roman Road. Concern has been expressed by the Ramblers Association about the fact that this would change the character of this part of the PROW from a rural walk to

a path that runs through a housing development. This is accurate to an extent but it should be noted that the north eastern boundary of the site adjacent to the PROW encompasses a wide band of planting that, subject to a substantial tree and shrub screen could significantly soften the character of the footpath such as to soften the visual impacts of the nearby housing. It is considered that subject to an appropriate planting scheme that this would not therefore constitute a significant adverse impact, although it would of course result in a change of character for part of this PROW.

52. The main access through the site would be adopted although two smaller spurs leading to two smaller groups of housing would not. In highways terms the layout is considered acceptable. The proposed parking space layout would result in some houses being slightly removed from their parking spaces and would result in the visitor parking alongside the access road not being subject in some cases to much natural surveillance by nearby housing. The Police have expressed concern about both these factors preferring the allocated spaces to all be with or immediately adjacent to the curtilage of the individual houses and the visitor parking to be overlooked by surrounding houses. None of the spaces are located so far from the dwelling they serve as to be inconvenient although it is clear that a better layout could be achieved. It is not considered that these factors would be sufficient alone to warrant a reason for refusal although do add to concerns expressed elsewhere in this report about the number of units proposed and the nature of the development as a whole. It is worth noting however that the level of provision does comply with the relevant parking standards identified in Policy TRA3.
53. Concerns have been raised about the refuse collection from these houses – with a maximum pull distance of 10m's between the position of the refuse lorry and the bins of individual houses. These concerns are expressed in respect of some of the houses fronting onto the two spur roads and it is suggested that an additional turning space at the end of each spur road would resolve this difficulty. In both cases it would appear that this could be resolved but would result in a reduction of the landscape buffer between the new scheme and the adjacent conservation area. If the refuse cannot be collected from the individual houses the bins of those houses outside the 10m pull distance would need to leave their bins in a location which the refuse operatives could collect. If the scheme were acceptable overall it is considered that this could be relatively easily resolved as an appropriately worded condition.
54. The scheme has been the subject of consideration by KH&T who consider that the level of traffic drawn to the site could be safely accommodated on the adjacent highway without causing either highways safety concerns or harm to the free flow of traffic. This would amount to an additional 16 vehicle movements in the AM peak hour and 15 vehicle movements in the PM peak hour. It is considered however that it would be necessary to provide additional

signage and changes to road markings to warn drivers on the adjacent highway of traffic entering and existing the site and this would be secured by condition in the event the appeal is allowed. As such the proposal is acceptable in highway safety terms and would be compliant with Policy HOU5 c). . 55. Policy HOU5 b) requires that development is within easy walking distance to basic day to day services in the nearest settlement and/or has access to sustainable methods of transport to access a range of services. HOU5 d) requires development to be located where it is possible to maximise the use of public transport, cycling and walking to access services.

56. The village benefits from a grocery shop & post office, primary school, village hall, recreation ground, pub and church. A bus service to Ashford exists albeit of limited duration through the week and extent of service. Ashford lies about 4.7miles from the village. The supporting text to Policy HOU5 acknowledges that some reliance upon the private car is inevitable in rural locations but that good levels of accessibility can help reduce that reliance. The village can provide very basic day to day facilities which whilst they may be outside the ideal 800m's distance, would nevertheless be within walking distance of the site, a principle accepted by the supporting text to Policy HOU5. Letters from local residents draw attention to the fact that some local residents already have to take their children to schools outside the local area and that there is not a local doctors surgery within the village. Certainly it would appear that employment opportunities would be outside the village and thus reliant upon access by private car. The general level of services in the village reflects the strategic approach of identifying Aldington within Policy HOU5, but that allocation does not of course take account of services such as the school or nearest doctor surgery being unavailable to new pupils/patients as a result of the existing level of use.
57. Accordingly it can be concluded that the site would be within walking distance of some basic day to day services with access to public transport to access other services and facilities. In practical terms however the infrequency of the bus timetable is likely to result in a very large number of journeys being reliant upon use of a private car rather than local bus services or access by foot or bicycle, including essential journeys such as to schools, supermarkets, health services etc..

### **Residential Amenities**

58. The NPPF seeks a high level of amenities for existing and future users resulting from new development.
59. The standard of housing proposed would meet the standards required by the Nationally Described Space Standards providing comfortable homes on the edge of an attractive village with sufficient private amenity space individually

available and would therefore be compliant with Policies HOU12 and HOU15 of the Ashford Local Plan.

60. In terms of the impacts upon surrounding residents concerns have been expressed by some residents about the potential for overlooking of their properties from those houses and first floor terraces closest to houses fronting Roman Road. The scheme would undoubtedly constitute a change of character and environment for existing residents but it is not considered that the new houses and terraces would lie in such close proximity as to cause significant harm to the privacy of existing residents. The closest facing distance lies between the house on Plot 1 and the property identified as Blue Haze lying close to the junction of Roman Road and Calleywell Lane. This would provide a separation distance of approximately 20m's between the rear of the existing dwelling and the proposed single storey addition with roof terrace. This separation is generally considered to be acceptable although were the rest of the scheme considered to be acceptable, a condition could be attached to ensure that a privacy screen were erected along the southern edge of the terrace of the house on Plot 1 (which lies closest to the houses on Roman Road) to prevent any direct overlooking.
61. Overall it is considered that the scheme would be compliant with those policies seeking to protect residents amenity.

### **Ecology/Trees**

62. 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.
63. Local Plan Policy ENV3a draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection. Attention is drawn to the pattern and composition of trees and woodlands as a landscape characteristic.
64. In ecological terms the site is considered of low ecological value since it comprises arable land, with the areas of highest value being the periphery of the site, particularly around the boundary with the Aldington Sandpit Wildlife Site. An extended Phase 1 Habitat Survey has been undertaken considering the impacts upon a range of species and flora. The report concludes that further survey work is required and it is recommended that a dedicated biodiversity enhancement strategy is devised.
65. Such work should be carried out prior to the commencement of any work on site to inform the mitigation strategy. If the Committee resolves that it would

have refused this scheme officers consider that this matter could be satisfactorily addressed in accordance with the relevant policies as part of the appeal process.

66. Existing trees lie around the periphery of the site and subject to suitable tree protection during the construction process, no objections are raised to the proposed scheme: housing would lie far enough from any retained trees to ensure their ongoing protection.
67. Whilst a dedicated biodiversity enhancement strategy has yet to be devised, some general points to enhance biodiversity have been identified including:
  - Native, nectar-rich plants should be considered for any landscape planting around the Site and where other opportunities may exist, for example where any flower beds are to be created
  - Retention of hedgerows wherever possible and re-planting the Site boundaries with hedgerows that include a variety of herbaceous, woody and grassland species
  - Nest boxes should be provided across the Site.
  - Gaps should be provided in any closeboard fencing to allow hedgehogs to move freely through the landscape

Accordingly it can be determined that the scheme would provide an enhanced bio diversity that would accord with the provisions of Policy ENV of the Ashford Local Plan.

### **Drainage**

68. Policy ENV6 deals with flood risk whilst ENV8 addresses issues associated with water quality and ENV9 sustainable drainage issues.
69. In this instance the site lies in Flood Zone 1 which is land at the lowest risk of flooding and there is no anticipated risk of flooding arising from the proposed scheme.
70. A sustainable urban drainage scheme is proposed to accommodate surface water generated by the development. A new pumping station is proposed on site to deal with foul water.
71. The County Flood and Water Management Team have assessed the submitted details and conclude that further details are required, as part of a pre-commencement condition, regarding the surface water drainage scheme. Subject to the agreement of the submitted scheme no objections are raised in this respect.
72. A further matter for consideration related to drainage, concerns the European Designated site at Stodmarsh. The site lies partly within the catchment area of

the Stodmarsh Special Protection Area (SPA), Ramsar site Special area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI) with parts of the area being a National Nature Reserve (NNR). This area is a site of national and international importance for a range of water dependent habitats and wildlife that relies upon them.

73. During 2017/18, a review of the internationally designated lakes at Stodmarsh identified that some of the lakes there had raised nitrogen and phosphate levels, leading to eutrophication of the lakes which occurs when an excessive amount of nutrients within a water body are present, resulting in increased plant growth that reduces the oxygen content in the water. This process makes it difficult for aquatic insects, invertebrates or fish to survive, in turn removing a food source from the food cycle.
74. As a result the potential for any further deterioration in the water quality of this designated site, development which is within the catchment area or would discharge to a Treatment works which could affect the designated site (including this application) must be assessed under the Habitat Regulations regarding potential impacts.
75. This would usually be a matter for consideration between the applicant, the local authority and Natural England to identify and confirm the nature and acceptability of the potential impacts and any mitigation. This matter has only recently been identified and as a result of the appeal that has been lodged, insufficient time has been available for the submission of the appropriate information, the carrying out of an Appropriate Assessment and consultation with Natural England. In the absence of this process, the Local Planning Authority has no assurance there would not be any harm to the nationally and internationally designated protected sites at Stodmarsh lakes. As part of the appeal process the Planning Inspector would become the Competent Authority for the purposes of determining the degree of impacts and the acceptability of any mitigation proposed. At this point therefore the scheme would be contrary to the provisions of Policy ENV1 and this must accordingly form a further deemed reason for refusal.

### **Contamination**

76. The NPPF at paragraph 170 seeks to ensure that new development is not put at risk of adverse impacts resulting from unacceptable levels of pollution or land instability.
77. As noted above this site comprises a former landfill site (inert, household and commercial waste) being a former quarry and largely infilled during the 1800's-1900's. Consequently the site has been the subject of assessment through a Phase 1 Desk Top Study. That assessment recommends further exploratory work to quantify the risks identified as part of the Desk Top Study.

78. This approach has been assessed by the Council's Environmental protection team who recommend that should permission be granted that this matter is dealt with by means of the appropriate pre-commencement conditions. In the event that the Committee resolves that it would have recommended refusal for the scheme officers are content that this matter could be dealt with by condition as part of the appeal process.
79. Subject to this approach no objections are raised.

### **Housing**

80. 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.
81. 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. In the case of this scheme, this should result in 13 dwellings being provided for affordable housing. The applicant confirms the provision of 9 x 2 bed dwellings and 4 x 3 bed dwellings in accordance with the Council's policies and subject to the provision of a S106 Obligation to make such provision the scheme would be policy compliant.
82. Policy HOU6 requires sites delivering more than 20 dwellings on the edge of villages and rural areas to provide not less than 5% of serviced dwelling plots to sale to self or custom builders. Where this would amount to more than 5 custom build dwellings on a single site a Design Brief should be submitted to and be agreed with the Council prior to the application being submitted. This policy requires that the plots be marketed for sale to self or custom builders for at least 12 months. If following that period the plots are not sold the plot can return to the developer or be developed or sold as open market housing. This matter has not been addressed as part of this application with designs and plot layouts and designs being submitted for all 33 dwellings. 83.
- Therefore in the absence of Policy HOU6 having been addressed and in the absence of an Obligation being providing for affordable housing, the scheme does not comply with the relevant policies. A deemed reason for refusal is proposed in respect of both matters.

### **Open Space**

84. Policy COM2 addresses the borough wide targets for new recreation, sport and open space provision with reference to the fact that the urban and rural

solutions will take slightly different approaches. In a rural area provision should ideally be delivered in a way that maintains and enhances existing facilities.

85. The Council's approach is further clarified in the Public Green Spaces and Water Environment SPD which clarifies that informal/natural green space of at least 0.25ha should be provided on sites of 50 dwellings or more. In this instance the scheme is too small to be required to make such provision. However the proposed layout would still provide elements of open space that would benefit future and existing residents – the principal area being the community orchard that is shown adjacent to Calleywell Lane. Small green buffer areas are shown adjacent to the public footpath along the north eastern side of the site with a larger area in the north east corner of the site, as well as small green buffer areas adjacent to the boundary with the Roman Road properties. These would provide some limited open space that is not currently available. The development would be required to make off site contributions and in the absence of a signed S106 Agreement the harm has not been offset (see Table 1 below).

### **Planning Obligations**

86. 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
87. The applicant confirms they would be willing to pay reasonable developer contributions to meet the needs arising from the development proposed. However in the absence of a completed S106 Obligation this aspect of the scheme is not policy compliant.
88. I recommend the planning obligations in Table 1 be required should the Planning Inspector decide 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 resolve to grant planning permission in this case, had the Council been in a position to do so.

**Table 1: Heads of Terms for Section 106 Agreement/Undertaking**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Applies to sites of 10 dwellings or more or 0.5ha or over</b>				
	<p><b><u>Affordable Housing</u></b></p> <p>In accordance with table within Policy HOU1</p> <p>10% of total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable homes ownership (of which 20% if the total dwellings should be shared ownership).</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the council, with a nominations agreement with the Council.</p> <p>The shared ownership units to be leased in the terms specified. The affordable rented units to be let at no more than 80% market rent and in accordance with the nominations agreement.</p>	<p>4 affordable rent units</p> <p>9 shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</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> <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>

<b>Applies to sites of 11 dwellings or more</b>				
	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>	
	<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards specialist care and accommodation within Ashford Borough</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 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>Community Learning</u></b></p> <p>Project: Towards additional equipment and classes at Ashford Adult Education</p>	£16.42 per dwelling	Half the contribution upon occupation of 25%	<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, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

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			of the dwellings and balance on occupation of 50% of the dwellings	<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>Health Care</u></b></p> <p>Project: Provision of healthcare services in the area surrounding development</p>	<p>£504 for each dwelling                  Total of £24,960</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities 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 been calculated based on the estimated number of occupiers.</p>
	<p><b><u>Libraries</u></b></p> <p>Project: Contribution for additional bookstock at libraries in the borough</p>	<p>£55.45 per dwelling</p>	<p>Half the contribution upon occupation of 25%</p>	<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>

			of the dwellings 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>Secondary Schools</u></b></p> <p>Project: Towards Norton Knatchbull expansion</p>	£4,115.00 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 no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and 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>

**Area / Site specific potential requirements**

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Planning Obligation			Regulation 122 Assessment
Detail	Amount (s)	Trigger Points	
<p><b><u>Sports Outdoors:</u></b></p> <p>Project: Towards local strategic park provision at either Conningbrook Lakes Country Park or Discovery Park be advised</p>	<p>Capital cost £10,735</p> <p>Maintenance for 10 years £15,380</p> <p>Changing rooms cost£15,008</p> <p>Total outdoors £41,123</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> Necessary as outdoor sports provision 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 COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them</p> <p><b>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>Sports Indoors:</u></b></p> <p>Project: Artificial Grass Pitches, Sports Hall contribution</p>	<p>Artificial Grass Pitches (3G) £2,414</p> <p>Sports Halls£14,781</p> <p>Total indoors£17,195</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> Necessary as indoor sports provision 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 COM1, COM2, IMP1, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and halls and the facilities to be provided would be available to them</p> <p><b>Fairly and reasonably related in scale and kind</b></p>

				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><b><u>Informal/Natural Green Space</u></b></p> <p>Project: to be provided off site</p>	<p>£14,322 Capital Cost</p> <p>maintenance payment                  £1     0,725</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 SP1, COM1, COM2, IMP1, 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>Childrens and Young People's Play Space:</u></b></p> <p>Project: To be spent within the parish</p>	<p>£21,417</p> <p>maintenance payment                  £21,879</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as children's and young people's play 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 COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and</p>

				<p>young people's play 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>Allotments:</u></b></p> <p>Project: to be spent within the parish</p>	<p>£8,514</p> <p>maintenance payment £2,178</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers may use allotments 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>Strategic Park:</u></b></p> <p>Project: Towards local strategic park provision at either Conningbrook Lakes Country Park or Discovery Park</p>	<p>£,4,818</p> <p>maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

		payment £1,551		<p><b>Directly related</b> as occupiers will use strategic parks 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>Cemeteries:</u></b></p> <p>Project to be spent within the Parish</p>	<p>£9,372</p> <p>maintenance sum £5,808</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM4, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use cemeteries 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 maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Voluntary Sector:</u></b></p> <p>Project: To be spent within the Parish or as a strategic provision within the</p>	<p>£2,871</p>		<p><b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and</p>

	Borough			<p>guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary sector and the additional 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.</p>
	<p><b><u>Governance of Public or Community Space and Facilities on site</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 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</p>	n/a	<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 and funding/endowment secured, before occupation of more</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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	endowment.		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> <p>_____</p> <p>:-</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 related in scale and kind</b> as based on a proportion of the total number of housing units to be provided</p>
	<p><b>Public Art:</b></p> <p><b>Project:</b> To be spent within the Parish or as a strategic provision within the Borough</p>	£11,167		<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>

<b>Applies to all</b>				
	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.</p> <p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

89. .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

90. 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

91. The proposed scheme for 33 dwellings with associated access, landscaping and infrastructure would lie outside, but adjacent to the existing village confines boundary. It is therefore falls to be considered against Local Plan Policy HOU5 which considers windfall sites outside the settlement boundary.
92. The scheme would result in a large development on a greenfield site adjacent to a modest sized village with a small number of facilities but limited access to a wider range of facilities and services. The village has access to a bus route but one with a relatively limited service. Therefore whilst some additional windfall housing may be appropriate, the scale of development proposed is dependent upon being compatible with the scale and level of service provision within the village.
- 93/ In this instance it is considered that the scale of the scheme is such that it would result in a large number of journeys being made by car to access the range of social and economic facilities needed for day to day life. This would be contrary to the strategic locational approach of the adopted Local plan and would not comprise a suitably sustainable form of development.
94. Additionally the site would lie next to the Aldington Clay Hill Conservation Area. It is not considered that the scale, layout, design and mass of the scheme would conserve or enhance the Conservation area, rather it would adversely affect the setting of the Conservation Area contrary to the provisions of the Local Plan and the NPPF.

95. The site would not lie in a valued landscape such as an AONB but would nevertheless lie in a relatively prominent location along a ridgeline within the village. Accordingly whilst partially screened from longer distance views, the site would be partially visible within the wider landscape. The scale and mass of development proposed would not be easily integrated into the village and would rely on tree planting to effectively screen the development from the wider area rather than integrating comfortably with surrounding development. Accordingly it is considered that it would cause landscape harm, and harm to the natural undeveloped beauty of the countryside, harming the setting of the village.
96. The scheme would need to provide a range of infrastructure contributions as well as an affordable housing contribution in order to be policy compliant which are, at this point, not secured by a legal obligation. Accordingly in the absence of such an obligation this aspect of the scheme is not compliant with the relevant policies.
97. Finally Insufficient information has been provided to allow the Council to assess the impacts upon the European designated Site at Stodmarsh.
98. The scheme would however provide additional housing choice within the local area with a satisfactory residential environment for future and existing surrounding residents. The scheme would lead to an improved ecological environment with additional tree planting and a modest amount of open space with new buffer planting and a community orchard that could benefit surrounding residents .
99. Overall the benefits of the scheme identified above are not considered sufficient to outweigh the identified harms.

## **Recommendation**

The Council cannot issue a formal decision so the following are recommended to represent the deemed reasons for refusal that the appeal will be contested upon:

1. The proposed scheme as a result of its scale, design and mass would erode and urbanise this important undeveloped piece of land and result in less than substantial harm to the character and setting of the adjacent Conservation Area contrary to the provisions of Policies SP1, SP6, HOU5 and, ENV13 of the Ashford Local plan 2030 and the provisions of the National Planning Policy Framework. The identified public benefits are not considered to be sufficient to outweigh the identified harms.
2. The proposed scheme would as a result of the scale, design and mass of development result in harm to the undeveloped landscape character of the site and its surroundings, contrary to the provisions of Policies

SP1, SP6, HOU5 and ENV3a of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework. The proposal would be detrimental to visual amenity of the area

3. In the absence of a completed S106 Obligation relating to the infrastructure contributions, including the provision of Affordable 'housing, required to offset the impacts generated by the proposed scheme, the proposal does not comply with Policies IMP1, IMP3, IMP4, COM1, COM2, COM3 ,COM4 and HOU1 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.
4. The proposed scheme makes no provision for housing for self or custom builders and is therefore contrary to the provisions of Policy HOU6 of the Ashford Local Plan 2030 and the National Planning Policy Framework.
5. Insufficient information has been submitted to allow a full assessment of the implications of the proposed development upon the Stodmarsh water environment, a European Designated Nature Conservation Habitat. In the absence of this information the Local Planning Authority is unable to determine the impact of the development upon the water quality and its impact upon the Stodmarsh designated site's protected habitats and species, as required by the Conservation of Habitats and Species Regulations (2017 as amended). The scheme would therefore be contrary to the provisions of Policy ENV1 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.

AND:

That the Strategic Development and Delivery Manager and the Development Management Manager be delegated authority, in consultation with the Director of Law and Governance, to handle the appeal; to enter into discussions with the appellant and others regarding planning conditions, section 106 obligations and other matters as necessary or beneficial; to agree arrangements providing for all appropriate obligations to be payable.

### **Note to Applicant**

1. S106
2. 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,
- was provided with pre-application advice,
- 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 20/00154/AS)

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