

Application Number	20/00604/AS
Location	Phases 3, 4 and 5, Land south west of Recreation Ground Road and north and east of Smallhythe Road
Parish Council	Tenterden
Ward	Tenterden South Ward
Application Description	Amendments to phase 3 of the Church View development (TENT1A) to provide 36 residential dwellings along with associated landscaping, infrastructure and works
Applicant	Tenterden Developments Ltd, a subsidiary of Dandara Ltd
Agent	Ms R. Alwood
Site Area	1.09 ha

(a) 51/7R
Petition 12R

(b) TTC - S

(c) NE –
SW X
KH&T X
KCC Dev Cont X
KCC PROW X
Kent Police –
ABC Housing S
CS X
EP X

2nd consultation
7/No comments
received

KH&T X
ABC Housing S
Refuse X

Introduction

1. This application is reported to the Planning Committee because it is a major planning application.

Site and Surroundings

2. The site forms the eastern part of the TENT1 allocation for 250 housing units in The Tenterden and Rural Sites DPD (now superseded), known as Phase 3.

Whilst Phase 3 has not been built, the rest of the allocation site (to the west) is largely developed with housing. To the north of the site is the Tenterden Leisure Centre and beyond that the Town Recreation Ground. The eastern site boundary adjoins Sandy Lane, with open countryside beyond. Open countryside also lies to the south with the open land to the south east included as a site allocation in the Ashford Local Plan 2030 – Policy S24 Tenterden Southern Expansion Quarter; indicative capacity 225 units.

3. A site location plan is shown in Figure 1 below.

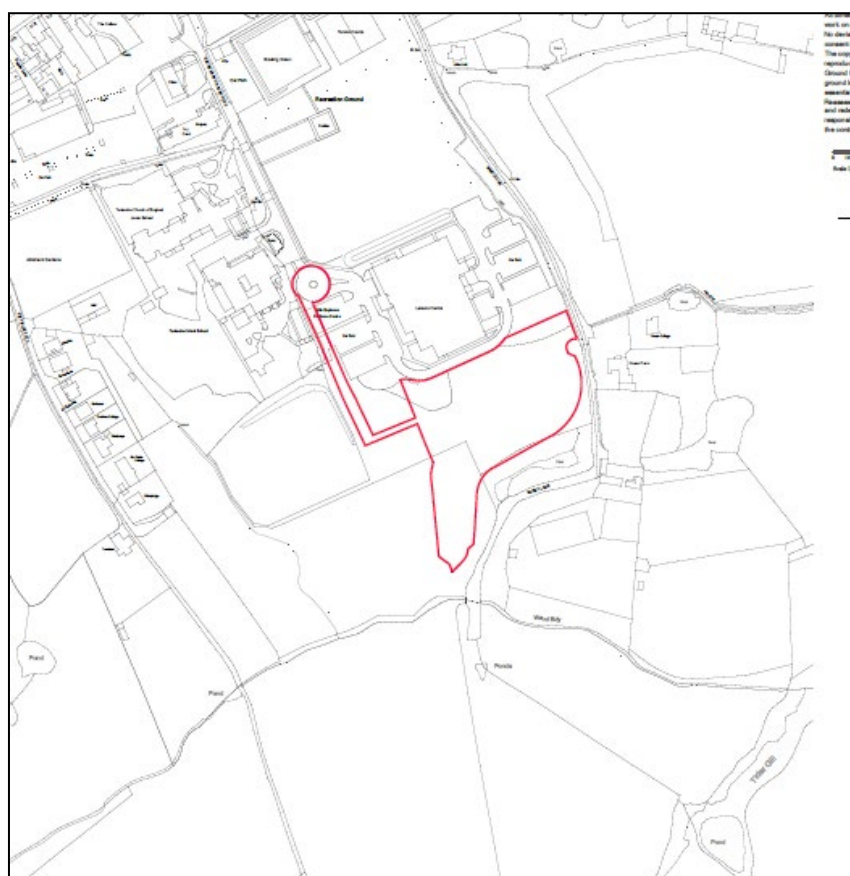


Figure1: Site location plan

Proposal

4. This planning application is to amend the Phase 3 layout approved under application reference 16/01853/AS, which provides for 31 housing units, to provide an additional 5 units (36 housing units in total). The proposal does not involve any changes to the alignment of routes, or to the structural landscaping. It proposes the substitution of some of the larger house-types with smaller house-types and changes to some plot boundaries and related boundary planting to allow the additional units to be provided.
5. The proposed layout is shown in Figure 2 below. By way of comparison, the layout approved under 16/01853/AS is shown in figure 3 below.



Figure 2: Proposed layout



Figure 3: Approved layout

6. The proposed 36 unit scheme comprises 12 different house types all of which are found in the approved scheme, providing a mix of 2 and 3 bed houses and 1 x 4 bed house. The scheme includes 14 affordable homes - an increase of 2 units from the approved scheme.

7. Tables 1 and 2 have been provided by the developer to provide a comparison between the dwellings approved by the extant planning permission and that now proposed. These are shown in figure 4 below.

Proposed Mix Schedule					
Type	Tenure	Bedrooms	Area (sqm)	Number of Units	Total (sqm)
W-3-2-H (A1)	Private	3	104	3	312
W-3-2-H	Private	3	104	2	208
N-3-2-H (B)	Private	3	98	6	588
N-4-2-H (B2)	Private	3	116	1	116
W-3-2-C (A2)	Private	3	104	2	208
N-2-2-C (D2)	Private	2	83	2	166
N-2-2-C (B2)	Private	2	82	1	82
N-2-2-C (B3)	Private	2	80	4	320
W-4-2-H (A)	Private	4	122	1	122
N-2-2-C (D)	Affordable	2	83	1	83
N-2-2-C (A)	Affordable	2	83	9	747
W-3-2-C (A10)	Affordable	3	97	4	388
TOTALS				36	3,340

Approved Mix Schedule					
Type	Tenure	Bedrooms	Area (sqm)	Number of Units	Total (sqm)
N-3-2-H (A1)	Private	3	99	1	99
W-3-2-H (C)	Private	3	104	3	312
W-4-2.5-H (F)	Private	4	156	1	156
W-3-2-C (B)	Private	3	122	2	148
W-4-2-H (B)	Private	4	122	1	122
W-5-2.5-H (D)	Private	5	190	2	380
W-4-2.5-H (D)	Private	4	155	2	310
N-4-2-H (A)	Private	3	116	2	232
W-5-2.5-H (C)	Private	5	188	1	188
N-4-2-C (B)	Private	3	115	2	130
W-3-2-H (B)	Private	3	104	1	104
EW-3-2-H (A1)	Private	3	104	1	104
N-2-2-C (D)	Affordable	2	83	1	83
N-2-2-C (A)	Affordable	2	83	6	498
W-3-2-C (A1)	Affordable	3	97	3	291
N-2-2-C (D1)	Affordable	2	83	1	83
W-3-2-C (A)	Affordable	3	97	1	97
TOTALS				31	3,337

Figure 4: Comparison of approved and proposed schemes

8. A selection of the house types are shown in figures 5a - f below:



Figure 5a: 2-bed semi-detached cottage (private)



Figure 5b: 2-bed semidetached cottage (affordable)

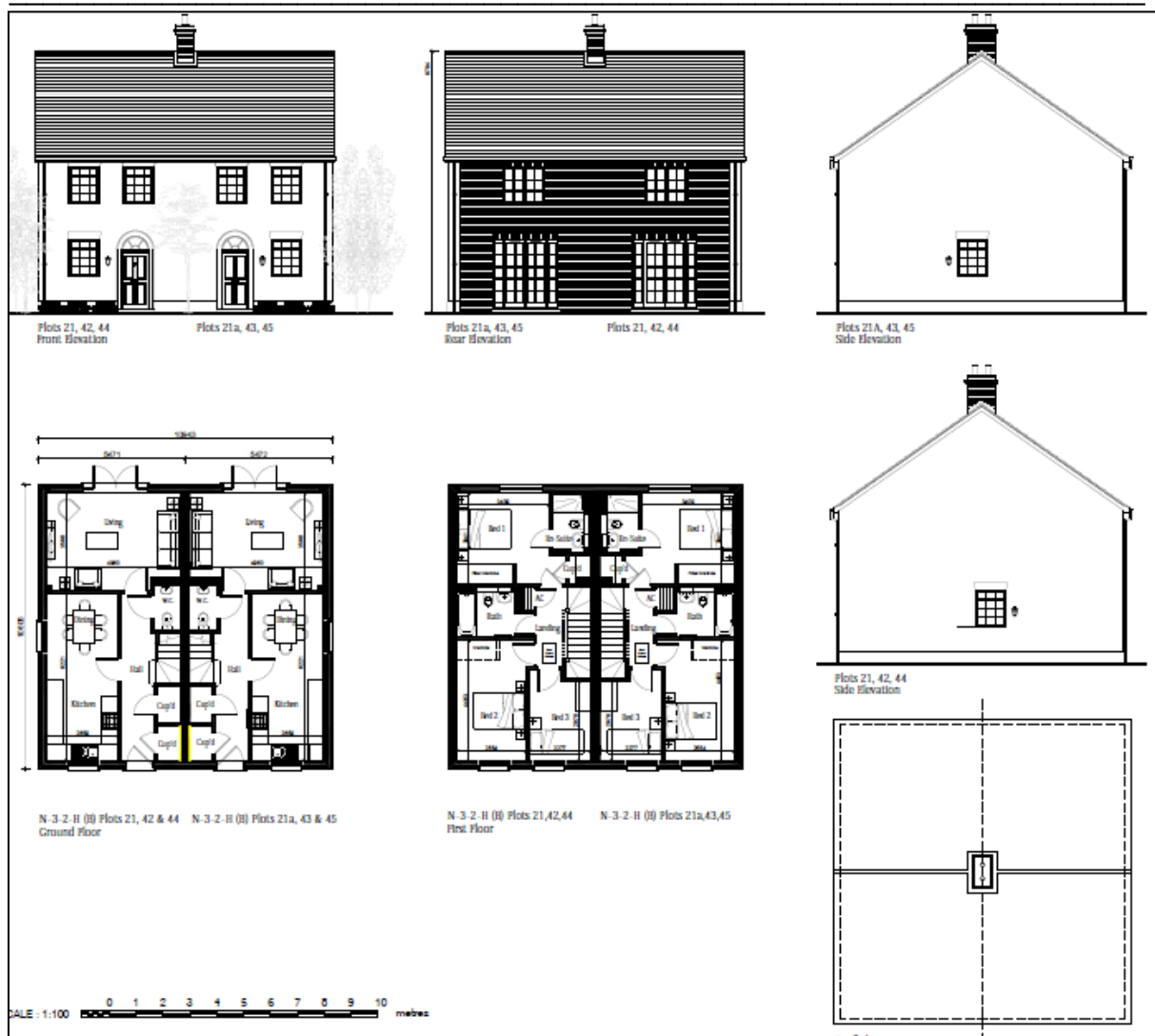


Figure 5c: 3-bed semi-detached unit (private)



Figure 5d: 3-bed semi-detached unit (Affordable)



Figure 5e: 3-bed detached house (private)



Figure 5f: 4-bed detached unit (private)

The following information has been submitted in support of the application:

Arboricultural Impact Assessment and Method Statement

This report identifies a number of good trees within the site boundary but these are within the retained green space. The report concludes that there are no known overriding arboricultural constraints which would prevent the proposed development from going ahead subject to appropriate tree protection measures.

Metal Detecting Survey and Archaeological Watching brief Report

The metal detecting survey revealed no significant finds. No features or finds of archaeological significance were revealed during the course of the watching brief.

Planning Statement

This statement affirms that the increase of 5 houses would result in a more appropriate mix and size of dwellings, which would be more suitable for the private housing market. As such, the proposed development maintains the same quantum of development in floorspace though provides a better choice of market homes for people to purchase and will result in all homes being under the Help to Buy threshold. The proposal also continues to provide the same quantum of affordable housing as the extant permission, plus an additional two dwellings, this being 40% of the additional dwellings within Phase 3.

The statement further affirms that the proposed development will follow the design principles established within the extant planning permission and would provide high quality new homes that respect the local character and setting of the site.

It concludes that there would be no material impacts as a result of the proposed increase of Phase 3 to 36 dwellings and that the proposals would be consistent with relevant planning policy set out within the Local Plan.

Technical Addendum to Tent1A Flood Risk Assessment

This report concludes that the proposed housing adjustment in Phase C will increase the overall proposed impermeable catchment area by 514m². The attenuation volume within the Flood Storage Area 2 basin is designed to be 30,000m² so the proposed increase still leaves 8,296m² available. The Area 1 basin remains unaffected.

The main adoptable drainage runs are to remain as constructed as Section 104 Agreement has been provided.

The main carriageway is to remain as designed as Section 38 Agreement has been provided.

Technical note on transport effects

This note concludes that the additional number of vehicles calculated would equate to one additional vehicle movement every 20 – 30 minutes on average. It states that this increase would not be perceptible in practise.

Updated preliminary Ecological Appraisal

This report concludes there are no obvious and immediate issues regarding protected floral or faunal species on-site and no further surveys to determine the presence of protected species are required. It makes recommendations to prevent dust deposition within the adjacent woodland by fitting the HERAS boundary fencing with dust netting. It also identifies the need for the amphibian fencing to be repaired and checked every two weeks by the site manager to avoid species re-entering the site. It sets out a pre-cautionary approach for the build due to the presence nearby of badger and identifies ecological enhancements.

Planning History

14/00757/AS - Residential development of 250 dwellings to include creation of new vehicular accesses from Smallhythe Road and Recreation Ground Road, new pedestrian access, open space, landscaping and associated works. APPROVED 1/10/15.

16/01853/AS - Variation of condition 6 on planning permission 14/00757/AS in relation to house layout/type on phases 3,4 and 5; variation of condition 52, 54 and 76 on planning permission 14/00757/AS and removal of condition 52 on planning permission 14/00757/AS. APPROVED 8/12/17.

Consultations

Ward Member: No comments received.

Tenterden Town Council: supports this application on condition that the car ports between plots 39 and 40 which will impact on No. 13 Recreation Ground Road are relocated to a more suitable position.

The Town Council would like to request that ABC look at opportunities for Tenterden Community Land Trust to be involved with Dandara in the provision of their affordable homes for phase 3.

Natural England: No comment.

Southern Water: No objection.

KCC Highways and Transportation: No objection subject to conditions.

KCC Developer Contributions: Contributions have been requested in respect of primary education, community learning, libraries, youth, social care and waste. There is currently no secondary school requirement. A planning condition is advised to secure Broadband.

KCC Public Rights of Way (PROW): They note that a PROW AB33A passes adjacent to the site. They propose a general informative but have no other comments to make.

Kent Police: They have suggested that the applicant makes an application for a SBD award for Security. They identify the need for 1.8m high gates to rear gardens, lockable on both sides, and for the gates to be positioned where they don't create recesses.

ABC Housing: The Council's Housing Department are delighted to see these affordable housing units come forward as part of the TENT1 development. They would expect the properties to meet the Nationally Described Space Standards. In the case of any 2-bed homes they would expect four-bed spaces to be provided and in the case of 3-bed homes they would expect five bed spaces to be provided.

(Officer comment: I can confirm that this is the case.)

They would ideally expect the units to be spread throughout the site rather than positioned in one cluster, though note the compact nature of the site when asking for this. This would assist any registered provider greatly with the management of these properties in due course and enhance community life within the development.

They would also expect the affordable housing properties to be visually integrated into the site and not discernible from the open market dwellings. In this regard we would like to commend Dandara on the units at the recreation ground end of the TENT1 development which they consider to be the blueprint for how affordable housing should be visually integrated into a site.

In line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard.

Cultural Services: Off-site contributions are requested in respect of natural/informal open space; children's play space and sports pitches for projects on the adjacent Recreation Ground. A contribution is also requested towards allotments. A contribution is requested towards strategic parks but as Tenterden Recreation ground is not a strategic park this should go towards Conningbrook Lakes Country Park.

Environmental Protection: No comments. These documents do not alter the comments previously made on the 2014 application.

Refuse: The facilitation of waste looks a straight forward front of property collection for plots 10-50b with a good layout enabling the vehicles to get round the site in a

forward gear. However block 4 for plots 1-9 has a bin store that lays back off the road - this must be within 10m of where the refuse vehicle passes. (**Officer comment:** This apartment block does not form part of this application).

Neighbours

A total of 51 neighbours have been consulted and 7 individual representations have been received, all of which have raised objections to the proposal:

- Increase in unit numbers above which new residents were not informed. Significant departure from original scheme. Too dense.
- The amendments would result in a social housing imbalance with not enough affordable homes provided. (**Officer comment:** Of the 5 additional units, 2 units would be affordable housing).
- The development includes too many affordable homes.
- The proposals will include garages that will cause considerable loss of light to adjacent houses in Recreation Ground nos. 9-17. They will tower over the small town gardens and seriously overshadow them.
- The siting of these garages may improve the 'Street Scene' of the amended phase three but will blight the lives of existing residents.
- Is it necessary to have these garages in the first place? Much of the existing Church View estate units have neither garages nor car ports but are quite happy with hard standing which disadvantages no-one.
- There has been no consultation process with affected residents in Recreation Ground Road.

A petition has also been received signed by 12 residents in 7 households in Recreation Ground Road. It raises the following objections:

- Unacceptable increase in density;
- The amendments include car ports that abut the rear fence line of existing properties in Recreation Ground Road. These car ports will loom over the shallow rear gardens of the existing properties resulting in loss of light / sunlight.
- Existing residents did not buy into this.

Following the submission of amended plans, which show the garages in a different position, a targeted reconsultation was carried out of the 7 households in Recreation Ground Road that back onto the application site. No representations have been received on the amended plans.

Planning Policy

9. 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).
10. 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).
11. 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

HOU3a – Residential windfall development within settlements

HOU12 – Residential Space Standards – Internal

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

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

TRA3a – Parking standards for residential development

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light pollution and promoting dark skies

ENV6 – Flood Risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable Drainage

ENV12 – Air Quality

ENV13 – Conservation and enhancement of heritage assets

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, Sport, Play and Open Spaces

COM3 – Allotments

COM4 – Cemetery provision

IMP1 – Infrastructure provision

IMP4 – Governance of Public Community Space and Facilities

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

Informal Design Guidance

TENT1A Masterplan

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

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 10 - Supporting High Quality Communications

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG)

Technical Housing Standards – Nationally described space standards

Assessment

Background

14. Planning permission (ref: 14/00757/AS) was granted in September 2015 and subsequently revised in December 2017 (ref: 16/01853/AS) for the

development of the site to provide 250 residential dwellings. The site is being delivered in part by Dandara Ltd, comprising 138 dwellings within its Church View development and in part by Taylor Wimpey, comprising 112 dwellings within its Three Fields development.

15. The current application relates only to Phase 3 of Dandara's Church View development which is the only phase where development has not started. This currently has permission for 31 dwellings and this application proposes to increase this to 36 dwellings.

Principle of development

16. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
17. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified.
18. In the rural areas, larger scale development (in a rural context) is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb new housing. This is reflected in the Council's strategic objectives set out in policy SP1 which indicates that in order to deliver the Council's 'Vision' development should be focussed at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible. Tenterden is an existing defined settlement that provides a large range of shops and services to meet daily needs. Tenterden is identified in both policies HOU3a and HOU5 as being a settlement that is capable of accommodating residential development and infilling within its built up confines and also adjoining/close to its built up confines.
19. The application site forms part of a wider site allocation identified for 250 units in the Tenterden and Rural Sites DPD (now superseded) and for which planning permission has already been granted. The development has commenced and is largely built out across much of the wider site. The principle of the development on the application site has already been established.

20. To be acceptable however this proposal needs to demonstrate that the proposed intensification is in accordance with the masterplan principles (see section on Visual Amenity) or at least provide a robust case for departing from those principles. It also needs to accord with the relevant policies in the development plan.
21. Policy HOU5 of the Ashford Local Plan allows for windfall developments within the countryside where they are close to or adjoining the existing confines of settlements, such as Tenterden. The proposed increase in the number of dwellings in Phase 3 is considered to be a windfall development. The proposed development meets the criteria set out by Policy HOU5 being in a sustainable location, being proportionate to the settlement and being of a high quality design and appropriate scale and mass which reflects the local character (see also section on Visual Amenity).
22. I therefore raise no objections in principle.

Visual Amenity

23. The TENT1A masterplan was informed by design review and a series of workshops. It sought to create character areas around the site, which responded to the different contextual conditions and to the variety of urban and architectural character identified in Tenterden.
24. The phase 3 development crosses two of these character areas (CA): the Recreation Ground Road Entrance CA and Green Edge CA. These are described in different terms: the former seeking to resemble 'some of the traditional residential streets which lie to the east of the High Street with pairs of semidetached houses' (more intensive built form) and the latter a less intensive development resembling 'the interface onto a village green with houses of traditional proportions and larger front gardens'. This reflects the less intensive nature of development that you might expect to find at the edge of a settlement.
25. The proposed layout does not add significantly to the quantum of development within phase 3 - see tables in figure 3 of this report that show the quantum of development between the approved and proposed schemes has increased by just 3sqm. The increase in housing units has been achieved by replacing some of the larger units within this phase with a greater number of smaller ones. Significantly, the layout retains the urban character along the boundary with the Leisure Centre and the looser grain of development along the southern boundary of the site with open countryside to preserve the green interface identified in the masterplan.
26. Whilst the range of house types proposed has been decreased, this proposal would still include a large number of house types for a scheme of this scale, ensuring that variety across the phase is preserved. The proposal does not introduce any new house types – all of the house types used are specific to the Tenterden development - and the high quality materials/treatment would

remain unchanged. I am therefore satisfied that the proposed scheme continues to provide a range and mix of dwelling types and sizes in accordance with Policy HOU18. I am also satisfied that this proposal would not result in a dilution of design quality. As with the approved scheme, all units would have timber windows and where sash windows are proposed these would have a traditional sliding mechanism.

27. In my view, the proposed layout maintains the principles set out in the Masterplan. It retains a high quality of design and layout in accordance with Policy SP6 of the Ashford Local Plan. The proposal would not have any unacceptable adverse visual impact.

Residential Amenity

28. The houses that have been completed to the west of the application site are now mostly occupied by new residents. A number of these residents objected to the scheme as first submitted. Their particular concern related to the proximity of some of the proposed garages to their rear boundaries and the potential overshadowing effect of these structures on their rear gardens which could be detrimental to their residential amenity. The scheme has since been amended by pulling these structures forward away from rear property boundaries. I do not consider that the amended layout would be harmful to residential amenity, particularly as the land slopes gently downwards away from this boundary with neighbours which would reduce the impact of the garages still further.
29. The proposed development meets nationally described space standards for internal space and as such accords with Policy HOU12 of the Ashford Local Plan.
30. In respect of private external open space, it has always been the case that a number of properties in this phase of the development have rear courtyard gardens that do not meet the minimum size standard. These are the properties that back onto the Leisure Centre and are easy walking distance from the Recreation Ground. This proposal would not make these gardens any smaller. It would result in a marginal reduction in the size of some of the larger gardens but these would remain policy compliant, in accordance with Policy HOU15.
31. In view of the above, I am satisfied that the proposed scheme as amended in this application would not be harmful to residential amenity.

Highway Safety and Parking

32. KCC Highways and Transportation has commented that the proposed road alignment is unchanged from the previously approved layout and the revision to accommodation results in the addition of just 5 dwellings. The resulting change in traffic generation and flow is negligible and as such does not cause concern regarding its impact on the wider highway network.

33. Allocated vehicle parking and secure cycle parking has been provided to the adopted standards. With regard to the visitor parking as shown, this is largely clustered on the southern green edge of the layout. Ideally this should be further spread throughout the layout, with more provision on the northern road. This is however little different from the previously approved layout and as this site will be encompassed by parking restrictions which will prevent problem parking no objection is raised on this basis.
34. KCC Highways and Transportation raise no objection subject to a number of conditions and on this basis I am satisfied that the proposal is acceptable in terms of highway safety.

Biodiversity

35. The site has been cleared of vegetation in preparation for construction to begin under the approved scheme with planting retained along the southern boundary of the site. The proposed development needs to be implemented in accordance with the approved biodiversity strategy for the site and include ecological enhancements in line with Policy ENV1. A suitable condition is proposed to secure this.

Drainage

36. The proposed development only very marginally increases the built footprint of development and on that basis I do not consider that any additional measures are required above and beyond the drainage system that has been approved for the wider site, the details of which have already been discharged

Affordable Housing

37. The approved scheme for 250 units made provision for 35% affordable housing which was in line with policy CS12 of the Ashford Core Strategy, now superseded.
38. This proposal would provide 14 affordable housing units, broken down as follows:

Phase C - Shared ownership

Plot 10 - 1 x 2 bed detached house

Plot 17 - 1 x 2 bed semi-detached house

Plots 22-23 - 2 x 3 bed semi-detached houses

Plots 26-27 - 2 x 2 bed semi-detached houses

Phase C - Rented

Plots 11-16 - 6 x 2 bed semi-detached houses

Plots 24-25 - 2 x 3 bed semi-detached houses

39. By increasing the number of affordable housing units in this phase of development by 2 units, this amended scheme provides 40% affordable housing in accordance with Policy HOU1. This clearly weighs in favour of the proposal.
40. The affordable housing will be visually integrated into the scheme. All of the affordable housing units proposed as part of this development are the same in terms of their design specification to other housing units on the Dandara site.
41. In view of the above, I am satisfied that this proposal is acceptable in this respect. The additional affordable housing units will need to be secured through a new legal agreement or a deed of variation to the existing one. This would also need to secure that at least 20% of the homes are built in compliance with building regulations part M4(2) as a minimum standard in accordance with Policy HOU14.

Planning Obligations

42. 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
43. Dandara have recently been invoiced for the contributions that are required at 60 occupations. They are a long way from paying the contributions on all 138 units. The additional 5 units on this current application would increase the number of units on the Dandara site to 143.
44. There would need to be a new legal agreement (or amendment to the existing legal agreement) to capture the greater level of contributions to mitigate for the impact of a more intensive development.
45. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Housing

46. As a proposal for 10 or more dwellings the development would trigger a requirement to provide 40% affordable housing split into the mix as set out in the relevant section above. 20% of the dwellings shall be built to higher accessibility standards (Part M4 (2) of the Building Regulations).

Kent County Council contributions

47. **Education** - The development proposal gives rise to additional primary and secondary school pupils during the occupation of the development. There is, under the approved scheme - 14/00757/AS – an agreement to pay contributions towards secondary education for the 31 units. This still stands and must be applied to 31 of the dwellings under this application. There is currently no additional secondary school requirement under this application.
48. As part of this current planning application, KCC has requested a contribution towards the expansion of existing primary school provision in Tenterden South Education Planning Group for the extra five units.
49. KCC has also requested contributions under this application for the 5 additional units in respect of the following. These are on top of those already agreed under 14/00757/AS for the 31 unit scheme.
50. **Library contribution** – contribution towards additional resources, services and book stock to serve the increased demand for borrowing arising from the development. This would go to meeting the additional demand upon the Tenterden library.
51. **Community Learning** – There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity. To accommodate the increased demand on KCC Adult Education service, the County Council requests a contribution towards the cost of providing additional resources and equipment at Tenterden Adult Education Centre for the additional learners from the development.
52. **Youth Services** – the S106 contribution was requested towards additional resources for youth services in Ashford Borough.
53. **Adult Social Care** – The proposed development will result in additional demand upon Social Care (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which Social Care are under a statutory obligation to meet. In addition, the Social Care budgets are fully

allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments. The County Council requests a contribution towards extra care accommodation in Ashford Borough.

Contributions under the Green Spaces SPD

54. Policies COM1, COM2, COM3 and COM4 of the Local Plan 2030 and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure and facilities required to meet the needs generated by development. The LPA may consider whether an application in a settlement with assessed and demonstrated public open spaces needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon those facilities.
55. Contributions are as per those set out in table 1. Whilst it will still stand that the contribution towards strategic parks in the original s106 contribution for the 31 units will go to the Tenterden Recreation Ground, the contribution on the extra 5 units will go towards Conningbrook Lakes Country Park. This is because under the new plan the Tenterden Recreation Ground is no longer a strategic park. Strategic parks by their very nature are there to serve all residents of the borough and beyond and hence the contribution towards Conningbrook Lakes Country Park for the 5 extra units will benefit the residents of this development also.
56. There are no contributions within the existing S106 for informal/natural green space or children's play space since this space/facilities have been provided on site as part of the implementation of the 250 unit scheme. The off-site contributions sought as part of this application for projects within the Tenterden Recreation Ground only apply to the 5 additional units which are sought as part of this current application.

NHS

57. The S106 agreement agreed under the approved permission 14/00757/AS makes a contribution towards health. Whilst no new NHS contribution has been requested under this application, this previously agreed contribution needs to be carried forward for 31 of the new units and the previous exemption on affordable housing removed as this no longer applies.

Voluntary Sector (to confirm)

58. The S106 agreement agreed under the approved permission 14/00757/AS makes a contribution towards the voluntary sector. Whilst no new contribution has been requested under this application, this previously agreed contribution

will still stand and must be applied to 31 of the new dwellings under this application.

Heads of Terms for Section 106 Agreement/Undertaking

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><u>Affordable Housing</u></p> <p>In accordance with table within Policy HOU1. Provide not less than 40% of the units as affordable housing.</p> <p>To provide the affordable rent units and shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>8 affordable rent units</p> <p>6 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>Necessary 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>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
	<p><u>Accessible Housing</u></p>		<p>Dwellings</p>	<p>Necessary as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local</p>

Ashford Borough Council - Report of the Head of Planning and Development
 Planning Committee 14th October 2020

	<p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>Provide on-site 20% of all units</p>	<p>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>Plan 2030 and guidance in the NPPF</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided</p>
	<p><u>Adult Social Care</u></p> <p>Project: Towards Extra Care Accommodation in Ashford Borough.</p> <p>All homes built to Wheelchair Accessible and adaptable standard in accordance with building Regs Part M 4 (2).</p>	<p>36 units</p> <p>£146.88 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</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</p>

Ashford Borough Council - Report of the Head of Planning and Development
 Planning Committee 14th October 2020

				estimated number of users and is based on the number of dwellings.
	<p><u>Allotments</u></p> <p>Specific Project: Contribution towards provision of or improvements to allotments and associated facilities and maintenance thereof.</p>	<p>36 units</p> <p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind 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><u>Informal/Natural Green Space</u></p>	<p>5 units</p>		<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand</p>

Ashford Borough Council - Report of the Head of Planning and Development
 Planning Committee 14th October 2020

	<p>Project: Contribution towards provision of or improvements to informal / natural green space at Tenterden Recreation Ground and associated facilities and maintenance thereof.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>pursuant to Local Plan 2030 Policies COM1, COM4, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind 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><u>Children’s and Young People’s Play Space</u></p> <p>Project: Contribution towards provision of or improvements to children’s and young people’s play space at Tenterden Recreation Ground and associated facilities and maintenance thereof.</p>	<p>5 units</p> <p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind 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><u>Community Learning</u></p> <p>Project: Towards additional resources and equipment for additional learners from development at Tenterden Adult Education Centre (AEC).</p>	<p>36 units</p> <p>£16.42 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</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 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>Health Care</u></p> <p>Project: Contribution towards improvements to Ivy Court Surgery in Tenterden or other health care services and/or facilities in the area.</p>	<p>31 units</p> <p>£720 for each 2-bed dwelling £1008 for each 3-bed dwelling £1260 for each 4-bed dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</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>Project: Contribution towards additional resources, services and book stock for the Tenterden library for new borrowers generated by the development.</p>	<p>36 units</p> <p>£55.45 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary 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> <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>Outdoor Sports Pitches</u></p> <p>Project: Contribution towards the provision of or improvements to outdoor sports pitches and associated facilities and maintenance thereof.</p>	<p>36 units</p> <p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches 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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind 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><u>Primary Schools</u></p> <p>Project: Towards the expansion of existing provision in the Tenterden South Education planning group.</p>	<p>5 units</p> <p>£4642 per house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and 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 children of occupiers will attend primary school and the facilities to be funded would 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 primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Secondary Schools</u></p> <p>Project: As per existing legal agreement.</p>	<p>31 units</p> <p>£4,115.00 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and 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 children of occupiers will attend primary school and the facilities to be funded would 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</p>

				estimated number of primary 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><u>Strategic Parks</u></p> <p>Project: Contribution towards maintenance of or improvements to Tenterden Recreation Ground as per existing legal agreement</p> <p>And Conningbrook Lakes Country Park</p>	<p>31 units</p> <p>5 units</p> <p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind 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><u>Voluntary Sector</u></p> <p>Project: Contribution towards the provision of premises and facilities for use by voluntary organisations and towards community</p>	<p>31 units</p> <p>£87 per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be</p>

Ashford Borough Council - Report of the Head of Planning and Development
 Planning Committee 14th October 2020

	development and voluntary sector activity within the same settlement or in a reasonably accessible alternative location			available to them. Fairly and reasonably related in scale and kind considering the extent of the development.
	Waste: Project: Towards new waste floor at the Ashford Waste Centre	5 units £237.54 per dwelling		Necessary: In order to secure adequate waste services for future residents Directly Related: Future residents will utilise waste collection services Fairly and Reasonably related in scale and kind: the calculations are based upon site specific data and requirements.

	<p><u>Youth Services</u></p> <p>Project: Towards additional resources for Youth services in Ashford Borough</p>	<p>36 units</p> <p>£65.50 per house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the 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 and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</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 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary</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</p>

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 14th October 2020

			thereof in subsequent years (if not one-off payment)	considering the extent of the development and the obligations to be monitored.
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid. Any other contribution not specified above to be carried forward as per original S106.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

59. 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

60. 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

61. The site for which this development relates forms part of an extant housing permission for 250 units on a site formerly allocated for such development in the Tenterden and Rural Sites Local Plan, now superseded. The proposed development seeks to intensify Phase 3 of this development with an additional 5 housing units to provide 36 units on the site. This is achieved without making any changes to the layout of routes or structural landscaping but by substituting some of the larger units for smaller ones and making some changes to plot boundaries. There would as a result of these changes be no material increase in building footprint on the site.
62. The development is HOU5 compliant being in a sustainable location and of a scale proportionate to the scale of the settlement. There would be no dilution in design quality with the amended scheme providing a high quality of design and layout which accords with the character guidelines set out in the TENT1A masterplan for the approved scheme.
63. As submitted the proposed development included some garage structures in close proximity to existing property boundaries. Following concerns raised by residents the scheme has been amended and I am satisfied that the proposed development would not be detrimental to the residential amenity of existing residents. The units meet Nationally Described room standards and whilst some of the gardens are shallower than the minimum length of 10m set out in the Council’s external open space standards, this is unchanged from the approved scheme. Given the proximity of these units to the Tenterden Recreation Ground, I do not raise any objections. I am therefore satisfied that the proposal is acceptable in terms of residential amenity.

64. KCC Highways and Transportation has confirmed that the additional 5 units would not be harmful to highway safety and that parking has been provided in accordance with the required standards. I am satisfied that the proposal is acceptable in all other respects subject to the applicants entering into a section 106 amendment / deed of variation to the existing s106 agreement to secure the provision of affordable housing and other off site contributions to mitigate for the impact of the development.
65. I therefore conclude that proposed development represents a sustainable development of the site in accordance with national and local planning policy.

Recommendation

(A)

Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 and / or a deed of a variation, in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Permit

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

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials – development carried out in accordance with materials approved under 14/00757/CONL
4. Design details – Development implemented in accordance with details approved under 14/00757/CONK; CONM and CONO.
5. No flues, vents, grilles or meter boxes installed on front elevation
6. All sash windows shall be fully operational sliding sashes
7. All windows – timber
8. Details of boundary treatment

9. Details of hard landscaping in accordance with those approved under 14/00757/CONL
10. External lighting
11. Implementation of Restricted Parking Zone
12. Details of facilities to accommodate refuse storage 16/01853/CONA
13. Submission of details of soft landscaping
14. Replacement of trees that die within 5 years
15. Retention existing hedgerows
16. Retained trees and shrubs
17. Landscape management plan for that phase 16/01853/CONA
18. Final levels for phase
19. Ecological enhancements in accordance with 14/00757/CONF
20. Herpatile exclusion fencing in accordance with 14/00757/CONF
21. Mitigation strategy 16/01853/CONA
22. Badgers 16/01853/CONA
23. Mitigation in accordance with approved Ecological Assessment by Ecology Solutions Ltd, May 2014
24. Vehicle parking and turning
25. Bicycle storage facilities 16/01853/CONA
26. No occupation of dwellings south of leisure centre until Sandy Lane pedestrian link implemented in accordance with details 16/01853/CONA
27. Construction Code of Practise approved under 14/00757/CONP
28. Footpath surfacing
29. Sewage connection
30. SUDS in accordance with 16/01853/CONA
31. Removal of permitted development rights car barns
32. Removal of permitted development rights extensions
33. Removal of permitted development rights fences and outbuildings
34. Occupied as single family dwelling
35. Archaeology – as approved under 14/00757/CONA
36. Enforcement condition

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 applicant/ agent responded by submitting amended plans, which were found to be acceptable.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 20/00604/AS)

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 14th October 2020

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