

Application Number	21/000442/AS	
Location	Smallhythe House, Tawny Bank, Oakengates, Woodberry and Micken Lodge, Smallhythe Road, Tenterden, Kent TN30 7LN	
Grid Reference		
Parish Council	Tenterden Town Council	
Ward	Tenterden South	
Application Description	Redevelopment to form 53 apartments for older people (60 years of age and/or partner over 55), guest apartment, communal facilities, access, car parking and landscaping. Revised scheme to application reference 19/01669/AS	
Applicant	Churchill Retirement Living Ltd	
Agent	Planning Issues Ltd	
Site Area	0.64ha	
(a) 133/3R	(b) -	(c) KCCEC/X, ABCEP/X, ABCH/X KF & R/X,

Introduction

1. This application is reported to the Planning Committee because it is a major planning application. An appeal has been lodged against the non determination of the previous application reference 19/01669/AS (seeking permission for 53 apartments) and a hearing date is currently awaited.
2. The previous application was subject of a deemed reason for refusal on the following grounds:
 1. *The scale and mass of the proposed scheme, in combination with the loss of green and open space around the front of the site would result in a scheme with a cramped appearance that would be harmful to the character and setting of the adjacent High Weald AONB and Tenterden Conservation Area, contrary to the provisions of Policies SP1, SP6, HOU3a, ENV3a,b, ENV13, ENV14 of the Ashford Local Plan, the High Weald AONB Management Plan and the provisions of the National Planning Policy Framework.*

2. *In the absence of a S106 Obligation providing for infrastructure payments the scheme would be in contrary to the provisions of Policy IMP1 of the Ashford Local Plan 2019 and the provisions of the National Planning Policy Framework*
3. The first deemed reason for refusal essentially related to concerns about the bulk and mass of the frontage block and how it failed adequately to take the opportunity to break up the mass of the block fronting onto Smallhythe Road. It attempted to break up the scale and mass by giving the appearance of a series of individual terraced houses with different roof lines, design and materials rather than a single consolidated block with a repetitious design. However it was not considered that the approach would be sufficient. This scheme therefore primarily addresses the front elevation and the scale, design and materials now proposed. In order to be consistent with the previous assessment, which did not raise objections to any other elements of the scheme, this report takes the same approach.

Site and Surroundings

4. This is a roughly rectangular shaped site made up of 5 plots - 4 residential and one commercial - on Smallhythe Road within the built up area of Tenterden. The site is elevated from the street with the properties set back on their plots with landscaping to property boundaries. The houses are mid-20th Century and 1 or 2 storeys in height. The commercial unit is situated behind the property known as Tawny Bank and accessed along a short drive which extends along the northern boundary of the site. In contrast to the residential plots, this plot is dominated by hardstanding for the parking of cars.
5. To the north of the site is the wide access road which serves the supermarket and its car park. This road also serves a relatively recently built residential block of 36 retirement living apartments, which is situated to the north east of the site. The area to the east and south east forms the TENT1a residential allocation in the development plan. Phase A is now largely built out.
6. To the west and south west of the site on the opposite side of Smallhythe Road to the application site is parkland associated with the large Grade II listed building, known as Heronden. The boundary of the parkland with the street is well planted with a red brick wall.
7. The application site adjoins the High Weald AONB, which lies immediately to the west of the site. It also adjoins the Tenterden Conservation Area which also lies to the west and takes in Heronden and its park land setting.

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

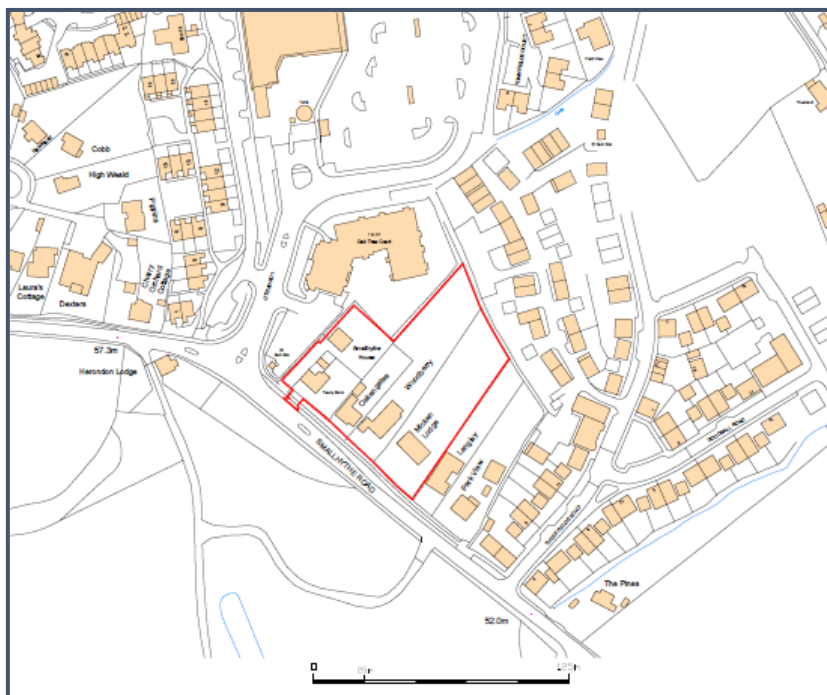


Figure 1: The Site



Figure 3: Block Plan for previous application

12. The majority of the floorplans comprise the 1 and 2 bed apartments but at ground floor would lie a reception room, and communal lounge with access to an owners lounge patio. Vehicular access to the site would lie along the north western side of the frontage building leading to 34 parking spaces aligned with the north west boundary the north eastern boundary where it abuts the garden of the nearby McCarthy Stone scheme. Pedestrian access to the site leads from Smallhythe Road into the building, from Smallhythe Road leading to the bin store and from the parking area in a circular route around the sides and rear of the site providing access to the landscape gardens.
13. The landscaping scheme proposes the retention of existing trees where suitable for retention on the boundaries with proposed trees and native planting to enhance the existing planting screen. Inside the boundary planting, the site would be laid to lawn with planting beds adjacent to the building and around small individual patios, adjacent to the ground/lower ground floor apartments (depending upon site levels). An area of lawn would be provided in front of the building with modest scaled planting beds adjacent to the flats, their terraces and along the front boundary.
14. The scheme has been designed along Smallhythe Road to give the appearance of a number of semi-detached buildings by means of changes in ridge height, the front building line and the use of two recessed glazed areas where the front building line is set back from the building on either side. The

roof forms incorporate both gabled and hipped features seeking to differentiate the different elements of the frontage building. A unified palette of materials on this block is now proposed rather than the mixture of brick and render which formed part of the previous scheme. A number of porch canopies are provided suggesting separate entrances. It does however provide a single block of apartments with a part pitched and part crown roof, being two storeys at the front.



Figure 4 Proposed Front Elevation





Figure 5: Front Elevation of Previous Scheme

15. The elevations at the rear are designed making use of the site level changes to provide blocks of 2 and 3 storey development. As at the front they are designed to suggest a number of separate, but terraced blocks using changes in height and roof style to address the bulk and mass of the block. At the rear of the site changes in materials, roof height and different window/dormer designs articulate the block. The changes in levels result in the two storey elements being towards the front of the site with approximately 60% of the length of the rear elevation being 3 storey in height.



Figure 6: Rear/Side Elevations

16. The main change to this scheme is the front elevation, where two glazed sections now replace the previously designed setbacks which were designed to represent two narrow black weatherboarded buildings with pitched tiled roofs. The set back of the glazed sections is much greater than was previously proposed, giving greater emphasis to the separation of the adjoining blocks. Whilst this would be a single block, the greater size of the two setbacks and the change in materials provides a much 'lighter' character to the separation points which would enhance the general character of this building helping to assimilate into the surrounding streetscene.

Planning History

14/00799/AS	Notification of proposed change of use: Prior approval for proposed change of use of B1 Offices to C3 residential Prior Approval Not Required
94/00587/AS	2 storey side and rear extension single storey rear extension Permit
85/01334/AS	Conversion of part of building to use as an office with office Permit
81/00912/AS	Erection of single storey extension to Woodberry with integral garage Permit
19/01669/AS	Redevelopment to form 53 no. apartments for older people (60 years of age and/or partner over 55 years of age), guest apartment, communal facilities, access, car parking and landscaping – currently at appeal for non-determination.

Consultations

At the point at which this report is written the consultation period has not yet expired. It will expire prior to the Committee meeting and any additional comments received will be updated at the committee. In view of the similarities between the two schemes and to provide a context to officers assessment, the report below provides the technical consultee responses for this scheme and the previous ones provided to the committee in September when the previous scheme was reported. The neighbour responses to date are solely for this current application.

Ward Member: No comments received to date

Adjoining Ward Member: Is a member of the planning committee

Tenterden Town Council: Support the scheme subject to the following:

- Amendments to the height and bulk in proximity to the boundary with Langley
- Suitable financial contribution for provision of affordable housing to support the Tenterden community
- Secure improvements to Smallhythe Road as part of the S106 Obligation
- CTMP to be approved in consultation with the Town council and Neighbours
- Detailed statement on compliance with Policy HOU14 and the accessibility standard
- Full fibre connection
- Submission of a SUDS scheme prior to commencement
- ABC to examine the maintenance agreement to ensure it satisfies policy IMP4, that it is reasonable, and fair to the maintenance company and residents

NHS Ashford Clinical Commissioning Group (CCG) facilities: Views awaited: Previously no objections subject to appropriate financial contributions towards the creation of additional capacity.

Highways England: No objection

Southern Water: Views awaited but no objection to the previous application.

KCC Biodiversity: Views awaited but no objections were raised previously subject to a number of appropriate conditions.

KCC Archaeology: Recommend that if planning permission is granted that conditions be attached referring to:

- Submission of a detailed bat mitigation strategy
- Details of a lighting strategy
- A precautionary mitigation approach is acceptable in respect of Greater Crested Newts and reptiles and details of the enhancements and ongoing management of the Greater Crested Newt receptor site are required.

KCC Highways and Transportation: This scheme makes little difference to the previously accepted scheme. No objections subject to a number of conditions to address the following issues: highways conditions surveys, and highways alterations being delivered prior to occupation, submission of a CTMP, provision of electric vehicle charging points, use of bound surface within 5metres of the highway,

provision of cycle parking facilities, alterations to the access to be carried out prior to first occupation.

KCC Flood and Water Management: No objections subject to appropriate conditions.

KCC Economic Development: Identify their infrastructure requirements which are set out below in Table 1.

They request that the units are secured for occupation in perpetuity for occupation only by persons aged 55 and above and on that basis would not seek any education or youth contributions.

A condition is recommended regarding the provision of broadband to the premises.

Kent Fire and Rescue: No objection

High Weald AONB Unit: They have identified the scheme as a major development in the setting of the High Weald AONB advising that such development requires sensitive handling taking potential impacts into account. It referred the LPA to the AONB Management Plan and the checklist to assess the impacts of the proposals on the AONB. In the event that the scheme is considered acceptable we are advised to ensure that the scheme is locally distinctive and conserves and enhances the AONB and that the colour of the materials should reflect the advice within the High Weald Colour Study.

ABC Streetscene and Open Spaces: Views awaited but previously no objection

ABC Environmental Protection: No objection subject to conditions addressing hours of work, details of protection of the surrounding area from dust emissions during construction and how to deal with any unexpected contamination found during construction

ABC Housing: A policy compliant position would secure 40% affordable housing: being 5 for affordable rent and 16 for home ownership. The scheme should meet the nationally described space standards and 20% of all units should be accessible and adaptable.

We note that a commuted sum was previously suggested and would expect this to apply in this instance.

Neighbours:

4 objections received to date raising the following issues:

- Over development
- No need for this type of accommodation in Tenterden which has many such properties already
- In sufficient parking

- Increased traffic and highways safety concerns arising from additional traffic in such close proximity to the entrance to Tesco
- Loss of open space for wildlife
- Adverse impact upon neighbours due to proximity of the scheme to surrounding properties
- Loss of privacy, overlooking and loss of outlook to surrounding neighbours
- Additional pressure on existing services

Any additional representations received will be reported at the meeting.

Planning Policy

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

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU1	Affordable Housing
HOU4	Residential Development in the rural settlements
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA7	The road network and development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas
COM1	Meeting the community's needs
IMP1	Infrastructure provision
IMP2	Deferred contributions

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

Supplementary Planning Guidance/Documents

Residential Space and Layout SPD 2011– External Space Standards Only

Affordable Housing SPD

Landscape Character SPD

Residential Space and Layout SPD 2011– External Space Standards Only

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

High Weald AONB Management Plan

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

High Weald AONB Design Guide

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2018

21. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies

above if they are in conflict with the NPPF. The following sections are considered most relevant:

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

National Planning Policy Guidance (NPPG)

Nationally Described Space Standards

Assessment

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

- The principle of development;
- Landscape Impact
- Impact on visual amenity including the setting of the adjacent Conservation Area;
- The impact on residential amenity of existing and future occupiers;
- Highway impact;
- Ecology;
- Trees/Landscaping;
- SUDS and foul water;
- Housing;
- Planning Obligation and Viability
- 5 Year housing land supply

Principle of Development

23. Central government guidance contained within the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development
24. The Framework encourages "the effective use of land by reusing land which has been previously developed (brownfield land) provided it is not of high environmental value". Annex 2 of the guidance defines 'Previously Developed Land (PDL)' and it is my view that the land would fall within this definition.
25. Applications for new housing should be considered against the principle of sustainable development whilst also considering the need to deliver a wide choice of high quality homes, current and future demographic trends and the need of different people in the community such as, but not limited to, older people, as stated in paragraph 50 of the NPPF.
26. The need to provide housing for older people is critical given the projected increase in the number of households aged 65, the details of which are set out in the DCLG Household Projections July 2016. National policy indicates that plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied.
27. Ashford Local Plan (ALP) 2030 Policy SP1 Sets out strategic objectives, including to focus development at accessible and sustainable locations which utilise the existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities.
28. Local Plan Policy SP2 advises that development outside Ashford will be of a scale that is consistent with the relevant settlement's accessibility, infrastructure, level of services, suitability of sites and environmental sensitivity.
29. Local Plan Policy HOU3a makes provision for residential development of a scale that can be satisfactorily integrated into the existing settlement within the built-up confines of a number of settlements, which includes Tenterden, subject to a number of criteria concerning layout, design and appearance, neighbour amenities, loss of land that makes a contribution to the character of the area, impacts upon landscape, heritage and bio diversity, safe access

to the highway, adequate infrastructure, impact upon the streetscene would not

30. It would be subject to the Council's Dark Skies policy: Policy ENV4, which requires the lighting to be designed such that it is directed downwards to avoid any significant adverse effects either individually or cumulatively on the character of the area, residential amenity, the safety of vehicle users and pedestrians and the interests of biodiversity.
31. Policy EMP2 advises that the loss of existing employment sites will not be permitted unless the site is no longer appropriate for the use in terms of its neighbours impact, the premises could be replaced with the same sized or larger premises within or adjoining the same settlement or it has not been possible to let or sell the premises for an appropriate employment use.
32. In this instance we are advised that the existing business use in one of the buildings (granted in 1985) will continue to operate in other premises in Tenterden. A material consideration is that Prior Approval was confirmed as unnecessary for a change of use of the premises back to a residential use. Attention is also drawn to the fact that the proposed development, once complete would require a lodge manger thus continuing, even if only at a very limited capacity, future employment on the site.
33. There is a clear need and demand for older persons accommodation within the Borough and the site lies within the built confines of Tenterden. Subject therefore to the satisfactory assessment of the issues identified by Policy HOU3a, the scheme could be acceptable in principle.

Landscape Impact

33. The NPPF advises that great weight should be given to conserving and enhancing landscape and scenic beauty in, amongst others, Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
34. Policy SP1 of the Ashford Local Plan 2030 sets out the Council's strategic objectives including the conservation and enhancement of the Borough's natural environment. Policy ENV3a refers to landscape character and design and advises that all proposals in the Borough shall demonstrate particular regard to a number of landscape characteristics including, landform, topography, pattern of trees and woodlands, pattern and distribution of settlements, presence of historic landscape features, setting, scale layout, design and detailing of vernacular buildings, existing features that contribution to the definition of the local landscape character and non designated, locally identified significant landscape features justified in a Parish Plan or equivalent.

35. All proposals affecting the setting of AONB's will also only be permitted where the proposed development is considered to enhance or restore the character of the landscape, enhance the special qualities, distinctive character and tranquility of the AONB have regard to the AONB Management Plan and associated guidance.
36. In terms of Landscape Character, the site lies with the boundary of the High Weald AONB on the opposite side of Smallhythe Road. The character of the High Weald AONB is considered by the High Weald Management Plan which defines its beauty through assessment of 5 essential components which have survived over its history and the landscape patterns and extent which are most prevalent in the AONB. These are geology and landform, water systems and climate, settlement, woodland, routeways and field and heath. These components can be used to assess impacts of a scheme upon the landscape:
37. Turning to the five essential components of the AONB:
- i) **Geology:** Considering the main issue regarding geology it is clear that the proposed scheme would have little, if any impact. The main objective is to protect and enhance soils, sandstone outcrops and other important landform and geological features. Lying outside the AONB this aspect of the AONB would remain unaffected by the application scheme.
 - ii) **Water systems and Climate:** The main objectives are to restore the natural function of rivers and water courses, and help to secure climatic conditions and rates of change which support continued conservation and enhancement of the landscape and habitats. This scheme along with most others would have some impact upon climate changes leading to greenhouse gas emissions which in turn will affect the AONB. However, the site is located within the settlement boundaries identified as a sustainable location for new development with access to facilities and services that minimise the need for the use of the private motor vehicle. Walking and cycling are encouraged by the Management Plan and this objective could be supported by an appropriate condition. The parking requirement for developments such as this are lower than for other forms of residential schemes so compared to a conventional non age related block of apartments the impacts are reduced.

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

- iii) Settlement: The 'vision' of the Management Plan is to support a landscape in which the distinctive and historic pattern of settlement is protected in a way that positively contributes to the natural environment and improvement connections between the countryside and settlements. Settlements need to retain their distinctiveness and individual historic buildings and conservation areas. The adjacent Conservation Area does at this point lie within the AONB, butting up to the site but not including it. The Management Plan considers the key characteristics that could affect the manner in which settlements assimilate with the AONB referring to the "Green-ness of roads and streets with trees, hedges and verges dominant, a limited palette of local materials, clay as tiles and brick, timber as weatherboarding and framing and some localised instances of stone.

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

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

The AONB Unit comments refer to the use of materials that would be appropriate to the setting of the AONB.. The application advises that the materials will match the surrounding context, referencing the adjacent conservation area and will be sourced where possible from local factories and suppliers. However specific materials are not identified and this would be dealt with by means of a condition. The nearby Tent1a development uses a variety of materials and has secured the use of timber windows. Its materials are appropriate to the character of the area and demonstrate a palette that could inform this scheme to ensure it creates a sensitive response to its proximity to the AONB and conservation area.

The issue of design is addressed below where in essence it is considered that the changes made to the frontage block are sufficient, in combination with the use of good quality materials, to ensure that this scheme sits comfortably within the evolving character of this part of Tenterden.

- iv) Woodland: The proposed scheme would have no impact upon the closest woodland which lies adjacent to the Smallhythe Road. Care should be taken with the proposed planting plan to ensure that species are chosen that would be compatible with the AONB, to ensure that invasive non-native species are not chosen that may contaminate the adjacent AONB. This could be dealt with by means of condition.

The High Weald AONB is characterised by small, irregularly shaped and productive fields often bounded by hedgerows and small woodland. The proposed development would lie outside the AONB and in this respect would have no impact upon the adjacent AONB.

38. The impact of the scheme upon the AONB is that relating to a scheme that lies outside, but adjacent to the AONB. It could be argued that the setting of the AONB would be unaffected since this site lies within the built confines and from the AONB would simply be seen as another residential development in amongst other such schemes. Views of the scheme from the directly adjacent AONB would be limited due to the wooded nature of the AONB at this point. However, the site does contribute to the setting of the AONB and the appreciation of its character when seen from the settlement. At present the site contributes to a less densely developed and greener character that is sympathetic to the adjacent AONB. The character of this part of Tenterden has already changed as a result of the completion of the first part of the Tent 1 scheme further to the north east/south east of this scheme at the edge of the entrance into the Town and will change further still as a result of the implementation of the second part of the Tent1 scheme which would abut Smallhythe Road further to the south east of this site. Upon completion of that part of the scheme this site will no longer lie so close to the entrance into the town along Smallhythe Road.
39. The character of the site would change as a result of this scheme with a much denser scheme than at present. However a change could take place simply with the replacement of the existing modest scaled dwellings with larger individual houses utilising the existing generous scaled plots and it would be unrealistic to expect that existing levels of low density housing would remain in perpetuity. The aim of any new development must be therefore to provide a character of development that pays sufficient regard to the existing character such as not to be considered harmful.

40. The scale overall of the scheme has not changed other than on the front elevation. That is the part of the scheme which would interface with the AONB and which was identified previously as the main concern. The design of the front block has been amended to accord with officers advice and the two glazed sections inserted into the front block and the changes to proposed materials/elevation would 'break up' the mass of the front block of this site to an extent that is considered acceptable. This is an approach that has been used in other schemes elsewhere by this applicant. Whilst this may seem a minor change it significantly alters the mass and bulk of the development from the previous scheme and addresses previous concerns about the apparent mass of the frontage block being unsympathetic to the character of this part of the road dominated by small individual houses. It would give the impression of a number of smaller units to a sufficient extent that would overcome the harm previously identified such that it would no longer, in officers' view, result in harm to the setting of this part of Tenterden where it abuts the AONB. Consequently it is considered that the scheme would accord with the guidance seeking to protect the setting of the AONB.

Visual amenity Including Impact upon the Adjacent Conservation Area

41. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (which includes its setting).
42. The above criteria are consistent with Government policy set out in the NPPF which seeks to safeguard heritage assets, and ensure new development responds positively to its context by indicating that Local Planning Authorities should seek to promote or reinforce local distinctiveness
43. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Section 12 seeks to ensure high standards of design that help raise the standard of design more generally in areas and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Section 16 addresses impacts upon heritage assets which are to be conserved in a manner appropriate to their significance.
44. Ashford Local Plan Policy SP1 sets out strategic planning objectives. It includes at c) the conservation and enhancement of designated and non-designated heritage assets. Local Plan policies SP1 d) and SP6 require the highest quality of design. Both these policies are consistent with the NPPF.

45. The context of the site is described above. The wider context to the site is more variable with a new part two; part three storey residential bloc providing 36 retirement living flats to the north east and the TENT 1A development to the east as well as a supermarket building / its access and parking to the north. The TENT1A development is predominantly 2 storey with 2.5 storey interspersed along some of the roads. Semi-detached properties predominate. The scheme includes two 1.5 storey units to the NW of the site and 6 x 3 storey apartment blocks. The 3 storey apartment blocks are designed to appear as town houses. This is an area diverse in character with a general theme of a similar use of high quality materials including brick, clay tiles, tile hanging and timber weatherboarding as well as key design features.
46. Whilst the site is developed with 4 modest housing units and one small commercial unit, the proposed development represents a significantly more intensive, mostly three storey, urban form with a large broadly T-shaped footprint which would dominate the site. In views from Smallhythe Road, the revised scheme takes steps to break up the mass of the frontage block seeking more to reflect the impacts of smaller individual houses and semi-detached units which from the prevalent housing type in this part of Smallhythe Road. It would now have more the appearance of semi-detached housing, at least when glimpsed from an angle along Smallhythe Road, than previously when the gaps between units were insufficient to suggest a break in the mass of the frontage block. On the basis of the changes it is considered that the scheme would fit comfortably into this changing streetscene such that it would not prejudice the character of the adjacent conservation area.
47. The chosen palette of materials on the frontage block have been simplified to provide for a traditional brick elevation with pitched tiled roof – apart from the fully glazed inserts into the frontage ‘houses’. The rear elevations would include natural and painted brick work, plain concrete roof tiles, cedar weatherboarding, in black, ornamental reconstituted stone, timber windows, and powder coated metal balcony railings. With good quality bricks and tiles this would replicate the quality found in some nearby houses for instance in the nearby Tent1A development
48. The ratio of built form to open space is not comparable with the existing situation, although the circulation space around the rear of the building would be adequate. Consequently, I have no concerns relating to density in this respect.
49. Pedestrian access to the main building entrance could be safely achieved and appropriately lit. The submission of a lighting strategy would be a condition of any planning permission.
50. Overall, this scheme would change the character of this part of Smallhythe Road, but as a result of the changes proposed from the scheme previously

considered by the planning committee, it is considered now in an acceptable manner.

Residential Amenity

51. Both local and national policies seek to ensure that existing and future occupants of land and buildings enjoy a good standard of amenity, not being harmed as a result of new development. The position of the building on the site in relation to the surrounding dwellings remains the same in this scheme as the previous scheme and accordingly the impacts upon the neighbouring residents would be the same.

Existing occupiers

52. The proposed scheme would form a 'T' shape building with a 2 storey frontage and part 2 , part 3 storey 'wing' projecting through the middle of the site towards the rear boundary. It would contain numerous windows and balconies/small terraces) facing towards the garden boundaries and therefore towards neighbouring occupiers within the near vicinity.
53. At the front of the site the scheme would remain 2 storeys in height which would adjoin the McCarthy Stone car park to the west and a bungalow to the east. The block would be set back approximately 7.4m's – 10.1 m's from the flank wall of the adjacent bungalow. The depth of the block at this point would be very similar to that of the adjacent bungalow. Flank facing windows in the front section, adjacent to the bungalow, would be to kitchens and the hall only, causing a minimum of overlooking of the side of this bungalow. At ground floor level any overlooking would be prevented by fencing and planting leaving three first floor windows facing the adjacent property. At the rear of this part of the building two first floor terraces are proposed but each could be conditioned to ensure provision of a privacy screen along the eastern facing edge to prevent overlooking from the terrace to the rear of the adjacent bungalow. Overall taking account of the separation distances, it is considered that the proximity and level of overlooking from this part of the building to the adjacent bungalow would be at an acceptable level and unlikely to be any worse than the results were a two storey house proposed on this plot to replace the existing bungalow.
54. The rear wing steps back from the boundary shared with the bungalow providing separation distances of 25.1m's (immediately to the rear of the bungalow) reducing to 16.9m's at the end of the rear garden. The scheme would clearly include a significant number of windows and terraces that could overlook the rear garden and indeed rear elevation of the bungalow, but at these distances it is not considered that this would be at such close proximity as to be unacceptable. Additionally there is existing boundary planting on the shared boundary already and it would be supplemented with additional

planting that would, in time, obscure some of the initial overlooking available from the new building.

55. At the rear of the site occupants would view a three storey development with windows of bedrooms and living rooms facing towards the rear of the site. The three storey element would be set back between 13.9 – 17.5m's from the shared boundary. Housing on the other side of the boundary is set back a minimum of 12m's from the boundary providing a minimum separation of over 25m's. This would provide adequate separation in excess of that usually sought between principle facing windows. It would be sufficient separation to ensure that the scheme would not have a significant or unacceptable impact upon the privacy of existing residents: albeit it is recognised that this will represent a significant change for existing residents. Whilst the scheme would lie to the south of these houses the separation would be sufficient to minimise the impacts of overshadowing and loss of sunlight and ensure it is not unacceptably overbearing.
56. On the western boundary the proximity of the block to the car park at the front of the site would clearly not result in any adverse impacts upon either existing or future residents. The rear part of the scheme would be separated from the nearest part of the McCarthy Stone apartments by approximately 24.5 – 33m which would be sufficient to prevent unacceptable levels of overlooking or loss of privacy. Indeed sufficient to prevent any overshadowing or loss of sunlight / overbearing development. At the rear of the parking court where the site narrows, the rear wing of the block (three storeys at this point) would lie 11.6 – 12.2 from the flank site boundary, shared with the McCarthy Stone site. This part of the adjacent scheme is amenity space for residents. Clearly residents of both scheme would be able to see each other, particularly when on terraces and balconies. However whilst a different outlook would result to the residents of the McCarthy Stone scheme who would overlook the site, it is not considered unacceptably cramped. The separation is likely to result in some overshadowing in the winter months but not to a degree such as to be materially harmful or unacceptable.
57. Concern has been expressed by residents of the adjacent scheme regarding the potential loss of trees, shrubs and greenery that the adjacent residents see from their amenity area and which could provide a softening impact when viewing the scheme from the neighbours side of the fence. Whilst an indicative landscaping scheme has been submitted, the final landscaping details would be addressed by condition offering officers the opportunity to consider how the existing planting may be amalgamated into the final planting scheme such as to protect the visual amenities of local residents.
58. It is appreciated that this development would represent a significant change in outlook for all those residents surrounding the site, with significant numbers of windows and terraces facing the various residents. However the separation

distances proposed would be greater than the minimum required and it is therefore considered that the impact of the scheme upon surrounding residents would be acceptable and compliant with the approach of the NPPF to protect amenities whilst enabling the efficient use of land.

Future Occupants

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

Highway Impact

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

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

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

Ecology

72. Local Plan Policy ENV1 advises that schemes that conserve or enhance bio diversity 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.
73. No sites of statutory or non statutory importance are found within the zone of influence with one local wildlife site at Heronden Woods and Pasture LSW, lying 0.4km from the site. The site contains a number of habitats including hedgerows, dense scrub, scattered broadleaved trees, ephemeral/short perennial vegetation and amenity grassland. The majority of habitats lost are proposed for mitigation through new habitat planting forming part of the landscaping proposals.
74. Habitat survey work was undertaken which concluded that the likelihood of the presence of Greater Crested Newt or other amphibians being on site is very low, limited suitability for foraging and commuting bats on the site, the presence of one bat roost in Smallhythe House, an existing potential nesting habitats for birds on the site, the gardens are suitable for supporting a wide range of common invertebrates, no reptiles were found on site although parts of the site offer suitable habitats for foraging sheltering and basking, no suitable habitats for water voles, and the site offers potential for hedgehogs.
75. A European Protected Species Licence would be required to facilitate the destruction of the bat roost in Smallhythe House and a mitigation strategy would be agreed with Natural England to support the licence application. The compensation for the loss of this one roost would include a range of artificial roost features to be included in the design of the proposed development including one hanging bat box, one pole mounted bat box and 6 integrated bat boxes .
76. In respect of other species potentially present on site the following strategy is proposed:
- Enhancements for nesting birds includes increasing their habitat to increase nesting and foraging opportunities.

- It is considered highly unlikely that Greater Crested Newts would be found onsite but prior to commencement of development, contractors will be briefed on safe working methods, what to do in the event a GCN is found on site, and following that dense scrub, introduced scrub and amenity grassland would be cut back to a height of approximately 15cm's. Following that a fingertip search of likely habitats would be carried out at times outside of hibernation periods.
 - Give the limited habitat suitable for reptiles, it is recommended that the same approach as for GCN be adopted for reptiles.
 - In respect of hedgehogs care must be taken during shrub/scrub clearance with the area being searched prior to cutting. As part of the wider mitigation strategy hedgehog fence panels are proposed to allow hedgehogs to move between this and surrounding sites.
77. The submitted assessment has been assessed by KCC Ecology Service and the approach and recommendations found to be acceptable. Subject to a number of conditions. On that basis and subject to the imposition of the suggested conditions the scheme is considered to be compliant with Policy ENV1 of the Local Plan. It would also satisfy the tests set out in the Habitats Directive. The scheme would not harm the favourable conservation of protected species and would cause no unacceptable harm to matters of ecological interest.

Trees / Landscaping

78. Local Plan Policy ENV3a draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection.
79. In this instance there are a number of trees scattered around the site which contribute to the general character of the site and wider area the majority of which are not protected nor appear to such quality as to warrant protection. A tree on the border of this site and a house in the new development at the rear of the site is protected with a TPO.
80. The submitted landscape plans indicate that a large number of existing trees would be retained around the periphery of the site, (including the protected tree) primarily along the rear boundary and the boundary with the bungalow Langley to the south east. The proposed scheme shows tree planting mainly around the periphery of the site mixing existing and new trees interspersed with shrub planting. A group of fruit trees are proposed within the site to the south east of the building and individual ornamental trees would be planted in various locations around the site, including the parking area to the north west of the building and some ornamental trees to the south east of the building

close to the group of fruit trees. Planting beds are shown around the boundaries of the site amongst the trees, more modest beds around the building in between individual terraces, along the front boundary and around the parking area to the north of the building.

81. The proposed block would be far enough from the protected tree to ensure that it would not be harmed, subject to suitable protection during construction. The landscaping scheme would provide an attractive environment for future residents. The final planting plans would be secured by condition and would enable officers to secure as much retention of existing boundary planting as possible to be interspersed with new planting to ensure that the visual amenities of surrounding residents are maintained to the fullest extent possible, given the scale of building now proposed.
82. The hedgerows and planting in three of the gardens within the site would be lost, to be replaced with a more modest and formal landscaping scheme to reflect the changed scale and character of the proposed development and reduction in available planting area at the front of the site. It should be noted however that the quality of the individual trees, apart from that tree already subject to a Tree Preservation order, are not worthy of formal protection .
83. The AONB Unit have raised the issue of the use of native planting within the site to try to stop the spread of invasive non native plants into the adjacent AONB. This matter could be satisfactorily dealt with by means of a condition requiring the details to be submitted for the proposed landscaping scheme
84. Overall a good quality planting scheme could be secured, involving the retention of many of the boundary plants around the site resulting in a pleasant environment for future residents. To that extent the scheme would comply with those policies seeking to retain and protect trees as valuable features in the landscape.

SUDS

85. Local Plan Policy ENV6 seeks to ensure that new development should contribute to a flood risk reduction and development would not be permitted where it would be at an unacceptable risk of flooding on site itself nor that it would increase flood risks elsewhere.
86. The site lies in flood Zone 1, so in an area at the lowest risk of flooding.
87. This application is supported by a Drainage Statement prepared by the Civil Engineering Partnership (November 2019). It is proposed to manage surface water on site through cellular attenuation and a voided sub-base with a controlled outflow of 2 l/s to a surface water sewer in Smallhythe Road. This proposal will contribute surface water flows to a drainage system which

already receives surface water from this site, though surface water will be introduced into the drainage system via a new connection.

88. The submission has been assessed by the KCC Drainage Team who agree that this is a feasible and appropriate approach to surface water discharge, but note that this connection will require coordination with Kent County Council Highways Drainage Team. This aspect of the scheme would be compliant with all relevant policies.

Housing

89. 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.
90. Local Plan Policy HOU1 sets out the Councils affordable housing strategy which in the case of development on this site seeks a total affordable housing contribution of 40%, with 10% being affordable/socially rented accommodation and 30% being affordable homes including a minimum of 20% being in shared ownership. Flexibility in approach is identified in the event that independently verified viability evidence is provided to establish that it is not possible to provide this level of accommodation, including the provision of an off site financial contribution in lieu of on site provision.
91. In terms of the Council's housing delivery programme it is now only able to identify and provide a 4.8 year housing land supply as required by the NPPF.
92. The Council's Housing service have identified that this site should provide 21 homes in compliance with Policy HOU1 to include 5 units for rent and 16 for ownership. In this instance however the viability assessment submitted has been independently verified and demonstrates that the scheme would not be financially viable if this amount of affordable housing were delivered. Rather a commuted payment is considered viable of £531,591 as a one off payment. This would cover all the financial and other contributions sought, including the affordable housing contribution.
93. There is no doubt that there is a need for accommodation for the elderly, including affordable accommodation, despite the concerns of local residents about the excessive amount of such accommodation in Tenterden. However in accordance with the results of the independent assessment of the viability case, whilst it would result in a loss to the Council in terms of the number of affordable units, acceptance of the commuted sum would accord with Policy HOU1. On this basis the scheme is found to accord with the terms of Policy

HOU1, subject to an appropriate legal agreement to secure the contribution, including with a clawback clause to secure any increased viability.

Planning Obligations

94. 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
95. The planning obligations in Table 1 have been identified as being required should the Committee resolve to grant permission. They have been assessed against Regulation 122 and for the reasons given consider they are 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.
96. The applicant is relying upon the viability position agreed in respect of the previous application and which was agreed subject to an appropriate S106 obligation, in September last year and in the event of the appeal going ahead, will be the Council's position later this year at appeal. The agreed viability position demonstrates that the scheme would be unviable if required to provide all the monies and contributions deemed necessary. This has been independently assessed for the Council and it has been determined that a sum of £531,591 in total could be provided by the scheme. This money would represent the total contribution to be allocated – including with reference to an affordable housing contribution.
97. Based upon the viability assessment carried out on behalf of the Council, it is recommended that this sum be agreed as representing the contributions that the proposed scheme could viably deliver at present. Although not the full sum sought, it would nevertheless represent the viable maximum and subject to completion of a S106 Agreement securing the money would be policy compliant. The proposed monies would represent a benefit of the scheme. As part of the S106 obligation required to deliver these monies it is also recommended that a clawback mechanism be included to allow a review of the viability of the scheme so that in the event of an improvement to the viability that additional S106 monies could be secured.
98. The monies indicated in Table 1 are recommended to be required should the Committee resolve to grant permission. Accordingly, they may be a reason to

grant planning permission in this case. These monies requested by KCC are those requested in response to the consultation for this application, whilst those for the Borough Council are those agreed in respect of the previous application. If any of those change as a result of the most recent consultation then these will be updated at the Committee.

Table 1

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (£)	Trigger Points (£)	
	<u>Affordable Housing</u>			
	<p>Contribution towards provision of off site affordable housing elsewhere in the Borough in lieu of onsite provision of the relevant proportion of 40% affordable housing as required by policy.</p> <p>Deferred contributions mechanism</p>	<p>Total cost of offsite provision = £531,591</p>	<p>To be paid regardless of viability, prior to occupation of 50% of units on site.</p> <p>(From any deferred contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling</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>

			exceeds the predicted sales price as identified by the viability.	
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Applies to sites of 11 dwellings or more				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><u>Adult Social Care</u></p> <p>Project: towards specialist care accommodation in the borough</p>	<p>£146.88 per dwelling</p> <p>Total £7784.64</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 estimated number of users and is based on the number of dwellings.</p>

	<p><u>Community Learning</u></p> <p>Project: Towards additional IT equipment for additional learners from development at Tenterden AEC <u>Community Learning</u></p> <p>Project: Towards additional IT equipment for additional learners from development at Tenterden AEC.</p>	<p>£16.42 per dwelling Total: £870.26</p> <p>£16.42 per dwelling Total: £870.26</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</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>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: Towards creating suitable capacity within the Ashford rural Primary Care Network</p>	<p>Total £34,450</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>Contribution for additional bookstock services and resources at Tenterden library for the new borrowers generated by this development</p>	<p>£55.45 per dwelling</p> <p>Total £2,938.85</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>

Area / Site specific potential requirements			
Planning Obligation			Regulation 122 Assessment
Detail	Amount (s)	Trigger Points	
Applies to all			
<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 one off payment</p>	<p>First payment upon commencement of development</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Regulation 123(3) compliance: 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>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.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>			

5 Year Housing Land Supply

99. The Council can currently demonstrate a 4.8 year supply of housing land. Given that a five year supply of housing land cannot be demonstrated, Paragraph 11(d) of the NPPF (2019) is engaged. This states that for decision taking, planning permission should be granted unless: “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” In my view, the proposal is consistent with the policy requirements in the Local Plan 2030 and would deliver sustainable development. It will further make a valuable contribution to the Council’s windfall requirements in seeking to re-establish a 5 year housing land supply. In line with Paragraph 11 of the NPPF (2019) the proposal should therefore be permitted

Human Rights Issues

100. 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

101. 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

102. The proposed scheme would comprise the development of a brownfield site lying in a sustainable location providing accommodation for the elderly. The scheme would result in the loss of a small commercial property but this could anyway, in accordance with a previous application submitted, be changed to a residential use without the need for permission from the Council. The principle of the development is therefore considered acceptable subject to no unacceptable harm being identified
103. The scheme would provide a good quality residential environment by an experienced provider. Some elements such as the cycle store provision and

landscaping would be secured by condition, but it is considered that these matters could be achieved in a satisfactory manner, including the protection of a protected tree in an adjacent garden at the rear of the site.

104. The scheme would provide acceptable levels of parking and a safe vehicular and pedestrian access onto the site. Levels of traffic anticipated could be satisfactorily accommodated on the adjacent highway.
105. Submitted details regarding drainage and ecology suggest that the scheme would be compliant with the relevant policy background and in the case of the biodiversity details would provide an enhancement to the site and local biodiversity.
106. The scheme, could in officers opinion, be implemented without unacceptably adversely affecting the amenities of surrounding residents – albeit clearly resulting in a change in character to the environment that they would experience.
107. The site lies in a sensitive and prominent location adjacent to, but outside both the Tenterden Conservation Area and the High Weald Area of Outstanding Natural Beauty. The site lies on a main route into the town from the south with parkland on its western and low density housing development on its eastern side. This part of Smallhythe Road is therefore characterised by its semi-rural feel, comprising parkland on one side and green verge/low density housing on the other, creating a pleasing and verdant approach into the town.
108. The proposed scheme would change the balance between development and green open space around the proposed building. The scheme seeks to break up the bulk and mass of the frontage block by suggesting a series of individual attached or detached houses with varying ridge heights, front building line and roof style. The scheme has been amended to provide the greater separation of the different elements of the frontage block that officers had previously sought. The use of flat roof glazed elements with their larger recesses than previously shown and the transparency of the material suggest a separation of built form that ‘breaks up’ the bulk of the single frontage block. The design approach is now considered acceptable and it is considered that it would provide an acceptable character to this part of Tenterden without adversely affecting the adjacent AONB or Conservation area.
109. A number of financial and other contributions would be due as a result of the scale of development. However a viability assessment has demonstrated that the full scope of contributions could not be achieved if the scheme is to remain financially viable. The scheme has been independently assessed and it is agreed that the commuted sum proposed would be acceptable within the framework of a S106 obligation. A S106 agreement has not been entered into

but if the Committee consider this scheme is acceptable the recommendation makes provision for this to be completed.

110. The Council is not able to demonstrate a 5 year housing land supply and as such the 'tilted' balance applied by virtue of paragraph 11d of the NPPF is relevant. In this instance it is considered that the scheme is acceptable and comprises sustainable development. Accordingly subject to the completion of a S106 Obligation the scheme would be acceptable. .

Recommendation

1. Permit:

- (a) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the 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) 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

Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the attached schedule.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. Prior to any works above slab level, details including source/manufacturer, of all external materials, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Prior to the occupation of any dwelling, details of external lighting shall be submitted to the Local Planning Authority and agreed in writing. The approved lighting shall be installed prior to occupation of the respective dwellings. The lighting details shall follow the recommendations within the Bats and Artificial Lighting in the UK document produced by the Bat Conservation trust and Institution of Lighting Professionals.

Reason: In the interests of the visual amenity of the area, comply with the Council's adopted Dark Skies SPD and to protect the flight path and foraging of bats and birds.

5. Prior to the commencement of the development, (other than site clearance/ demolition), details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The walls and fences shall then be erected prior to the first occupation of the individual dwellings in accordance with the approved details .

Reason: In the interests of the amenity of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure, other than those specifically approved pursuant to condition 5 above, shall be erected within the application site area without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the visual amenities of the locality

Highway & Parking

7. Prior to the commencement of development on site, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority to include the following:

- Parking and turning areas for construction and delivery vehicles
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Parking for contractor and site personal
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- Details demonstrating the minimisation of dust emissions
- measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s),
- maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s),
- measures to minimise the potential for pollution of groundwater and surface water, arrangements for public consultation and liaison during the construction works
- Details of the location of any proposed site compound
- Position of the materials storage compound

Reason: To aid highways safety ,the free flow of traffic and to protect the amenities of the surrounding area during construction.

9. Prior to the first occupation of the site the vehicle parking spaces, as shown on the submitted plans, shall be provided and be permanently retained for their intended purposes thereafter.

Reason: To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety as development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

10. Prior to the first occupation of the development hereby approved, secure covered cycle parking facilities shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority and thereafter retained and access to these facilities shall not be precluded.

Reason: To provide a sustainable approach to the provision of sustainable means of transport in accordance with the provisions of Policy TRA6 of the Ashford Local plan and the provisions of the NPPF.

11. The Highways alterations detailed in Site Access drawing SWTP-P1039-DR-001 P04 shall be delivered prior to first occupation of the development hereby approved and shall include the use of a bound surface for the first 5 metres of the access from the edge of the highway.

Reason: To ensure a safe and satisfactory access onto the public highway

12. Prior to the construction of the access, details shall be provided and be approved in writing by the Local Planning Authority regarding measures to prevent the discharge of surface water onto the highway. The scheme shall be carried out in accordance with the approved details prior to first occupation of the development hereby approve and thereafter retained.. **Reason:** To ensure a safe junction with the public highway and prevent the discharge of surface water onto the public highway.

Contamination

13. If unexpected contamination is to be found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development.”

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Drainage

14. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Statement (Civil Engineering Partnership, November 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and discharged from the site at a rate of 2l/s without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

15. No building of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Trees/Landscaping

16. No development other than demolition shall take place until full details of retained trees and the means of ensuring their protection have been submitted in writing to and approved by the local planning authority. The protection measures shall be in place prior to any further development and shall be retained in place until the completion of building works.

Reason: To ensure the protection of existing trees within the site to provide a satisfactory appearance and amenity for surrounding residents and the character of the area.

17. The approved development shall be carried out in such a manner as to avoid damage to the existing retained trees on the site and any trees on adjacent sites including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in

accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction.

- Tree Protection Fencing sign off is required by the arboricultural consultant and a copy shall be supplied to LPA within 5 working days. Any incidents involving damage to a tree or deviation from the approved documents should be inspected by the arboricultural consultant and a report supplied to the LPA within 5 working days.
- No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

18. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the completion of development.

No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work).

If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

19. Prior to the commencement of an works above slab level details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc)

Reason: In order to protect and enhance the amenity of the area.

Ecology

20. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, examination shall first be carried out by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

Reason: To protect and enhance local biodiversity in accordance with the provisions of Policy ENV1 of the Ashford Local Plan 203 and the NPPF.

21. Within 3 months of works commencing a simple site wide management plan must be submitted detailing how the habitats on site are going to be established and managed. The submission must demonstrate that the site is being managed to benefit biodiversity and retain connectivity to the surrounding area.

Reason: To ensure the protection of new habits created on the site in accordance with the provision of Policy ENV1 of the Ashford Local Plan 2030

22. Prior to works commencing a detailed bat mitigation strategy must be submitted to the LPA for written approval. It must include the following:

- Updated bat emergence surveys
- Overview of mitigation proposed (including integrated features)
- Detailed methodology to be implemented
- Timings of proposed works.
- Map showing working area and replacement habitats
- Details of lighting recommendations.

The plan must be implemented as approved.

Reason: To ensure protection of existing bio diversity on the site in accordance with Policy ENV1 of the Ashford Local Plan 2030.

23. Prior to works commencing details of the proposed receptor site must be submitted to the Local Planning Authority for written approval. The report must include the following:

- Location of the proposed receptor site
- Phase 1 map of the site
- Assessment of suitability to be used as a receptor site
- Details of any enhancements required
- Details of any ongoing management requirements
- Confirmation that the landowner is happy to implement the management

Reason: To ensure protection of existing bio diversity on the site in accordance with Policy ENV1 of the Ashford Local Plan 2030.

24. Prior to any works commencing on site (including vegetation clearance) the precautionary mitigation detailed within the Receptor Site Identification Report (WYG; March 2020) must be implemented. The works must be carried out between March and October within suitable weather conditions and temperatures do not drop consistently under 5c at night.

Reason: To ensure protection of existing bio diversity on the site in accordance with Policy ENV1 of the Ashford Local Plan 2030.

Archaeology

25. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

26. The dwellings hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

Reason: In order to carefully manage water supply given the level of household demand relating to available resource.

27. Prior to the commencement of development (excluding site clearance and demolition) details shall be submitted to and be approved in writing by the Local Planning Authority for the installation of fixed telecommunications infrastructure and High Speed Fibre Optic (minimum internal speed of 1000mb) connections to multi point destinations and all buildings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, being capable of connection to commercial broadband providers and maintained in accordance with the approved details.

Reason: To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030 and paragraph 112 of the NPPF.

28. Prior to the first occupation of development details of where designated parking spaces or carports can be provided with electric vehicle charging point shall be submitted to and agreed in writing with the Local Planning Authority. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The scheme shall be carried out in accordance with the approved details. The charging point shall thereafter be retained available, in a working order, for the charging of electric vehicles unless otherwise agreed in writing with the Local Planning Authority. No dwelling shall be occupied until facilities for electric vehicle charging for that dwelling have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be maintained and operated in accordance with the approved details.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

29. The development hereby approved shall be occupied only by residents who are a minimum of 60 years of age and by any partners aged 55 years and over.

Reason: To ensure adequate on site parking which reflects the resident age group and type of accommodation proposed, in accordance with the provisions of Policy TRA3 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.

30. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

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

- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- 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 21/00442/AS)

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