

Application Number	20/00244/AS	
Location	Land between Beech Hedges and 1, Cherry Garden Crescent, Wye	
Grid Reference	5645/6646	
Parish Council	Wye with Hinxhill	
Ward	Wye	
Application Description	New detached 3 bedroom dwelling including off-street parking (Resubmission of application 13/01367/AS)	
Applicant	Ms Sharon Williams, Housing, Ashford Borough Council	
Agent	Mr Athanasios Lykartsis, Project Office, Ashford Borough Council	
Site Area	0.049ha	
(a) 11/1+	(b) R	(c) -

Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council.

Site and Surroundings

2. The application site falls within the built confines of Wye village within the North Downs AONB. The site comprises a rectangular parcel of land situated between 1 Cherry Garden Crescent and Beech Hedges.
3. The site originally formed part of the garden of No 1, but has since been fenced off. Cherry Garden Crescent comprises a cul-de-sac of semi-detached post war dwellings which conform to a uniform pattern of development, with a regular building line and even spacing between the dwellings at first floor level.



Figure 2 Proposed Floorplans and Elevations



Figure 3: Proposed Elevations

[DMM Comment: The proposal is the same as that submitted in 2013 and therefore the submitted statement is considered sufficient to understand the nature of the development proposed]

- The roof has not been designed to maximise the amount of solar power generated.
- The Parish Council are concerned about the narrowness of Cherry Garden Lane and the impact of traffic and car parking for residents

Neighbours: 11 neighbours consulted 1 general comment received stating the following

- The points raised to 2013 application still apply as no improvements have taken place in the intervening years.
- In addition the foul drains struggle to cope at times.

Planning Policy

6. The Development Plan for Ashford Borough 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) as well as the Kent Minerals and Waste Early Partial Review (2020).
7. The relevant policies from the Local Plan relating to this application are as follows:-
8. SP1 – Strategic Objectives
SP2 – The Strategic Approach to Housing Delivery
SP6 – Promoting High Quality Design
HOU3a – Residential Windfall Development in the Countryside
HOU10 – Development of Residential Gardens
HOU12- Residential Space Standards Internal
HOU15 - Private External Open Space
TRA3a - Parking Standards for Residential Development
TRA6 - Provision for Cycling
ENV3b – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV8 – Water Quality, Supply and Treatment

ENV9 – Sustainable Drainage

Wye Neighbourhood Plan

WNP2 - High quality design

WNP3 - Traffic impact

9. Supplementary Planning Guidance/Documents

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Landscape Character Assessment

Dark Skies

10. Village Design Statements

Wye Village Design Statement

11. Government Advice

National Planning Policy Framework (NPPF) 2019

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

- Paragraph 11 – Presumption in favour of sustainable development.
- Paragraph 47 – Determination in accordance with the development plan.
- Paragraph 59-76 – Delivering a sufficient supply of homes.
- Paragraphs 91-95 – Promoting healthy and safe communities.
- Paragraphs 102-107 – Promoting sustainable transport.

- Paragraphs 117-121 – Making effective use of land.
- Paragraphs 124-132 – Achieving well-designed places.
- Paragraphs 148-165 – Meeting the challenge of climate change and flooding.
- Paragraphs 178-183 – Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

12. The main issues for consideration are:
- a) Principle of Development and Visual Impact
 - b) Residential Amenity
 - c) Highway Safety and Impact upon the Local highway network
 - d) Foul Water Disposal & Habitat Regulations
 - e) 5 Year Housing Land Supply

Principle and Visual Amenity

13. In terms of the principle of development, proposals involving the complete or partial redevelopment of residential garden land are permitted under Policy HOU10 of the Local Development Plan provided the proposal complies with windfall Housing Policy HOU3a which states, amongst other things, that residential development and infilling within the existing settlement will be acceptable provided it is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area. Policy HOU10 expands this further, stating proposals will be permitted provided the development does not result in significant harm to the character of the area including the surrounding grain and built pattern of development, the prevailing building density, line, frontage width, building distance from the road, existing plot sizes and visual separation between dwellings.
14. The layout of the proposed development has been designed to reflect the form and layout of the surrounding area which is largely characterised by two storey dwellings fronting the road with private gardens to the rear.
15. A well-proportioned dwelling, the development would sit comfortably on the site and would respond positively to its context. Placed between a modern

bungalow and 1950's two storey dwelling, the proposed dwelling is a traditional two storey dwelling house, built of conventional materials which would blend in well with the surrounding built form. Marginally taller than No 1, the proposed dwelling would be set slightly back behind No 1 and would not appear visually prominent or intrusive.

16. On balance no significant or unacceptable harm to the street scene or surrounding area would be caused and the proposal complies with both policies HOU3a and HOU10 in respect of visual impact and would not harm the character and appearance of the designated landscape. Subject to being acceptable on all other matters which are assessed below, the proposal is acceptable in principle.

Residential Amenity

17. In consideration of the amenity of the future occupiers the proposed dwelling would comply with the relevant space standards set locally for external and internal amenity for future occupiers respectively. The enlarged curtilage is acceptable and provides sufficient external amenity space in line with the Council's adopted policies HOU12 & HOU15.
18. No first floor windows are proposed within the development which would cause harmful overlooking and being set almost in line with the front and rear elevations of both neighbouring dwellings, the proposed development would not represent overbearing development.
19. On balance, no significant or unacceptable harm to the residential amenity of the adjacent neighbouring dwellings results from this development, subject to conditions.

Highway Safety & Parking

20. Policy TRA3a states that dwellings of three bedrooms should have 2 off road parking spaces provided. Two parking spaces are proposed to be provided for the proposed and for the existing dwelling and there is sufficient turning space provided to allow vehicles to enter and exit in forward gear. The development is therefore acceptable on the matter of parking.
21. No details of bicycle storage are provided but these can be sought as a condition of any planning approval.

Foul Water Disposal & Habitat Regulations

22. It is proposed that foul surface water will be dealt with by connecting to the exiting sewerage system. The site falls within the 'Stour Lower' Operational Catchment Area. Standing advice has been received from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in

particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.

23. The effect of the advice means that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to be able lawfully to grant planning permission.
24. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
25. As such, the applicant is required to carry out a Habitats Regulations Assessment (HRA), which generally includes an Appropriate Assessment (AA) carried out by the competent authority, in this case the LPA (NB: the second, more detailed stage of an HRA). The findings of the HRA need to be referred to Natural England and there is a duty to consider their response.
26. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for this proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude that the scheme would be acceptable in respect of this issue now.
27. However, work commissioned by the Council is expected to commence shortly on identifying a package of strategic mitigation measures that it is hoped would enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
28. Therefore, on the basis that this proposal is considered to be otherwise acceptable (subject to conditions), it is recommended that a resolution to grant planning permission should be subject to the adoption by the Head of Planning and Development, having consulted NE, of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment

5 Year Housing Land Supply

29. 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.”

30. In my view, the proposal is consistent with the policy requirements in the Local Plan 2030 and would deliver sustainable development. In line with Paragraph 11 of the NPPF (2019) the proposal should therefore be permitted

Human Rights Issues

31. 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

32. 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

33. In conclusion, the development plan allows for infill development within the built confines of Wye. This site lies within the village confines and it is considered that the proposed dwelling, by virtue of its scale, design, height, and materials would not be out of character or cramped in the context of the house designs and spacing in the street.
34. No harm to residential amenity would result from this proposal and the development is acceptable in terms of its visual impact and impact upon the highway.
35. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh Special Area of Conservation (SAC) Special Protection Area (SPA), and Ramsar Site under the Habitats Regulations. Therefore, the recommendation to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely

affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions to that end.

36. Subject to the securing and with no significant or unacceptable harm identified and no matters raising an overriding objection to the grant of permission, I recommend planning permission should be granted as the development would comply with the development plan

Recommendation

Permit

(A) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Director of Law and Governance and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and the following conditions

(B) Resolve to Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

Conditions

1. Standard Time Condition
2. Compliance with Approved Plan
3. Implementation of Landscaping
4. Material Approved
5. Retention of Vehicle Parking space
6. Bicycles storage provision
7. Enforcement Condition

1. 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 proactive manner by;

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

In this instance

- the application was acceptable as submitted and no further assistance was
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 20/0244/AS)

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