

<b>Application Number</b>	19/00483/AS
<b>Location</b>	Harvest House, Branch Road, Chilham, CT4 8DR
<b>Parish Council</b>	Chilham
<b>Ward</b>	Downs North west
<b>Application Description</b>	Full planning application for the erection of 10 2-storey dwellings with associated access, parking, private amenity space and landscaping and provision of 5 no. additional parking bays for use in association with existing surgery
<b>Applicant</b>	Caroline Jackson and Philippa Salmon
<b>Agent</b>	Lee Evans Planning
<b>Site Area</b>	0.8ha

First consultation

(a) 30/8R;2C;1S Chilham Parish Recreation Ground Trust R St. Marys C of E Primary School R	(b) PC R	(c) SW X EA + KCCH&T - KCC Bio - Kent Police - ABC street scene X
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Second consultation

(a) 30/8R	(b) PC R	(c) EA + KCCH&T X KCC Bio X KCC Infrastructure -
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Third consultation

(a)	30/30R	(b)	PC R	(c)	SW X EA + KCCH&T X KCC Bio X KCC F & WM X KCC Infrastructure – KD AONB Unit Kent Fire and Rescue X Refuse X
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## Introduction

1. This application was initially reported to the Planning Committee on 15<sup>th</sup> July 2020 because it involved the erection of more than 9 dwellings and therefore is classified as a major development that required determination by the Planning Committee under the scheme of delegation. The application was deferred by members for the following reasons:
  - **To relook at traffic management measures and the possibility of providing a footpath link from the site to Bagham Road;**
  - **Seek an alteration to the layout in order to provide roadside planting and screening;**
  - **Relook at density in respect of the amount of built development and the size of the units to create a more spacious layout with more generous gardens. The number of dwellings should remain at 10;**
  - **Relook at the design of the dwellings so that they are more in keeping with the immediate surroundings and appropriate for an edge of village location.**
2. The application was subsequently reported to the Planning Committee of 15<sup>th</sup> September 2021 to address the above reasons for deferral. Whilst members were satisfied that these reasons had in the main been addressed, the application was deferred again for the following reasons:
  - **Improve the design of the scheme;**
  - **Improve the Carbon neutrality of the buildings.**

## Site and Surroundings

3. The site is an allocated site in the Ashford Local Plan 2030 for residential development. Policy S56 – Chilham, Branch Road - gives an indicative capacity of 10 residential units.

4. Please refer to 15<sup>th</sup> July 2020 committee report and 15<sup>th</sup> September 2021 committee report both of which are appended to this report as Annex 1 and Annex 2 respectively.

## **Proposal**

5. Please refer to 15<sup>th</sup> July 2020 committee report which is appended to this report as annex 1 and to 15<sup>th</sup> September 2021 committee report which is appended to this report as annex 2.
6. The proposal is for a 10 unit housing scheme but it has been amended in order to seek to address the reasons for deferral made by Members of the Committee of 15<sup>th</sup> September. As per the scheme originally submitted, it continues to provide 4 units of affordable housing (as required under Policy HOU1) and an ecological area of a similar area in the south west corner of the site as mitigation. Five additional parking bays for use by the surgery continue to be provided. The additional supporting information / justification is set out below:

### **Improve the design of the scheme – Reason 1 for deferral**

7. To address members' concerns about the design of the scheme, the applicants have provided greater detail regarding the application of materials and made some material substitutions to alter the colour palette so that it provides softer 'more local' colouring. The 'grey' elements of the proposed dwellings have been removed: tiles are now red/orange and doors/windows are a traditional white. These changes are proposed across unit types to ensure a consistent approach.
8. With respect to the cottage terrace of four (affordable housing), additional drawings are provided to show the dentil course (beneath the eaves), band course (protruding brickwork band between ground and first floor) and special brickwork under window cills (cant brickwork) and above windows (headers), which are positioned within the facing brickwork. It is maintained that these details will add richness to the dwellings – see Figures 1 and 2 below.
9. Figure 3 below shows the new colour pallet for the 'barn like' building form where the grey hanging tile has been replaced with a red/orange hanging tile and the grey framed windows with a composite Aluminium/timber window /door in white. There are also areas cement board panelling, previously grey, where a lighter colour is intended.
10. Figure 4 below highlights design details in the 'cottage' form, comprising dentil course brickwork; protruding band, and cant brickwork/headers to windows. These details 'follow through' to all elevations of the dwelling.



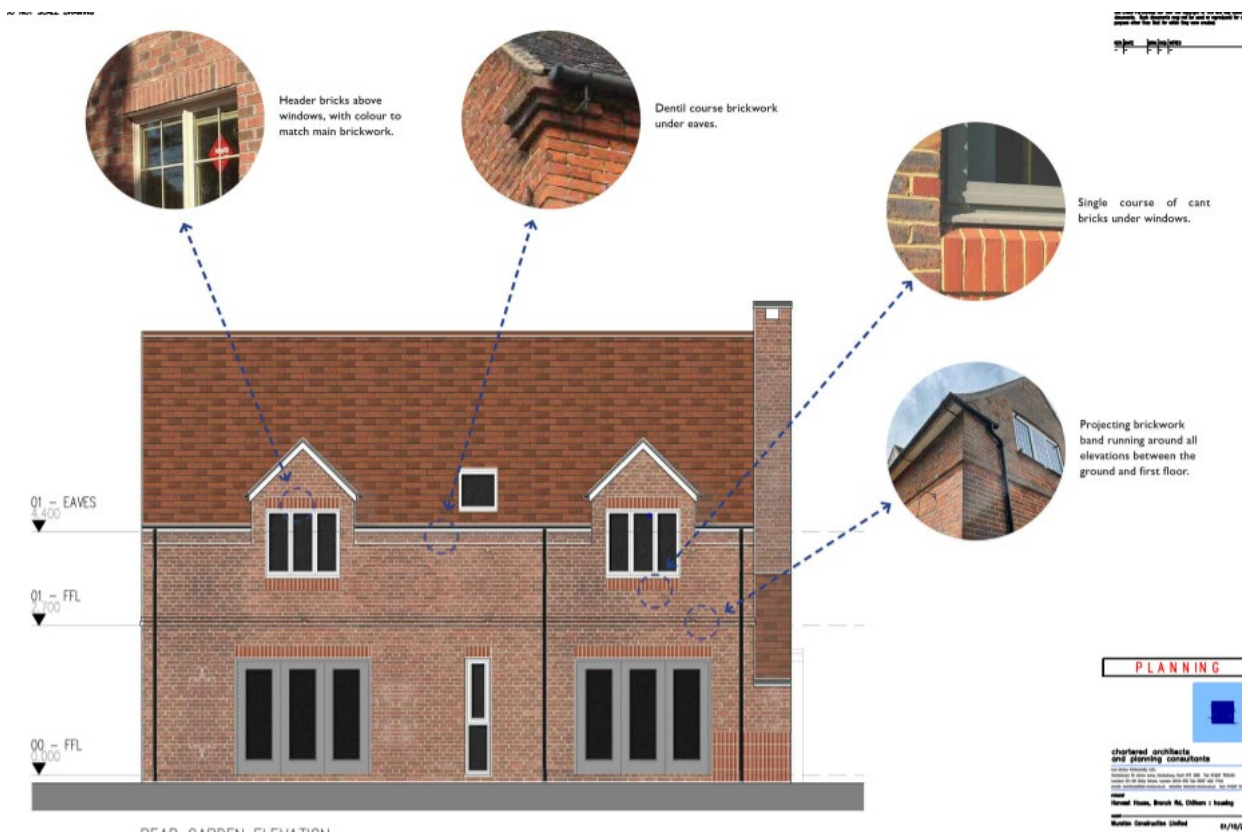
**Figure 1: Terrace of four**



**Figure 2: Terrace of four showing dentil course to eaves; projecting band course and cant brickwork under windows and headers above windows.**



**Figure 3: Barn like building form to show softer more local colouring: Blend of red/orange stock facing bricks and plain clay vertical hanging tiles. Powder coated white composite aluminium /timber windows.**



**Figure 4: Cottage building form showing header and cant brickworks to windows; dentil course under eaves and projecting band brickwork.**

**Improve the Carbon neutrality of dwellings - Reason 2 for deferral**

11. The applicants have set out in a paper their approach to Zero Carbon which is summarised below. This includes the provision of the 'added' technologies that members were looking to see incorporated, in this case, in the form of air source heat pumps to units 5, 6, 7 and 10. PVCs and solar panels are not considered appropriate on this site due to its location within the village conservation area and Area of Outstanding Natural Beauty.

Ethos and Approach

1. Harvest House will be retained rather than demolished thereby preserving the embodied energy of an existing building.
2. The doctor's surgery has been retained – far fewer car journeys for village residents and preserves the embodied energy within that building;
3. A new footpath has been added at the goodwill of the developer – this will reduce car use within the village;
4. Trees and hedgerows will be retained where possible;
5. Ecological quality will be preserved and enhanced, including additional planting to southern boundary and the provision of gardens which exceed the minimum standard;
6. Air source heat pumps included as the primary heating source for plots 5, 6, 7 and 10 – these larger properties work better for this system as it requires additional space, Plots 8 and 9 are being evaluated;
7. Triple glazing to all windows;
8. Insulating qualities of building fabric designed above and beyond those required by the Building Regulations. Fabric first energy saving will reduce required heating;
9. Selection of timber frame as this construction method emits less carbon;
10. LED low energy bulbs and technology will be included within the home;
11. Water butts to private dwellings;
12. Cost neutral and zero embodied energy principles have been applied before additional technology. This includes:
  - a. Orientation of homes to maximise natural light and ventilation;
  - b. Increased window sizes for daylighting to reduce the need for artificial light;
  - c. Double height spaces to larger dwellings to naturally ventilate south facing spaces to prevent overheating;
  - d. Shading of the southern elevation of the main house to prevent overheating;
  - e. Minimal embodied energy in materials (limited use of concrete and cement based products);
  - f. Sourcing of bricks from local suppliers rather than Europe or further afield in the UK;
13. Additional visible 'green washing' avoided, such as PVs as not considered appropriate in this sensitive location;
14. Permeable paving and gravel included;
15. Cycle storage included to reduce car use;
16. Electric car charging points.

## Consultations

12. Please refer to the 15<sup>th</sup> July 2020 and 15<sup>th</sup> September committee reports appended to this report.

## Planning Policy

13. 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).
14. 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).
15. The relevant policies from the Local Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

S56 – Chilham, Branch Road

HOU1 – Affordable Housing

HOU5 – Residential Windfall Development in the Countryside

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

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

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

ENV14 – Conservation areas

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

IMP4 – Governance of public community space and facilities

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011



Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

### **Village Design Statements**

Chilham Village Design Statement

### **Other 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

Kent Downs AONB Management Plan 2015 – 2019

### **Government Advice**

National Planning Policy Framework (NPPF) 2018

16. 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:-
17. Relevant sections of the NPPF include:
  - Chapter 2 – Achieving sustainable development
  - Chapter 4 – Decision-making
  - Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 8 – Promoting healthy and safe communities
  - Chapter 9 – Promoting sustainable transport
  - Chapter 10 - Supporting High Quality Communications
  - Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG) / Ministerial Statement on First Time Homes

18. In accordance with the NPPG and Ministerial Statement of 24<sup>th</sup> May 2021, the first 25% of affordable housing could be for first time homes, followed by social rented (as per Policy HOU1) and the remainder to be split in line with affordable housing provision as set out in Policy HOU1. Local plans and Neighbourhood Plans that have been adopted or have reached an advanced stage will not at this stage be subject to the First Homes Requirement (Transitional Stage). The Ashford Local Plan was adopted in February 2019 and therefore meets this requirement.

Technical housing standards – nationally described space standard

## Assessment

19. This development for 10 residential units is on an allocated local plan site. As such, the principle of development has already been established and the majority of other material planning considerations have been assessed at the Planning Committees of 31<sup>st</sup> July 2020 and 15<sup>th</sup> September 2021 (see appended reports). The issues for consideration here are those that resulted in the deferral of the application at the committee of 15<sup>th</sup> September 2021 and these are analysed below.

Improve the design of the scheme

20. Policy SP6 promotes high quality design.
21. Since this proposal was considered by members at the 15<sup>th</sup> September 2021 planning committee, the applicants have provided greater detail regarding the application of materials as well as made some material substitutions to alter the colour palette so that it provides softer, more local colouring.
22. There is extensive use of facing brickwork in some of the house types in this development, due to the deliberate decision to avoid boarding on these units or render. This is especially the case with the ‘terraced cottage’ house type and ‘cottage’ house type. Whilst such units could lack richness that is not the case in this instance as the elevations benefit from brick detailing: brickwork dentils beneath the eaves; protruding bands across elevations and cant brick work and headers to windows. These details are applied to all elevations, not

just the frontages to ensure a quality finish to the units. These design details can be secured through a planning condition and provide richness of detail.

23. At the last planning committee, members raised concerns about the use of grey coloured design elements (windows; tile hanging) and how this did not respect the local colour pallet. To address this concern, the grey tile hanging has been replaced by tiles that are red/orange in colour and the grey doors/windows are now in a traditional white. The 'before' and 'after' images below demonstrate this change.



SOUTH EAST ELEVATION  
PLOT 5

BEFORE



SOUTH EAST ELEVATION  
PLOT 5

AFTER

**Figure 5:** Demonstrating new colour pallet to make dwellings more respectful of context.

24. This change to the colour of the materials palette is reflected across units.  
See also figure 6 below.



BEFORE



AFTER

**Figure 6:** Showing how colours have changed to provide a softer look.

25. I consider that the proposed amendments address Members' concerns about the design of the units by demonstrating the richness of the elevations and providing a softer and more contextual materials palette.

Improve the Carbon neutrality of the buildings

26. The scheme that was considered by members on 15<sup>th</sup> September 2021 did not incorporate any low or zero carbon technologies. It relied primarily on the fabric first approach (which is the starting point) and electric vehicle charging points.
27. It was reported at this committee that:
28. *"The ALP2030 notes the demise of Eco-Homes and Code for Sustainable Homes and the updated Building Regulations effectively superseding these initiatives aimed at securing more sustainable methods of design and construction. The Council's adopted position is to rely on the Building*

*Regulations to reduce energy emissions. Whilst it is open to debate whether the minima set out in the Regulations are stringent enough given the aspirations for the UK to achieve Net Zero by 2050 there is no development plan policy basis to object to the proposal.”*

29. Whilst the developer is not required to provide low or zero carbon technologies by virtue of the Development Plan, it is now proposed that a number of units (the larger units) will have air source heat pumps.
30. The Ethos and Approach paper provided by the applicants sets out the wider context for the addition of these technologies: The aim should be to reduce energy needs through the orientation and design of buildings together with the fabric first approach to make the dwellings as air tight as possible – note triple glazing. The use of PVs on this build is not considered the right approach in this sensitive location where they would be visible on approaching the village from the south. The applicant also makes the case that it is better environmentally to purchase electricity from a sustainable supplier with a large bank of existing PVs than it is to commit to additional embodied energy to purchase PVs for an individual home.
31. I conclude that the applicants have responded to this reason for deferral. They have gone well above what is required by the current building regulations to provide dwellings with greater energy efficiency, and which incorporate low/zero carbon technologies through the use of air source heat pumps etc.

### **Highway and Refuse Issues**

32. The proposed changes will not impact on the layout. There are no new issues arising from the amendments in respect of highways or refuse collection.

### **Habitat Regulations**

33. Since the application was first considered by Members at the planning committee of 15<sup>th</sup> July 2020, the Council has received advice 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.
34. The importance of this advice is that the application site falls within the Stour catchment area and the effect is 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 lawfully grant planning permission
35. 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.

36. As matters stand, an off-site package of mitigation measures will be required in order for the development 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, at this moment in time, that the scheme would be acceptable in respect of this issue.
37. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should 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.
38. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and the approach to be taken to s.106 obligations), any resolution to grant planning permission would need to 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 additional obligation(s) and/or planning conditions that are necessary in order to reach that assessment. This approach is included as part of my Recommendation further below in this report.

### **Housing Mix / Affordable Housing**

39. There are no changes to the housing mix or tenure as a result of the amendments now under consideration.

### **Housing Land Supply**

40. 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 part d of the NPPF (2021) 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 the Framework taken as a whole."*
41. I have weighed the scale of the Borough's housing supply deficit in the balance and in my view, as the development would not result in any demonstrable harm it adds extra weight in favour of this development by making an acceptable contribution to the supply of housing in the Borough.

## Planning Obligations

42. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
  - (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
43. A contribution is required for enhancement or maintenance of public open space and equipped play at the Village recreation ground in accordance with Policy S56 (g).
44. As a development of 10 units, there is a requirement for the proposal to provide affordable housing in accordance with the recent Ministerial Statement on First Time Homes and Policy HOU1 (see section above). There is also a request in relation to the governance of the ecological area, under policy IMP4.
45. The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Contributions are requested in respect of secondary schools, community learning, libraries, youth and adult social services. There is currently no primary school requirement.
46. Since the final quarter of 2020, the position in respect of Stodmarsh lakes is such that a number of development sites in the Stour catchment area will be reliant on an off-site mitigation strategy being put in place and delivered in order to be able to proceed without giving rise to harm to that sensitive habitat. The application subject of this report falls into that category. The extent of that financial contribution relative to the development applied for is an unknown factor at present but, clearly, the ABC s.106 mitigation sub-total could increase from the figure quoted in the previous paragraph.
47. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

## Heads of Terms for Section 106 Agreement/Undertaking

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: Enhancement/maintenance of public open space and equipped play at the Village recreation ground.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies S56, SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than <b>40%</b> of the units as affordable housing, comprising 10% affordable rent units and 30%</p>	<p>1 affordable rent unit</p>	<p>Affordable units to be constructed and transferred to a registered provider</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p>



	<p>shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>3 shared ownership units</p>	<p>upon occupation of 75% of the open market dwellings.</p>	<p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
	<p><b><u>Governance of public or community space and facilities onsite</u></b></p> <ul style="list-style-type: none"> <li>• Ecological area</li> </ul> <p>Scheme for ongoing management to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the space and that the entity is accountable to the owners for the</p>	<p>N/A</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Scheme to be implemented for each dwelling before its occupation.</p> <p>Areas to be transferred to approved management entity</p>	<p><b>Necessary</b> as onsite public or community space is needed to meet site-specific requirements generated from the development and needs to be effectively and sustainably managed pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use this space and the space to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking into account the number of users and is based on good practice stewardship arrangements.</p>

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	management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.		and funding/endowment secured, before occupation of more than 50% of the dwellings.	
	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	Provide on-site 20% of all units.	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p>	<p><b>Necessary</b> as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably</b> related in scale and kind as based on a proportion of the total number of housing units to be provided</p>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional resources and bookstock for the mobile library service attending Chilham for the new net borrowers generated by this</p>	£55.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

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	development		and balance on occupation of 50% of the dwellings	<p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><b><u>Community Learning</u></b></p> <p>Project: Additional resources and equipment for additional learners form development at Ashford Adult Education Centre</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced 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><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Secondary Schools</u></b></p> <p>Project: Towards Norton Knatchbull expansion</p>	£4540.00 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50%	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. .</p>

			of the dwellings	<p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources for the Ashford Youth Service</p>	£65.50 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly</p>

	<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards Extra care Accommodation Ashford</p>	<p>£146.88 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Long-term availability of parking facilities and surrounding land for use of Chilham Surgery</u></b></p> <p>Scheme to secure that the parking facilities and surrounding land are completed, inspected and made available for the exclusive use of Chilham Surgery and its doctors, staff, patients and visitors. Scheme to include details of long-term management and maintenance responsibilities, and tenure to be offered to the Surgery (as</p>	<p>N/A</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Approved scheme to be implemented before occupation</p>	<p><b>Necessary</b> as the parking spaces are needed to meet a site-specific policy requirement and need to be effectively secured for the long term use of the Surgery, pursuant to Local Plan 2030 policies SP1, S56, TRA3(a) and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as the spaces are to be provided by the development of this allocated site.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking</p>

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	appropriate).		of more than 25% of the dwellings.	into account the site allocation policy and good practice.
	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£500 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

48. 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

49. 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

50. The site lies within the AONB and Chilham Conservation Area and comprises land allocated for residential development under policy S56 of the Local Plan 2030. The stated allocation evidences the fact that subject to meeting the criteria identified in policy S56, the Council considers the principle of residential development on this site to be acceptable and also sustainable.
51. The site, being an allocated site, will make an important contribution to the Council boosting the supply of housing which is a requirement of the NPPF and achieving a 5 year housing land supply.
52. The application site is located immediately adjacent to an established rural settlement and within easy walking distance of the centre of the village where there are a range of local services and facilities including a shop/post office, village hall, public houses, primary school, village hall and recreation ground/open space including a children’s play area. There are bus stops located within walking distance of the site.
53. The proposals would result in a visual change from a rear garden to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and softened by the existing and enhanced landscaping. As such the wider landscape impacts are not considered to be significant. The development has been assessed as preserving the setting of the listed buildings and not being harmful to the character and appearance of the conservation area. The housing designs, the layout and building materials combine to create a distinctly rural and varied edge of settlement development. The amendments that are being considered under this report demonstrate the richness of the detailing and provide a considered material pallet with softer

colouring to the materials to respect the local context. Furthermore, it has been demonstrated that the dwellings are energy efficient in their design, incorporating low/zero carbon technologies in the form of air source heat pumps. Overall, it is considered that the proposals will represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB; would preserve the setting of the listed buildings and would not be unacceptably harmful to the character and appearance of the conservation area.

54. There would be no demonstrable adverse impacts on the residential amenity of neighbouring or future occupiers.
55. Subject to conditions, the development can be accommodated without any adverse impact upon matters of ecological importance.
56. In terms of flooding and drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
57. The application has been subject to consultation with Kent Highways and Transportation who have stated that the development does not cause concern with regard to capacity or highway safety on the surrounding network and that the accesses onto Branch Road are sufficient in size and have adequate visibility. The proposal is also acceptable in terms of its parking arrangements.
58. It is proposed that the development will provide a housing mix of 2, 3, 4 & 5 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan. The proposal would lead to additional housing supply in the borough at a time when a five year supply of housing land cannot be demonstrated, which lends more weight in favour of the development.
59. The proposed development would provide 40% affordable housing (4 units) comprising one First Time Buyer, 1 affordable rent and 2 affordable home ownership products to comply with the Ministerial Statement and policy HOU1 of the Local Plan 2030. In accordance with policy S56 of the Local Plan 2030, the development shall provide a contribution towards the enhancement or maintenance of public open space and equipped play at the village recreation ground. Together with the affordable housing, these can be secured by a S106 agreement along with the other contributions as requested by KCC.
60. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, 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 additional obligation(s) and/or planning conditions deemed necessary to achieve that end.



61. Overall, for the reasons set out above, the proposed development is considered to comply with the requirements of the development plan and it is therefore recommended that planning permission is granted.

## **Recommendation**

### **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 Head of Planning and Development, the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery 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 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 her view, having consulted the 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;**

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

1. Standard time condition
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details (dentils; protruding bands, cant brickwork and headers, window reveals, sections through eaves, entrance porches/canopies etc).
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Air Source heat pumps.
7. Landscaping scheme to include proposed new tree planting to southern site boundary with open countryside.
8. Planting plans required to accompany the landscaping scheme.

9. Retention of existing hedgerows.
10. Tree protection measures.
11. Tree protection for new trees.
12. Details of boundary treatments.
13. Landscape management plan.
14. Removal of permitted development rights – extensions, alterations and boundary treatments.
15. Occupation as a single dwelling house only.
16. Reptile mitigation implementation / reptile mitigation and management report
17. Bat Sensitive Lighting Design / No additional External Lighting
18. Ecological enhancements.
19. Construction Management Plan/Hours of working.
20. Completion and maintenance of access.
21. Provision and maintenance of visibility splays.
22. Provision of footpath to Branch Road and traffic calming.
23. Use of bound surface for first 5m.
24. Provision of measures to prevent discharge of surface water onto public highway.
25. Provision and retention of parking and turning.
26. Provision and retention of parking spaces/garaging.
27. Provision and Retention of Bicycle Storage.
28. Electrical charging points.
29. Provision of parking bays for surgery and their permanent retention.
30. Detailed drawings of traffic calming features in accordance with plan 08696 – A-L-(00)-X-0104 G
31. Sustainable surface water drainage scheme.
32. Verification report.
33. Details of the sewage treatment system.
34. Provision and retention of refuse collection facilities.
35. FTTP
36. Unexpected contamination.
37. Enforcement condition.

1. S106
2. Refuse collection indemnity

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00483/AS)

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