

<b>Application Number</b>	21/00627/AS
<b>Location</b>	Land rear of 7-14 Harmers Way, Egerton, Kent
<b>Grid Reference</b>	90958/47288
<b>Parish Council</b>	Egerton
<b>Ward</b>	Weald North Ward
<b>Application Description</b>	Erection of 13 dwellings together with all necessary infrastructure.
<b>Applicant</b>	Jarvis Land Promotions Ltd.
<b>Agent</b>	Ian Bull Consultancy Ltd.
<b>Site Area</b>	1.2ha

## Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Cllr K Mulholland.

## Site and Surroundings

2. The application site covers an area of approximately 1.2 hectares and is a loosely rectangular piece of undeveloped land that lies on the edge of, but outside, the built confines of Egerton. The site was a former arable field, currently pasture. The site lies to the rear of the Harmers Way residential development. The proposed development would be accessed from Harmers Way, utilising an existing gap between houses.
3. The site is bordered by the rear boundary treatments of the houses on Harmers Way on its north eastern side. The south eastern perimeter is delineated by the rural lane, Stone Hill Road. The north western end of the site is defined by the rear garden boundaries of the bungalows on Elm Close. A section of the field will be left as a green buffer along the south western side of the site, which would separate the development from a vegetated lined Public Right of Way, which connects Stone Hill Road to the centre of the village, via the village hall. The land is generally open countryside to the south of Stone Hill Road, with the exception of farms. The land to the west of the public right of way is not generally part of the built area of the village, and includes the grounds of Barlings (a listed building) beyond which are a recreation ground and sewage treatment plant.

- The site is within the Greensand Ridge landscape character area. This area is characterised by a more open aspect than its neighbouring wooded west. The field patterns are varied in terms of their shape and sizes with fruit orchards enclosed by shelterbelts. It also notes in particular the historic hill top settlement of Egerton which lies to the north of the site. The condition of the landscape is considered to be good with a high sensitivity where the overall objective is to conserve.



Fig. 1 Site Plan

## Proposal

- Full planning permission is sought for the erection of 13 dwellings ranging from 2-5 bedrooms, with all associated infrastructure. 8 would be open market dwellings, and 5 affordable.
- The proposed dwellings would have a varied material palette, including brick, claying tile hanging, black timber stained weatherboarding and plain clay or artificial slate roof tiles. The exact composition of materials can be secured by condition.
- During the course of the application, supporting documents were received to address officer and statutory consultee concerns.
- The access to the development utilises an existing agricultural access into the site from Harmers Way, via a gap between houses.

9. The proposal is a farmstead themed development, with a varied mix of housing styles to be sympathetic with the edge of village location and to reflect the architectural style, detailing and materials found in Egerton.



**Fig.2 – Illustrative Master Plan**



### Plots 11-13

Fig.3 – Proposed front elevations (1)



Plot 2



Plots 1, 4 & 7







Plots 5 & 6



Plots 9 & 10



**Fig.4 – Proposed front elevations (2)**



Plot 8



Plot 3



**Fig. 5 – Proposed front elevations (3).**

10. In support of the application the applicant has submitted the following documents:
- Arboricultural report
  - Archaeological desk based assessment
  - Design & access statement
  - Ecological scoping survey revised
  - Flood Risk Assessment
  - Great crested newt survey report
  - Heritage land statement
  - Planning statement
  - Transport statement
  - Tree survey & constraints plan
  - Tree protection plan

## **Planning History**

There is no relevant history for this site.

## **Consultations**

**Ward Member:** Cllr Mulholland is a member of the planning committee and has requested that the application is reported to the Committee for consideration.

**Egerton Parish Council** – object on the grounds the site may be sustainable at some levels by virtue of its location in relation to village amenities; but that there are other factors that outweigh the case for development, summarised as follows:

- the density and number of proposed new dwellings, cumulatively with other proposed developments in the village, has the potential to make a significant change to the character and environment of Egerton village, to impact adversely on key views to and from the village and to add considerably to light, noise and traffic pollution;
- the site is classified as very good quality agricultural land, with some protection from development in NPPF guidelines;

- the absence of an open market housing need emanating from ABC over & above the provision on the New Road site;
- the provision of older people's housing on the gifted Orchard Nurseries site;
- the lack of affordable local needs housing for rent;
- the potential adverse impact on neighbouring properties and the individual landscape character of the parish;
- the loss of a significant green gap and buffer for the main settlement; and the disproportionate clustering of new development (North Field, New Road, Orchard Nurseries) with the resultant impact on the visual environment;
- the sloping nature of the site overlooking the lower parts of the village and beyond makes some light and noise pollution inevitable;
- the impacting of proposed two-storey homes over the bungalows in Elm Close and from the higher ground near Stone Hill above houses in the south eastern side of Harmers Way would be over-bearing;

the detrimental effect on vistas from the county's renowned Greensand Way and the sensitivities of the Greensand ridge itself that has potential to become a new AONB need safeguarding and enhancing, not being put at risk of harm.

**KCC Flood and Water Management (LLFA)** – no objection subject to conditions, following receipt of additional supporting documentation.

**KCC Ecological Service** – no objection subject to conditions and informatives, confirming sufficient information has been submitted following receipt of additional supporting details.

**KCC Highways and Transportation** – no objection, subject to conditions and informatives.

**KCC PROW** – general comment received recommending a contribution should be sought for the maintenance required from increased use of the footpath.

**ABC Refuse** – general comment received regarding waste collection and an indemnity required and payment towards new bins.

**KCC Developer Contributions** - general comment received setting out contributions sought from the developers to mitigate the needs generated by the development.

**KCC Heritage** – have not commented.

**Southern Water Services** – no objection, following receipt of odour assessment.

**ABC Housing** – have commented on housing tenure.

**ABC Cultural Services** – No comments

**Neighbours - 41 neighbours consulted; 15 objection comments received raising the following concerns:**

- Would not meet the identified need in the NP for affordable small-scale housing for local people
- No identified need for this development, which is already met by allocated sites
- Local network of narrow rural roads cannot cope with scale of development
- Access is too narrow
- Village sewage/drainage system cannot cope with scale of development
- Village pub and shop are both closed
- Village has no employment opportunities, so not sustainable
- Public transport options are limited
- Cumulatively with other developments in the village, represents over-development
- Harmful to landscape (Greensand Ridge)
- Dominate views from New Road and Low Weald
- Harmful to Greensand Way public right of way
- Concern how buffer zone and linking footpaths (outside red line) would be secured and maintained
- Harmful to setting of village
- Would go against the grain of built development in the village
- Site not allocated in Ashford local plan
- Site not allocated in emerging Egerton NP
- Impact on wildlife

**7 support comments received raising the following:**

- Suitable site for development
- Logical extension of Harmers Way estate
- Good access to services / amenities
- Good access to road network
- Good mix of housing types
- Designs and layout appropriate for local context
- Would benefit local business and services
- Would provide 5 affordable units

## **Planning Policy**

11. 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), the Boughton Aluph and Eastwell Neighbourhood Plan (2021) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020). The Egerton Neighbourhood Plan was 'made' (i.e. adopted) by Full Council on the 3<sup>rd</sup> March 2022



12. The relevant policies from the Development Plan relating to this application are therefore as follows:-

**Ashford Local Plan 2030**

<b>SP1</b>	Strategic objectives
<b>SP2</b>	The strategic approach to housing development
<b>SP6</b>	Promoting high quality design
<b>HOU1</b>	Affordable Housing
<b>HOU5</b>	Residential windfall development in the countryside
<b>HOU12</b>	Residential space standard internal.
<b>HOU14</b>	Accessibility standards
<b>HOU15</b>	Private External Open Space
<b>HOU18</b>	Providing a range and mix of dwelling types and sizes
<b>EMP6</b>	Promotion of Fibre to the Premises
<b>TRA3a</b>	Parking standards for residential development.
<b>TRA5</b>	Planning for pedestrians
<b>TRA6</b>	Provision for cycling.
<b>TRA7</b>	The road network and development.
<b>ENV1</b>	Biodiversity
<b>ENV3a</b>	Landscape Character & Design
<b>ENV4</b>	Light pollution and promoting dark skies
<b>ENV5</b>	Protecting important rural features
<b>ENV6</b>	Flood risk
<b>ENV7</b>	Water efficiency
<b>ENV8</b>	Water quality, supply and treatment

<b>ENV9</b>	Sustainable drainage
<b>ENV13</b>	Conservation and Enhancement of Heritage Assets
<b>ENV15</b>	Archaeology
<b>COM1</b>	Meeting community needs
<b>COM2</b>	Recreation, Sport, Play and Open Spaces
<b>IMP1</b>	Infrastructure provision

**Egerton Neighbourhood Plan (2022)**

<b>P1</b>	Distinctive Landscape Character and Biodiversity
<b>P2</b>	Trees, hedges and woodland
<b>P4</b>	Key Views and Vistas
<b>P6</b>	Light Pollution
<b>S3</b>	Public Rights of Way
<b>D1</b>	Development Principles
<b>D2</b>	Application of the Parish Design Statement
<b>D3</b>	Housing Policy
<b>D7</b>	Water Supply and Drainage
<b>D8</b>	Renewable Energy and Climate Change mitigation

13. The following are also material considerations in the determination of this application:-

**Supplementary Planning Guidance/Documents**

Dark Skies SPD 2014

Landscape Character SPD 2011

Fibre to the Premises SPD

Residential Parking & Design SPD 2010

Residential Space and Layout SPD (External Only) 2011

Sustainable Drainage SPD 2010

Public Green Spaces & Water Environment SPD 2012

Affordable Housing SPD 2009

### **Parish Design Statement**

Egerton PDS

### **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) 2021

Paragraphs 11-14 - Presumption in favour of sustainable development

Paragraph 47 - Determination in accordance with the development plan

Paragraph 60 - 77 - Delivering a sufficient supply of homes

Paragraphs 92 - 97 - Promoting healthy and safe communities

Paragraphs 104 - 109 - Promoting sustainable transport

Paragraphs 119 - 123 - Making effective use of land

Paragraphs 126 - 136 - Achieving well-designed places

Paragraphs 152 - 169 - Meeting the challenge of climate change and flooding

Paragraphs 179 - 182 - Habitats and biodiversity

Paragraphs 189 - 208 - Conserving and enhancing the historic environment

#### National Planning Policy Guidance (NPPG)

## Assessment

14. The key areas for consideration are as follows:
- Principle of development
  - Sustainability and location of the development
  - Visual Amenity, Layout and Heritage Impact
  - Residential Amenity
  - Highway Safety and Parking
  - Surface and Foul Water Drainage
  - Ecology and impact upon designated sites (Stodmarsh)
  - Climate Change mitigation and sustainable drainage
  - Affordable Housing and Housing Mix
  - Compatibility with the newly made Neighbourhood Plan
  - Other issues
  - Five Year Housing Land Supply Position
  - Planning Obligations

### Principle of development

15. As an unallocated site, the application falls to be determined against Policy HOU5 (Residential Windfall Development in the Countryside) of the Local Plan (alongside other relevant policies, including those in the new Neighbourhood Plan). The criteria for the policy are set out below. The criteria are assessed for compliance as well throughout the remainder of the report. This is alongside all other relevant policies and plans as well as Supplementary Planning Documents and other guidance.

### HOU5

16. For the development to be acceptable in principle the following criteria of Policy HOU5 must be met:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;

*Egerton has a shop, school, recreation ground, village hall, public house and church. This level of service provision within Egerton was considered acceptable when the local plan was adopted to be suitable for development of edge of settlement sites. The proposal for 13 dwellings needs to be considered in association with other developments in and around the village but is not disproportionate to the size of the settlement even in addition to the sites identified for 27 new dwellings in the Neighbourhood Plan.*

- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;

*The application site is within easy walking distance of the centre of the village via the pavement along New Road; or, via the Greensand Way public footpath to the west of the site.*

- c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;

*See highway section.*

- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;

*The site is within easy walking distance to local services and bus services to neighbouring settlements (3 per day Monday – Friday). The site would benefit from the proposed linkage to the PROW network.*

- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,

*See visual amenity, layout & heritage section.*

- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-

- i. it sits sympathetically within the wider landscape,
- ii. it preserves or enhances the setting of the nearest settlement;
- iii. it includes an appropriately sized and designed landscape buffer to the open countryside,

- iv. it is consistent with local character and built form, including scale, bulk and the materials used,

*See visual amenity & heritage section.*

- v. it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,

*See residential amenity section.*

- vi. it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

*See Ecology section.*

### **Sustainability and location of the development**

- 17. The NPPF seeks to resist isolated new homes in the countryside (para 80).
- 18. The site, whilst outside of the built confines of Egerton is not in an isolated location. The application site is located adjacent to an established rural settlement and within easy walking distance of the centre of the village. There are a wide range of local services and facilities including a shop, primary school, public house, village hall, recreation ground, children's play areas, and bus stops. Therefore, the site is not regarded as being physically isolated from services and is sustainably located.

### **Visual Amenity, Layout and Heritage Impact**

- 19. The site is currently undeveloped pastureland north of Stone Hill Road and west of Harmers Way. Stone Hill Road is a narrow rural lane where the site is visible between the breaks in the roadside vegetation. A section of the Greensand Way public footpath runs north to south to the west of the site. The site is not visible from New Road on approach to the village from the south east. However, as the village comes into view, the rooftops of the Harmers Way development are visible, so the proposed development would be similarly visible, appearing as an extension to this edge of village estate. The development would be largely screened from New Road by the Harmers Way development once within the village, except for limited views through the site entrance/access.
- 20. As an edge of village site, the density in this location needs to be considerate of the transition to the open countryside beyond and allow for the openness through the site to enable views of the Parish church. The proposal has evolved to form a more spacious development suitable for an edge of village location and 13 units is an appropriate quantum of development in this regard.



21. It was important not to replicate the suburban layout of Harmers Way, when considering the development potential of the site. As such, the concept of two enclosed farmsteads has been loosely adopted. Examination of the character of farmsteads around the village, identified how farms evolved, merged and adapted over time. Consequently, two farm courtyards close to each other is a local vernacular feature.
22. Furthermore, a contemporary agricultural aesthetic is employed, and a material palette and architectural style to pick up on the subtle mix of materials in the village, along with local vernacular design features such as cat slide roofs are incorporated. Garages and carports are set back from the frontages to appear as small barn outbuildings. These elements combine to ensure the proposed development would sit sympathetically in its context, elevating it above a more mundane suburban residential scheme. As such, whilst the proposed development would have a perceivable visual impact on views of the village from vantage points to the south, it would nevertheless not be at odds with local character.
23. The site has established hedgerow and small trees affording a strong sense of enclosure and a good buffer from the surrounding countryside. A development free buffer is to be retained to the south west of the proposed development, to assist with biodiversity gain and to protect the Greensand Way. This green corridor would also provide a pedestrian connection to the Greensand Way public right of way.
24. The proposed finish of the development is of a high quality with materials drawing reference to those found in Egerton. The elevations of the dwellings are varied, rural in character and are visually interesting. None of the units exceeding two storey. Combining this with an informal non-suburban layout creates a place that would be appropriate for the location. Overall, the green buffer, an enhanced landscaping scheme, and a high quality design and material palette, ensure a high quality development that responds to its sensitive location at the edge of the village.
25. In the light of the above, the proposal is considered acceptable in terms of its impact upon the visual amenity of the area and the character and appearance of the village and local landscape. Clear views of the development will be available from the surrounding roads and public rights of way, but the design and layout is suitably respectful to local context. It is considered the development complies with the criteria of HOU5 f) and Policies P1, P2 and P4 of the ENP.

#### Impact on the views of the Church

26. The proposal ensures that there are key views afforded of the Church to the north east of the site, which sits on a more elevated position which the main part of the village is built upon. It is considered the proposed development would not impact adversely on the village heritage assets, including listed

buildings and the village conservation area in accordance with HOU5 e) and ENP policy P4.

### **Residential Amenity**

27. The proposed development provides sufficient back-to-back separation between the proposed dwellings and the rear boundaries of the existing dwellings on Harmers Way and Elm Close. As such, overlooking, overshadowing and overbearing impacts on neighbouring occupiers would be within acceptable limits. In light of the above, the development is acceptable in terms of residential amenity and would comply with HOU5 (criteria f) v).
28. The proposed development would meet or exceed internal and external space standards thereby affording a good level of amenity to future residents.

### **Highway Safety and Parking / PROW**

29. The development would be served by a new road on the line of the existing agricultural access between the houses onto Harmers Way, which would provide adequate visibility. The proposed access serving the site would be 4.8m wide, together with a 1.5m footway, which is acceptable to KCC Highways. The internal access road is not proposed for adoption by KCC Highways and Transportation and will remain in private ownership. Vehicle tracking has been undertaken to show that a refuse vehicle can enter the site, turn around and then exit in forward gear.
30. Parking is required to be provided in accordance with policy TRA3a of the Local Plan. All properties have parking that meets the requirements in respect of the number of spaces provided. Triple car ports where provided are acceptable but will require the removal of permitted development rights for the installation of doors / structures within the car ports which prevent them from being used for car parking. A total of 6 visitor parking spaces are provided across the site.
31. Cycle parking can be provided on site, in accordance with policy TRA6, and this can be secured through condition.
32. In light of the above, the proposal is considered acceptable in terms of highway safety and, subject to conditions, Kent Highways officers raise no objection to the application on highway safety grounds.
33. Public footpath AW88, which forms part of the Greensand Way promoted route, passes to the south west of the proposed development. The development features two proposed connections to this public right of way. KCC expect that these will not become the responsibility of Kent County Council's Public Rights of Way and Access Service. The Borough Council will therefore need to secure appropriate funding or mechanism for likely future maintenance. The connectivity this pedestrian link to the village facilities in

Egerton as well as to the wider public rights of way network provides, is a positive outcome in terms of the sustainability of the site. However, the proposal will inevitably lead to an increased use of the existing path; and, a contribution will need to be secured to improve the footpath surface between Stone Hill Road and Elm Close.

### **Surface and Foul Water Drainage**

34. Following the receipt of the amended details, KCC as the Lead Local Flood Authority has confirmed that they have no objection to the drainage strategy subject to conditions. The proposal in turn is compliant with policy ENV9 of the Local Plan.
35. Foul water will be dealt with via mains drainage. Southern Water do not raise any objection and an agreement will be needed with them for a connection to the main sewer. A condition limiting this to being the only means of foul drainage is proposed to ensure the most sustainable solution is pursued and to comply with the Habitat Regulations (see section on Stodmarsh below).

### **Ecology and impact upon designated sites (Stodmarsh)**

#### Ecology

36. The application site is an undeveloped parcel of land but is well maintained and grazed. The application was accompanied by a preliminary ecological survey. The habitats on site are improved grassland surrounded by hedgerows. The surrounding hedgerows will be retained to avoid removing habitats of value, especially for such species as hazel dormouse and reptiles. There may be potential impacts upon great crested newts due to the presence of ponds within 250 m of the development. The application has been accepted on to the district level licencing scheme through the submission of an Impact Assessment and Conservation Payment Certificate. Therefore any impact on GCN will be mitigated via the District Level Licensing Scheme.
37. In the light of the above, KCC Ecology are satisfied that sufficient information has been submitted with the application and subject to conditions/informatives, there would in their opinion be no harm to the favourable conservation status of protected or notable species. The application therefore meets the tests of the habitats Directive and the Conservation of Habitats and Species Regulations 2017.

#### Stodmarsh

38. Whilst the site does lie within the operational catchment of the River Stour, the site would discharge its foul water to the pumping station in the village which then discharges into the River Beult and therefore would not be caught by the precautionary approach applied following the guidance received from Natural England with respect to the Stodmarsh Lakes to the east of Canterbury. This

therefore makes the site immediately deliverable and not dependent on Stodmarsh mitigation measures.

### **Climate Change mitigation and sustainable drainage**

39. The Local Plan and Neighbourhood Plan require that new development is energy efficient and incorporates on-site renewables where possible. The applicants have confirmed their willingness to meet all technical standards. Therefore a condition is proposed to secure the required details to comply with the policy and to ensure their implementation. Electric charging points are proposed for the dwellings and an additional condition is proposed to that end.
40. Sustainable drainage measures are proposed incorporating a swale and a series of ponds. Three conditions are proposed to secure the necessary technical details to ensure that the proposals are satisfactory to mitigate surface water flows and that the measures are implemented.

### **Affordable Housing**

41. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40% (5 units). The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
42. The 5 affordable housing units will be secured as such through the S106 Agreement. 1 unit would need to be for affordable rent and 4 units for affordable home ownership (4 of which would be for shared ownership).
43. The high quality and varied design would ensure that the dwellings are developed in a way in which they would be tenure blind and visually integrate with the open market dwellings.

### **Other issues**

#### Archaeology

44. A desk based archaeological assessment of the site has been submitted with the application. KCC Heritage have not commented on the submission. A condition is proposed to ensure that a watching brief is maintained if it proves to be necessary.

#### Water efficiency

45. Water efficiency can be secured by condition to ensure compliance with ENV7.

### Contamination

46. A contamination report has been submitted in support of the application a condition is proposed relating to the reporting of any unidentified contamination and associated mitigation should the issue arise throughout the course of the development.

### Lighting

47. In the interests of maintaining dark skies and in compliance with Neighbourhood Plan Policy P6, details of external lighting should be secured under a planning condition.

### Socio/Economic benefits

48. The proposed development would create an economic benefit from construction, with employment to contactors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period this would have some benefit.
49. The increase in the local residential population would increase expenditure in the local economy as this would comprise some people who have moved from elsewhere, this would benefit the local shop and public house.

### **Compatibility with the newly made Neighbourhood Plan**

50. The current application has been the subject of an objection from the Parish Council and a number of local residents. The view has been expressed that permission should be refused because this site is not allocated for housing development in the Egerton Neighbourhood Plan.
51. The results of the Egerton Neighbourhood Plan (ENP) Referendum were reported to the Cabinet on 24<sup>th</sup> February 2022 with a recommendation to adopt for Full Council on 3<sup>rd</sup> March. The Plan was “made” at that Council meeting and now forms part of the Development Plan.
52. The application site forms part of a larger site which was put forward as a ‘Call for Sites’ proposal that was considered by the Neighbourhood Planning Forum during the preparation of the Neighbourhood Plan as part of a ‘Call for Sites’ exercise, which was the subject of a local parish assessment in April 2021.
53. This assessment considered the larger site to be in a sustainable location and in general conformity with the Ashford Local Plan and NPPF, but it was not allocated for development in the Neighbourhood Plan. The assessment concluded that development of the larger site had the potential to make a significant change to the individual landscape character and environment of Egerton village, to impact adversely on key views to and from the village and

to add considerably to light, noise and traffic pollution. Concerns were also expressed regarding a disproportionate clustering of new developments in this part of the village, a lack of opportunities to meet local needs housing, loss of good agricultural land, loss of a green gap and potential adverse impacts on neighbouring properties. These concerns have largely been reiterated in the objections from the Parish Council to this application in the Consultations section.

54. The ENP recognises the potential contribution that windfall developments meeting the requirements of Ashford Local Plan (ALP) Policy HOU5 can make towards future housing needs, provided that the scale is proportionate to the settlement and the design is of a high quality, the location is sustainable and the conservation and enhancement of the natural environment and heritage assets are ensured (ENP paragraph 7.34).
55. Policy ENP D3 addresses Housing Policy responding to a housing needs assessment carried out in 2018 and covering a five year period to 2023. In respect of meeting market housing need, both during the first five year period and for the remainder of the plan period to 2040, the ENP assumes there will be future windfalls that accord with ALP policies HOU3a and HOU5 (see ENP D3 (2) and paragraph 7.20).
56. The ENP's aim of delivering local affordable dwellings to meet the needs identified in the housing needs assessment and market dwellings for locally based older residents to downsize to are indicated to be on other sites in the parish but the delivery of those sites are not prejudiced by the proposals on the application site.
57. The application site is not identified or designated in the ENP for open space or as a Local Green Space and so there is no ENP policy that specifically seeks to prevent development of the site. It therefore follows that the application should be considered against the more general policies governing windfall applications in both the ALP and the ENP.
58. In this case, this is whether the site subject to this planning application meets the requirements of ALP Policy HOU5 and the relevant policies in the ENP relating to scale of development, design and the impacts on the natural environment and heritage assets.
59. The assessment section above addresses these matters in the light of the ALP and ENP and concludes that the relevant policy criteria have been satisfied,

### **Five Year Housing Land Supply Position**

60. The latest published Housing Land Supply position as of 31<sup>st</sup> July 2021 is 4.54 years. This means that in accordance with Paragraph 11(d) of the NPPF there



is a standing presumption in favour of sustainable development when considering planning applications for residential uses.

61. If Members consider that there is conflict with any part of the Development Plan para. 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted and para. 14 of the NPPF sets out the situation that a proposal that would be in conflict with a Neighbourhood Plan should not normally be allowed even if the presumption in favour of sustainable development has been triggered. The criteria set out in para. 14 of the NPPF are all present.
62. Therefore, if conflict with the Neighbourhood Plan is identified, the lack of a deliverable 5 year housing land supply in this case should not afford any additional weight towards a grant of planning permission in the decision-making balance and the decision should be based on whether the proposals comply with adopted planning policy – as assessed above.

### **Planning Obligations**

63. 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
64. 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.
65. The projects wherever possible are located within the parish of Egerton. In terms of education contributions, (primary & secondary) KCC has confirmed that there is no requirement for these from this scheme.

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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Ashford Borough Council Planning Obligations</b>				
	<p><b><u>Affordable Housing</u></b></p> <p>In accordance with Policy HOU1.</p> <p><b>Rest of Borough (Zone C)</b></p> <ul style="list-style-type: none"> <li>- 10% of the total dwellings made available for affordable or social rent</li> <li>- 30% of the total dwellings made available for home ownership [including a minimum of 20% for shared ownership].</li> </ul>	<p>1 affordable rent units</p> <p>4 shared ownership units</p>	<p>Affordable housing to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to <b>SP1</b> and <b>HOU1</b> of the Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

Planning Obligation		Regulation 122 Assessment		
	<p><i>Locations, floor-space, number and size of bedrooms to be as specified by Housing.</i></p> <p><i>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</i></p> <p><i>Shared ownership units to be leased in the terms specified.</i>  <i>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</i></p>			
	<p><b><u>Footpath Connectivity</u></b></p> <p>To secure an appropriate funding or other mechanism for likely future maintenance of the proposed footpath links to the PROW to the South West and</p>	TBC	Upon first occupation transfer the funds/ agree the mechanism and upgrade the footpath before	<b>Necessary:</b> The link will enhance the sustainability of the site by creating an alternative route to local facilities in compliance with Local Plan Policy TRA5 – Planning for Pedestrians and Neighbourhood Plan Policy S3 – Public Rights of Way.

	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	to improve the footpath surface between Stone Hill Road and Elm Close to a specification to be agreed with KCC Public Rights of Way.		substantial completion of the development.	<b>Directly related:</b> The footpath will serve the development concerned. <b>Fairly and reasonably related to the scale of development concerned:</b> Only the footpath links and the PROW local to the site is required to be maintained/improved.
	<b><u>Accessible Housing</u></b>  At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.	Provide on-site 20% of all units.	Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.  Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.	<b>Necessary</b> as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF  <b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.  Fairly and reasonably <b>related in scale and kind</b> as based on 3 of housing units to be provided
	<b><u>Informal/Natural Green Space</u></b>  Project: Purchase of land in Egerton for the provision of	£434 per dwelling for capital costs	Upon occupation of 75% of the dwellings.	<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 <b>SP1</b> ,

<b>Planning Obligation</b>		<b>Regulation 122 Assessment</b>	
<p>informal natural space including potential for pond, orchard and community woodland. Site to be secured within the Parish.</p> <p>Or alternative project if advised of such by the Parish Council.</p>	<p>&amp; £325 maintenance costs</p>		<p><b>IMP1</b> and <b>COM2</b> 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>Children and Young People's Play Space</u></b></p> <p>Project: Replacement and enhancement of existing playground equipment at Recreation Area, Millennium Hall, Elm Close, Egerton TN27 9DS.</p> <p>Or alternative project if advised of such by the Parish Council.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1</b>, <b>IMP1</b> and <b>COM2</b> Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be</p>

Planning Obligation			Regulation 122 Assessment
			<p>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>Indoor Sports Provision</u></b></p> <p>Project New roof and interior and exterior refurbishment including extension to changing rooms for the Games Barn, Rock Hill Road, Egerton, Kent TN27 9DY</p> <p>Or alternative project if advised of such by the Parish Council.</p>	<p>£449 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 additional indoor sports facilities are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use indoor sports provision and the buildings 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</p>
<p><b><u>Outdoor Sports</u></b></p> <p>Project: Improvement to the</p>	<p>£858 per</p>	<p>Upon occupation</p>	<p><b>Necessary:</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order</p>



	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<p>playing surfaces of the football and cricket pitches at Egerton Playing Fields to include the replacement of existing drainage at Recreation Area, Millennium Hall, Elm Close, Egerton TN27 9DS.</p> <p>Or alternative project if advised of such by the Parish Council.</p>	<p>dwelling for capital costs</p> <p>£531 per dwelling for maintenance</p>	<p>of 75% of the dwellings.</p>	<p>to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> and guidance in the NPPF.</p> <p><b>Directly related:</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fair and reasonably related in scale and kind:</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Strategic Parks</u></b></p> <p>Contribution towards strategic park provision to be targeted towards quantitative and qualitative improvements at the 'hubs' identified in the local plan 2030.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1, IMP1 and COM2</b>, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p>

Planning Obligation				Regulation 122 Assessment
				<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><b><u>Cemeteries</u></b></p> <p>Project to be confirmed by the Parish Council.</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> as cemeteries / improvements to existing cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1, IMP1 and COM2</b>, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Allotments</u></b></p> <p>Project to be confirmed by the</p>	<p>£258 per</p>	<p>Upon occupation</p>	<p><b>Necessary</b> as allotment provision is required to meet the demand that would be generated and must be maintained in order</p>

<b>Planning Obligation</b>		<b>Regulation 122 Assessment</b>	
	Parish Council.  dwelling for capital costs  £66 per dwelling for maintenance	of 75% of the dwellings.  Upon occupation of 75% of the dwellings.	to continue to meet that demand pursuant to Local Plan 2030 Policies <b>SP1, IMP1 and COM2</b> , Public Green Spaces and Water Environment SPD and guidance in the NPPF.  <b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.  <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.
	<u><b>Voluntary Sector</b></u>  Project: Re-launch the over-60s club, Egerton village (various locations).	£87 per dwelling	<b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 Policies <b>SP1, IMP1 and COM1</b> KCC document 'Creating Quality places' and guidance in the NPPF.  <b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.  <b>Fairly and reasonably related in scale</b>

Planning Obligation				Regulation 122 Assessment
				<b>and kind</b> considering the extent of the development.
	<p><b><u>Art and Creative Industries</u></b></p> <p>Project: Refurbishment of Millennium Hall, Elm Close, Egerton to provide facilities for a green room, break out room, sound system.</p>	£338 per dwelling for capital costs	Upon occupation of 75% of the dwellings.	<p><b>Necessary</b> in order to community infrastructure pursuant to Local Plan Policies <b>SP1, IMP1, COM1</b> and guidance in the NPPF.</p> <p><b>Directly related</b> as would improve the local infrastructure for new occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>

**Kent County Council Planning Obligations**

	<p><b><u>Community Learning</u></b></p> <p>Project: Towards new equipment and resources for the new learners 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 <b>SP1, IMP1, COM1</b> 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>
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Planning Obligation		Regulation 122 Assessment		
		date of payment.		<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>Libraries</u></b></p> <p>Project: Towards additional resources and bookstock for the mobile library service attending Egerton.</p>	<p>£48.02 per dwelling.</p> <p>Indexation: BCIS General Building Cost Index from April 2020 to date of payment.</p>	<p>Half the contribution upon occupation of the dwellings and balance on occupation of the dwellings.</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>	
<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards Specialist</p>	<p>£ 47.06 per</p>	<p>Half the</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant</p>	

Planning Obligation			Regulation 122 Assessment		
Care Accommodation in Ashford Borough	dwelling. Indexation: BCIS General Building Cost Index from April 2020 to date of payment.	contribution upon occupation of the dwellings and balance on occupation of the dwellings	25% of the dwellings	50% of the dwellings	<p>to Local Plan 2030 Policies <b>SP1, IMP1, COM1</b> 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>
<b><u>Youth Services</u></b> Project: Towards additional resources for Youth services in Ashford Borough	£27.91 per dwelling. Indexation: BCIS General Building Cost Index from April 2020 to	Half the contribution upon occupation of the dwellings and balance on occupation of the dwellings.	25% of the dwellings	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 <b>SP1, IMP1, COM1</b> 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>

Planning Obligation		Regulation 122 Assessment		
		date of payment.		<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.
<b>Other</b>				
	<b><u>Monitoring Fee</u></b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed  Indexation: TBC	First payment upon commencement of development and on the anniversary thereof in subsequent years	<b>Necessary</b> in order to ensure the planning obligations are complied with.  <b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
<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

66. 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

67. 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

68. The development would comply with the policies set out in the Local Plan and the Neighbourhood Plan, resulting in a policy compliant development under Policy HOU5. The development would not give rise to a form of development, which would be considered unsustainable and it would respect the character of the surrounding landscape and built form of the village of Egerton. The layout, density and the design quality of the scheme is appropriate for this edge of village location.
69. There would be no unacceptable harm to residential amenity, highway safety, ecology or the PROW for the reasons outlined in the report. There would also be no issues in terms of surface and foul water drainage, contamination and archaeology. Overall, the scheme would deliver a boost to the Council’s 5 Year Housing land supply, which it cannot currently demonstrate. The development would also deliver affordable housing.
70. The proposal would meet all of the required S106 contributions to mitigate the impact of the development and these are to be spent within the parish where applicable.
71. This is a deliverable site that is not delayed in coming forward by Stodmarsh. The scheme is policy compliant and does not result in significant or demonstrable harm which would outweigh its benefits under the NPPF. Consequently, I recommend that planning permission is granted.



## Recommendation

**(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 Head of Planning in consultation with the Solicitor to the Council, with delegated authority to the Strategic Development and Delivery Manager or Head of Planning to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as he sees fit,**

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

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Climate change mitigation and renewable energy details (Green energy)
4. Materials external finishes to be submitted
5. Street and footpath surfaces to be submitted
6. Design details to be submitted (rain water goods, fascias, eaves, rafters)
7. Extent and colour of weatherboarding to be submitted
8. Construction Management Plan
9. Parking spaces, turning and garages to be provided
10. Electric Charging points
11. Cycle parking provision
12. Provision of access and visibility splays
13. Removal of pd rights for doors on car ports
14. Landscaping (including street trees) scheme to be submitted
15. Boundary treatments and driveway gates to be submitted
16. Binstore details to be submitted
17. Protection of existing trees and hedgerows during construction
18. Ecological enhancements
19. Hedgehog connectivity
20. Fibre to the premises
21. Details of infiltration to manage surface water
22. SUDs

23. Verification report for SUDs
24. Reporting unexpected contamination
25. Foul water to be connected to the main sewer network linking to Egerton  
Waste water Treatment Works only
26. Removal of PD rights for further fencing
27. Removal of PD rights for extensions and alterations
28. Water efficiency
29. Lighting Details
30. Archaeological watching brief

### **Note to Applicant**

1. S106
2. Working with the Applicant
3. Highways informative
4. Informative regarding making good of any damage to highway in Harmers Way
5. Southern Water informative for connection to the foul sewer
6. KCC PROW informative
7. Refuse bin informative
8. Informative regarding construction hours
9. Informative regarding burning of controlled waste on site
10. Informative regarding minimizing dust on site
11. Breeding birds

### **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 on any issues after the initial site visit,
- was provided with pre-application advice,
- 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 20/01600/AS)

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