

Application Number	21/1135/AS
Location	Land west of Viaduct Terrace, Warehorne Road, Warehorne, Kent
Grid Reference	
Parish Council	Warehorne
Ward	Weald South
Application Description	Erection of 6 dwellings and one block of 6 apartments with associated parking
Applicant	Dr Anthony Mathews
Agent	CL Architects
Site Area	0.46 Hectares

(a) 19/6R (b) Warehorne 'R' (c) KHS 'X'; NE 'X'
Orlestone 'R'

Introduction

1. This application is reported to the Planning Committee because it has been called in by Ward Member Cllr. George Sparks.

Site and Surroundings

2. The application site comprises a plot of land which is located to the south-west of Viaduct Terrace to the rear of the plot of land now under development and described by the applicant as "Phase 1". The current proposal would occupy the land between the A2070 to the West and the Brighton to Ashford International railway line to the South East and sits right into the acute angle created by the two.
3. The site is located on the edge of the village settlement of Hamstreet and is not subject to any landscape restrictions as designated within the Development Plan. The site is within the Old Romney Shoreline landscape character area.
4. The land is undeveloped and given over to grass. There are a few trees around the perimeter but the site is otherwise clear albeit being used at present to accommodate surplus spoil from the adjacent development.

5. The boundaries with the A2070 and the railway are partly screened with mature deciduous vegetation. There is a close-boarded boundary fence and temporary Heras fencing marking the boundary with undeveloped land and other land under development to the North and East. The undeveloped parcel to the East of the site was the subject of a planning application (Ref. 21/00342/ASA) for two further dwellings but that has since been withdrawn.
6. The site is relatively discrete due to its boundaries and the fact that the majority of the rest of this area between the railway and the A2070 has already been developed or is in the process of being developed. No existing completed and occupied dwellings share a boundary with the site.

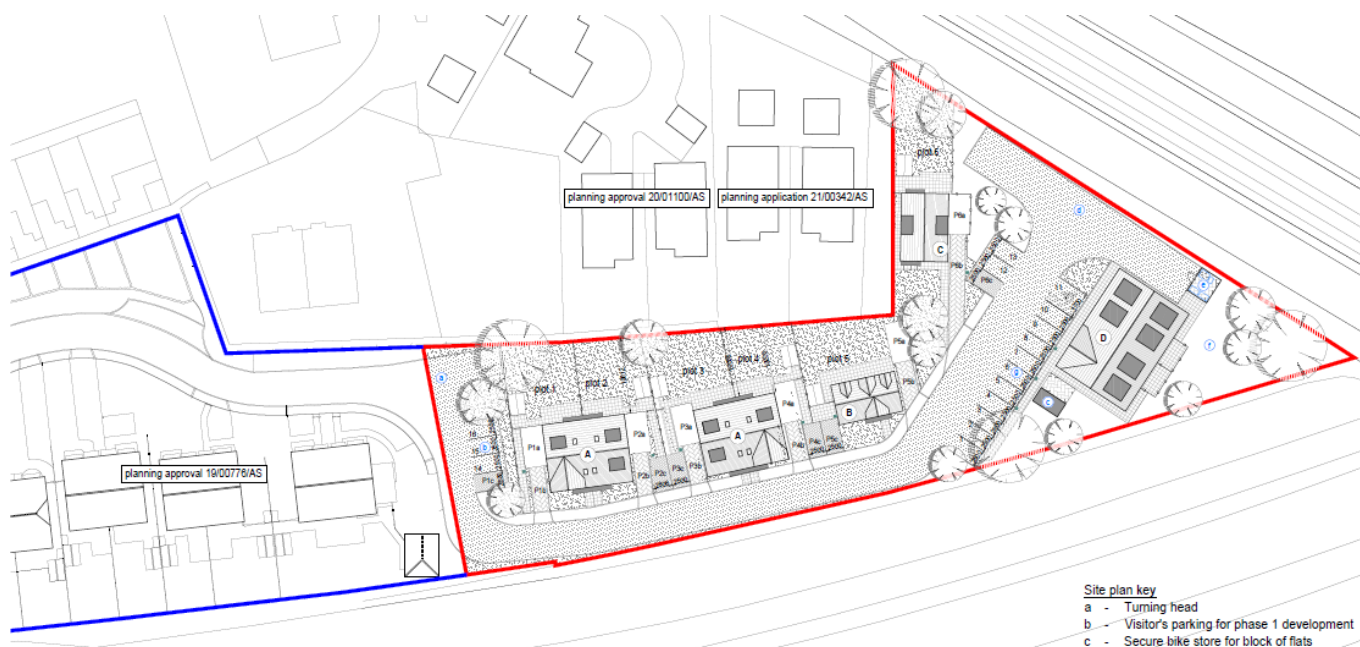


Fig.1 – Proposed Site Plan (north, and Warehorne Road, are to left side)

7. There is a development of 50 dwellings approved on the North side of Warehorne Road (Reserved Matters Ref. 20/00881/AS).

Proposal

8. Planning permission is sought for the extension of the approved development to the North of the site ("Phase 1") to provide a further 12 dwellings comprising a mix of 4 No. 3-bed semi-detached, 1 No. 3-bed detached house, 1 No. 4-bed detached house, 6 flats in a single block comprising 4 No. 2-beds and 2 No. 1-bed units and associated parking.
9. Pedestrian and vehicular access would be derived through "Phase 1" from the B2067 to the North. A carriageway and footway would run the length of the

site, terminating in a turning head at the Southern end, alongside the railway line. Parking is provided off-street and each house has a car port in proximity.

10. Communal bin and cycle storage is proposed for the flats and a shared amenity space for residents is shown to the rear.
11. The proposed houses and flats would be ranged across three storeys with the second floor being at roof level utilising gables and dormers extensively. The designs employ a high eaves line and the utilisation of forward-facing gables.
12. It is proposed to use a mix of brick and weatherboarding to tie in with the immediate context of approved development.



Fig.2 – Proposed Street Scene

Relevant Planning History

There is no planning history for the site itself, but the history of “Phase 1” to the north is as follows:-

DC	OA	18/00622/AS	Outline application for the development of land west of Viaduct Terrace to provide 3No. detached two storey 4/5 bed dwellings, with car barns, amenity gardens and highway access provision, to consider the site, access and layout and to include the change of use of land to amenity rear gardens serving Viaduct Terrace.	PERMITTED
		19/00776/AS	Erection of 8 dwellings (semi-detached) with associated access and parking together with change of use land for residential curtilage (alternative to outline planning approval 18/00622/AS)	PERMITTED

Consultations

Ward Members: The application has been called in by Cllr George Sparks.

Warehorne Parish Council: Object

Warehorne Parish Council have the following concerns regarding the proposed application:-

The proposed block of apartments appears to be higher and very close to the A2070; a high-speed road with a high volume of traffic; and may not benefit from any screening.

In the Applicant's technical report they have used noise levels from a report dated 2017, this is outdated and the volume of traffic and noise has probably increased and will continue to increase post Covid.

The noise assessment states that LA_{max}, F criteria will be exceeded with the windows open and would require mitigation.

No details of who would be responsible to maintain the community garden are stated.

There is no mention of affordable housing in the application even though there are twelve dwellings in the application.

The application needs to be considered in context with the area and the multiple planning applications already approved in a small, isolated area.

The amount of traffic joining the B2067 Warehorne Road needs to be considered, in a short distance there is going to be a large number of vehicles joining the road from the continued development behind and to the west of Viaduct Terrace together with the land north of Warehorne Road (21/00881/AS, 50 dwellings).

The safety of residents should be considered as there is no footpath from the proposed development, requiring future residents to walk on a road with a 60mph limit.

We believe that this type of housing is not suitable for the Parish.

Orlestone Parish Council: Object

After viewing this application Members of Orlestone Parish Council would like it noted that they are extremely concerned about sight lines onto Warehorne Road from the junction of this proposed development, the speed of traffic on Warehorne Road and the resulting increase road traffic safety risks that this poses. Consideration needs to be given to planning application no 21/00881, where 50 dwellings are proposed. This small narrow country road was not built to withstand the amount of traffic that is being proposed.

There was a noise level assessment undertaken in 2017. This assessment is likely to now be out of date especially in consideration of planning application no 21/00881. It is hoped that another will be undertaken before this application is considered further.

Members of Orlestone Parish Council believe that the proposed flats are too close to the road and there could be safety issues with the proposal of them having closed/locked windows.

The guidelines regarding the provision of affordable homes if more than ten dwellings are built seems not to have been addressed and needs reviewing.

There is to be a communal garden on the proposed development but the responsibility of this is not mentioned. Could this be addressed?

It is noted that there is no surface water drainage strategy provided and concern is raised as to how the nearby sewage works will cope with this extra burden. There are already 3 tankers a day visiting the treatment works in Warehorne Road which clearly shows that it is not coping and further developments are planned in the area. Improvement at the treatment works needs to take place before any more development is undertaken in the area and should be enforced before some kind of leak occurs.

In conclusion the provision of flats in this rural area is out of keeping of the existing street scene and rural outlook. The plans do not appear to contain all the information required for a development of this size and the image of the street scene does not correctly illustrate the plans.

Kent Highways: Makes the following comment

Further to my previous comments, the applicant has now submitted revised plans which address all my previous concerns.

The plans for the pedestrian crossing on Warehorne Road are indicative only and a Section 278 Highway Agreement will need to be entered into with the County Council. Detailed plans will need to be submitted to our Agreements team to be agreed, and the footpath link will need to be constructed prior to the first occupation of the proposed development, but this can be suitably conditioned should the LPA be minded to approve this application.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries

- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans PL02D prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the Electric Vehicle charging points as demonstrated on the submitted plans PL02D. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Prior to the commencement of development detailed plans to be submitted to and approved by the LPA in consultation with the Local Highway Authority for the construction of the footpath link on Warehorne Road. The approved footpath link shall be constructed and opened for pedestrians prior to the first occupation of the development.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Neighbours: 19 consulted **6** responses received raising objection on the following grounds:

- Pressure on local services
- Traffic issues and highway safety
- Warehorne Road is too fast and the bend is blind
- Pedestrian access unsuitable
- Exacerbating existing flooding problems
- Flats are not in keeping with the area
- Very close to the A2070
- Overdevelopment
- Not in keeping with the area
- Some plots are three storey
- Invasion of privacy
- Pressure on infrastructure – schools and doctors
- Increased light pollution
- Ham Street is getting too big

Housing Services: ...the policy compliant position means there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 12 homes are coming forward on the site. Therefore, the policy compliant position would see 5 units coming forward as affordable housing on the site – as identified in the applicant's application form. We would require 2 units for affordable rent and 3 units for affordable home ownership, 2 units of which must be for shared ownership and 1 units for either shared ownership, or an affordable home ownership product, to be agreed with the development partnership manager within the authority.

We would expect the properties to meet the Nationally Described Space Standards...We note that plots have not been clearly identified on the site layout, and at this stage it is not clear what plots are applicable for affordable housing. However, it seems sensible to request 2 x one bedroom top floor flats for affordable rent, then 2x two bedroom flat as shared ownership and 1x two bedroom flat as another affordable home ownership option. This could create a management issue for any RP having three different tenure mixes within the same block though, so we would ask that the developer give some thought to viability and whether any of the houses can be made available for other tenure forms, or whether a non-policy-compliant position could be adopted on this site so that all six flats were shared ownership or affordable rent.

We are currently concerned about the feedback from RPs on shared ownership flatted units, particularly 1-bed units. To mitigate this our proposal is, as above, is to take on the properties on the first floor and top floor, as well as one on the group floor. However we would want to discuss potential management issues with the developer.

We would, though, ordinarily expect the units to be spread throughout the site rather than positioned in just a cluster though we appreciate this is much harder on a smaller site. This is integral to creating a mixed and balanced community. Most importantly, we would also expect the affordable housing properties to be visually integrated into the site and not discernible from the open market dwellings – this is essential and referenced in the new Social Housing White Paper.

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

The council's position regarding DPA waivers has been adopted at Cabinet in October 2019. This sits within the council's affordable housing delivery plan. The Head of Housing's proposed policy position in a designated protected area is to mirror the position outside of a designated protected area and allow unrestricted staircasing to one hundred percent (100%) equity value of a dwelling, save for

affordable housing proposals in a rural exception site (coming forward under HOU2 of the Ashford Local Plan to 2030).

Environmental Services: The recommended provision of double glazing with acoustic vents should be incorporated into the design and specification for the properties.

KCC Ecological Advice Service: We are satisfied with the conclusions of the ecological survey and we do not require any further survey work to be carried out on the proposed development site. However further information on the proposed mitigation is required prior to determination of the planning application.

The ecological report has confirmed that slow worms and common lizards are present on the site and as a result of reviewing the proposed site plan there is no potential to retain the population on site. Therefore there is a need for details of a suitable off site receptor site to be submitted prior to determination of the planning application.

We advise that we accept that the following information is required:

- Map showing the location of the proposed receptor site
- Information demonstrating that it can support the reptile population
- Details of any enhancements required
- Information confirming the land owner is happy for the area to be used as a receptor site.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”. The report has made a number of recommendations to enhance the site for biodiversity. We advise that the applicant confirms which ecological enhancements will be incorporated into the site.

Bats are likely to be present foraging / commuting within the proposed development site and therefore if planning permission is granted we recommend that a bat sensitive lighting scheme is implemented – we will provide suggested wording once the additional information has been provided.

KCC Flood and Water Management: no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

KCC Economic Development: Request infrastructure contributions to be secured under a S106 agreement.

Natural England: No objection.

Network Rail: Provide some Asset Protection Informatives.

Planning Policy

13. 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 Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

SP1
SP2
SP6
HOU1
HOU5
HOU12
HOU14
HOU15
HOU18
EMP6
TRA3a
TRA6
ENV1
ENV3a
ENV4
ENV7
ENV8
ENV9

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

Supplementary Planning Guidance/Documents

Sustainable drainage
Residential Parking
Residential space & layout (External space standards)
Landscape Character Assessment
Dark Skies SPD
Public Green Spaces & Water Environment
Affordable Housing

Ham Street Village Design Statement

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) July 2021

National Planning Practice Guidance

Technical Housing Standards - nationally described standards

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.

Assessment

17. The key areas for consideration are as follows:

- Principle of Development
- Visual Amenity and Design
- Residential Amenity
- Highway Safety and Parking
- Landscaping
- Ecology
- Drainage
- Affordable Housing and Housing Mix
- Impact on Designated Sites (Stodmarsh)

- Five Year Housing Land Supply Position
- Planning Obligations

Principle of Development

18. The proposal is on a windfall site and falls to be considered under Local Plan Policies SP2 and HOU5. The site lies outside, but very close to, the village confines of Ham Street which is one of the settlements listed in Policy HOU5 as potentially suitable for such development and being relatively modest in scale it is considered to be proportionate to the size of the settlement.
19. Under Policy HOU5 there are a number of criteria which have to be met and this site is in proximity to and immediately adjoins other sites where it has been recently concluded that development is acceptable in principle under that policy.
20. A key issue that needed to be addressed in this case, to ensure that this development complies with HOU5, was securing the provision of a safe pedestrian route to the facilities of the village centre including the school. This can be provided and is considered in greater depth below.
21. Overall, the proposal is now considered to be acceptable in principle (being broadly compliant with Policies SP2 and HOU5) subject to its impact upon the character and appearance of the countryside and surrounding landscape, impact on the residential amenity of neighbouring dwellings, highway impact and ecology – all considered below.

Visual Amenity

22. The relevant development policies against which to assess the visual impact of the proposal include policies SP1, SP6 and HOU5. These are consistent with the NPPF which seeks to create the highest quality design and promote a positive sense of place through the design of the built form, the relationships of buildings with each other and the spaces around them, responding to the prevailing character of the area.
23. The proposal is for a higher density of development than that approved in the immediate vicinity. The Northern part continues the rhythm of the street scene created by the “Phase 1” development and, at the Southern end of the site, a block of six flats is proposed with a communal parking area fronting the street.
24. The units have a higher eaves line than those approved on “Phase 1” and they are higher overall, employing larger dormers and forward-facing gables. The style and appearance will be different to what has been approved.

25. The question to consider is whether this would be harmful or unacceptable in urban design terms. The proposed built form would have a localised impact but will not be seen in the wider context. It could be seen as broadly consistent with local character and will have no harmful impact on the wider landscape.
26. The applicants have undertaken a simple landscape impact assessment in their Design and Access Statement and it is borne out from walking around the area that the proposals would not be highly visible or cause any degree of harm on the landscape.
27. The natural vegetation along the South and West boundaries will screen the site from view and the strong barrier created by the A2070 and the railway line mean that no additional landscape buffers are required as the infrastructure with its attendant embankments will ensure that there is no further spread of development. They will form the boundary to the enlarged settlement.
28. So, the style, form and architectural language of the proposed units will appear as different to those already approved and the proposal will appear relatively more dense internally than neighbouring development. However, on balance, it is considered that the proposal would comply with Policy HOU5 (f) and would be in keeping with the visual appearance of the area.
29. The proposal would meet the requirements of the above-mentioned policies.

Residential Amenity

30. Planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policies HOU12 (Residential Space Standards) and Policy HOU15 (Private External Open Space) are consistent with the NPPF in this regard.
31. The applicants have set out within their Design and Access Statement, how the proposed units would meet the requirements of the Nationally Described Space Standards and would therefore provide a satisfactory standard of amenity for future occupiers. The proposed units are well laid out and all of the units are dual aspect (East-West). They have sufficient external amenity space and would provide good quality housing.
32. Consultees have expressed concern about the proximity of the proposed housing to the busy highway adjacent. This is a similar relationship to the housing already approved at "Phase 1". In the case of "Phase 1" the prescription of acoustic trickle vents in the double glazed windows was considered to be sufficient to mitigate any harm. The Council's Environmental Health Officer has recommended the same in this case. The application is supported by a Technical Assessment prepared by RF Environmental and this

contains specific measures that would be required. These can be specified and secured through a planning condition.

33. Overall, the proposed units would provide a satisfactory standard of amenity for future occupiers.
34. In terms of any impact on the future occupiers of development which is underway and/or proposed to the East of the site, there is sufficient spatial separation to ensure that there would be no undue loss of privacy, overshadowing or overbearing impact.
35. There are no existing dwellings that would stand to be directly impacted. The relationship of the development to its surroundings would therefore be satisfactory and the development would not result in harm to the residential amenity of neighbouring or future occupiers in accordance with the NPPF.

Parking and Highway Safety

36. A vehicular and pedestrian access is proposed off Warehorne Road through "Phase 1". It has been demonstrated that the required visibility splays can be provided and KCC Highways are satisfied the access would not pose a risk to highway safety. The vehicle movements associated with the residential use of the site would not generate significant increases in traffic. Overall there is no objection in terms of highway safety or capacity.
37. The Highway Authority raised a number of issues initially which have now been satisfactorily addressed. In particular, the need to ensure that there is a safe and connected route for pedestrians into the village. This has now been met. More detailed plans will be required to show the exact configuration of proposed works within the existing highway on Warehorne Road and, once agreed, these works can be implemented under a S278 agreement. This would need to be secured under a S106 agreement if this application is to be approved. The agreement will require the works to be done to create the necessary pedestrian link across Warehorne Road to connect with the proposed footway through the approved new development on the North side.
38. A planning condition will be required to ensure that the carriageway and footway from the proposed development connects through the "Phase 1" site to the public highway whether or not the carriageway and footway within the site itself is to be adopted ultimately.
39. The Highway Authority have also requested planning conditions listed in their comments above. These are all justified in planning terms and are recommended.

- 40. The proposed development would be amply provided with vehicle parking space with 3 spaces per house and 2 spaces per flat, with an additional visitor's space, in excess of the Council's guidance.
- 41. Overall, the proposal is considered to be acceptable in highways terms.

Landscaping

- 42. The proposal allows for modest areas of new planting and amenity space. Use of native species would secure biodiversity enhancements and the planting would soften the overall appearance of the development. The new planting would contribute towards the rural character of the site and help it to assimilate into its surroundings over time.
- 43. A more detailed landscaping scheme is required and this can be secured by condition, together with details of its proposed management and maintenance.

Ecology

- 44. An up-to-date Ecological Scoping Study was submitted with the current planning application. This identifies the continuing presence of slow worms and lizards. The applicant has agreed a translocation site with KCC which is in his ownership. The study also identifies the need for a bat lighting plan.
- 45. In addition, biodiversity enhancements are suggested and these are now required by policies in the NPPF and encouraged under Local Plan Policy ENV1.
- 46. The implementation of the proposed mitigation (including the translocation works) should be secured by planning conditions.

Drainage

- 47. No detailed information has been submitted. A plan has been submitted which indicates that it is the intention to use soakaways but no information has been submitted regarding proposed discharge rates. The proposed development has the potential to increase surface water runoff. Given the number of dwellings proposed and the limited information received regarding the proposed SUDS methodology, it is reasonable and necessary to require additional information by condition.
- 48. It is likely that the proposed SUDS will comprise a series of soakways as this was the strategy proposed and agreed for the adjacent site ("Phase 1").

Affordable Housing and Housing Mix

49. The Council's Housing Service have set out the policy-compliant position above. The requirement is for 40% of units to be so provided and the ratio between social rented and affordable home ownership (including shared ownership) is specified by the Council's Local Plan 2030. Housing Services' proposal in this instance is to dedicate the entire block of six flats to affordable housing (4No 2-beds and 2No. 1-beds). This would be in excess of the required 40% as it would represent 50% of the total number of units. However, the mix would not include any larger family homes, which otherwise the Housing Service might have requested. The Council's housing service accepted that, in management terms, it is much easier to have all the units in a single block.
50. At the time of writing this report the proposed tenure of the six units has yet to be agreed but it is likely to be entirely social rented accommodation or shared ownership or a mixture of the two. The proposal may not therefore comply with the policy HOU1 of the Local Plan as it may not comply in terms of tenure mix (to be clarified at the meeting).
51. Overall, however, the proposal represents a benefit in planning terms as it would provide six much-needed units of affordable housing which is in excess of the policy requirement. By agreement with the applicant, this can be secured as a requirement in the S106 agreement.
52. The overall housing mix, including the market housing, is good and meets the requirements of policy HOU18 of the Local Plan.

Impact on Designated Sites (Stodmarsh)

53. The proposed site is outside of the Stour Catchment and will not connect to a wastewater treatment works discharging to it, so will have no impact on the nationally designated protected habitats at Stodmarsh Lakes. This means that no requirement for the scheme to achieve nutrient neutrality exists in this case. The site is not affected by any other designation either.

Five Year Housing Land Supply Position

54. The latest published Housing Land Supply position as of 31st 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. There are no factors, such as national environmental designations, which disapply this presumption in this case and so the delivery of housing proposed here is a material consideration to weigh in favour of granting planning permission for this proposal.

Planning Obligations

55. 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
56. 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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (£)	Trigger Points (£)	
	<p><u>Informal/Natural Green Space</u></p> <p>Contribution towards Project: TBC in consultation with the Orlestone Parish Council</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p> <p>TOTAL: £7,874.63</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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 SP1, COM1, COM2, and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Local Highways</u></p> <p>To enter into a S278 Agreement for the provision of a footpath link and pedestrian crossing point on the Warehorne Road to connect with the proposed footway on the North side of Warehorne Road, thereby providing a</p>		<p>Enter Agreement before commencement of development.</p> <p>To be provided, safe and open for</p>	<p>Necessary in order to provide a safe route to the village school and other amenities in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1, HOU5(b), KCC Highways guidance and guidance in the NPPF.</p> <p>Directly related as occupiers will need to access the school and other village amenities on foot.</p> <p>Fairly and reasonably related in scale and kind as would be site specific requirement to enable site delivery.</p>

	safe route for pedestrians to access the village centre from the school.		public use before first occupation	
	<p><u>Adult Social Care</u></p> <p>Project:</p> <p>Contribution Towards Special care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough</p>	<p>£146.88 per dwelling</p> <p>TOTAL: £1762.56</p>	<p>Upon occupation of 50% of the dwellings</p>	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><u>Affordable Housing</u></p> <p>All 6 flats to be made available for affordable rent or affordable home ownership. The affordable housing shall be managed by a registered provider of social housing approved by the council, with a nominations agreement with the Council.</p>	<p>6 affordable units – affordable rented or a blend with shared-ownership –to be agreed, but with a minimum of 2 units social rented.</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and bearing in mind the mix of units being provided on the site as a whole.</p>

	Shared ownership units to be leased in the terms specified. Affordable rented units to be let at no more than 80% market rent and in accordance with the nominations agreement.			
	<p><u>Allotments</u></p> <p>Contribution towards TBC</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p> <p>TOTAL: £3,361.50</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3 and IMP1 Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Children's and Young People's Play Space</u></p> <p>Contribution towards Project:</p> <p>Enhancement of existing</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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 COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p>

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 13 April 2022

	play space provision within the village to be agreed with the Parish Council	dwelling for maintenance		Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<p><u>Community Learning</u></p> <p>Project: Contribution Towards additional resources and equipment at Ashford & Tenterden AECs for the additional learners from development</p>	<p>£16.42 per dwelling</p> <p>TOTAL: £197.04</p>	<p>Upon occupation of 50% of the dwellings</p>	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><u>Youth</u></p> <p>Project: Contribution Towards additional resources for Youth services in Ashford Borough</p>	<p>£65.50 per dwelling</p> <p>TOTAL: £786.00</p>	<p>Upon occupation of 50% of the dwellings</p>	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1 and IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p>

				<p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Libraries</u></p> <p>Contribution for additional book stock at libraries in the borough</p>	<p>£55.45 per dwelling</p> <p>TOTAL: £665.40</p>	<p>Upon occupation of 50% of the dwellings</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><u>Outdoor Sports Pitches</u></p> <p>Contribution towards Project: TBC - for changing room and pitch facilities</p>	<p>£344.67 per dwelling for capital costs</p> <p>£206.27 per</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to</p>

		dwelling for maintenance TOTAL: £5,716		be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<u>Indoor Sport</u> Contribution towards Projects: For capital costs for the provision or enhancement of artificial pitches and sports halls within the Borough	£209.83 per dwelling TOTAL: £2,177.00	Upon occupation of 75% of the dwellings	Necessary as 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 COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will use indoor sports facilities and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<u>Primary Schools</u> Project: Contribution Towards expansion of Primary Schools within the Hamstreet and	£1160.50 per flat £4642.00 per house £0 for the two	Half the contribution upon occupation of 25% of the dwellings and balance on	Necessary as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 13 April 2022

	Woodchurch planning group	1-bed flats with less than 56 m ² gross internal area Total Contribution: £32,494.00	occupation of 50% of the dwellings	Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
	<u>Strategic Parks</u> Project: To be either a contribution towards provision of Conningbrook Lakes Country Park, to include fees, infrastructure works and management and maintenance of CLCP. Or, contribution towards provision of Discovery Park, to include fees, infrastructure works (including land purchase), management and maintenance of Discovery Park.	£146 per dwelling for capital costs £47 per dwelling for maintenance	Upon occupation of 75% of the dwellings	Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<u>Voluntary Sector</u> Contribution towards Project: TBC in	£87 per dwelling	Upon occupation of 75% of the	Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1 and IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 13 April 2022

	consultation with the Parish Council	TOTAL: £902.63	dwellings	<p>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
	<p><u>Arts Sector</u></p> <p>Contribution towards TBC</p>	<p>£338.40 per dwelling</p> <p>TOTAL: £3,510.90</p>	Upon occupation of 75% of the dwellings	<p>Necessary as enhanced arts services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1 and IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the arts sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking and related reporting</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring and reporting of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p>				

If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.
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Human Rights Issues

57. 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

58. 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

59. The proposed development has been considered against the policies of the Development Plan as a whole. The development would be more dense than neighbouring development but is broadly in keeping with the character of the existing and approved built form of the surrounding area. It is considered that the layout, density and the design quality of the scheme are appropriate for this discrete location and the proposals would be in compliance with Policy HOU5.
60. There would be no unacceptable harm to residential amenity, highway safety, ecology or any other consideration. There would also be no issues in terms of surface and foul water drainage. Overall, the scheme would deliver a modest addition to the Council’s 5 Year Housing land supply, which it cannot currently demonstrate. The development would also deliver affordable housing in excess of the policy requirement albeit possibly in a different tenure mix than policy requires.
61. The proposal would meet all of the required S106 contributions requested by service providers to mitigate the impact of the development and these are to be spent within the parish where applicable.
62. It is recognised that this development does not meet with the approval of the parish councils nor of some local residents. Nonetheless, their substantive concerns have all been addressed in this report.
63. In conclusion, this is a deliverable site that would not be delayed in coming forward by Stodmarsh. The scheme is broadly policy compliant and does not result in significant or demonstrable harm which would outweigh its benefits

under the NPPF. Consequently, it is recommended that planning permission be 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 Planning Applications and Building Control Manager in consultation with the Solicitor to the Council, with delegated authority to the Strategic Development and Delivery Manager or Planning Applications and Building Control Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below:

1. Standard time limit condition
2. Development carried out in accordance with the approved plans
3. Suds Condition
4. Construction Management Plan
5. Materials to be approved
6. Landscaping scheme design, provision, management and maintenance
7. Biodiversity Enhancement Plan
8. Reptile mitigation strategy
9. Bat-sensitive lighting
10. Details of walls and fences
11. Implementation and Maintenance of access
12. Provision and retention of parking spaces
13. Vehicle Loading/unloading and turning
14. EV charging points
15. Bicycle Parking
16. Completion of footways and carriageways

17. Detailed proposals for proposed footpath link on Warehorne Road (?) and implementation of the same
18. Noise mitigation
19. Accessibility standards condition (related to policy HOU14)
20. Fibre to the premises condition (related to policy EMP6)
21. Approved development available for inspection

Notes to Applicant

1. S106
2. Working with the Applicant
3. Network Rail Asset Protection
4. KCC Highways' Informatives

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 was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this

application may be found on the [View applications on line](#) pages under planning application reference 21/01135/AS)

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