

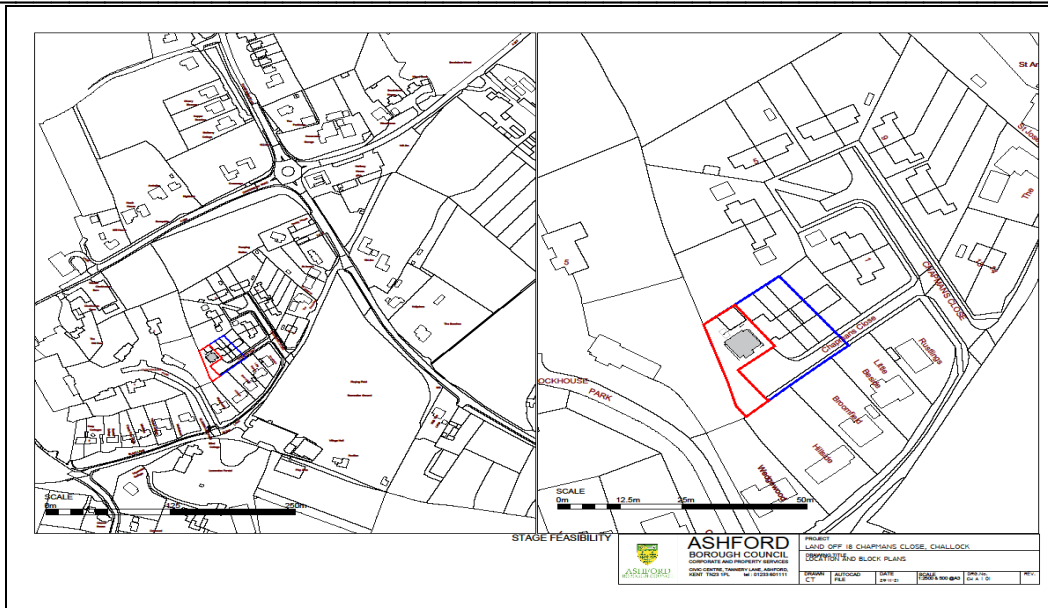
<b>Application Number</b>	22/00487/AS
<b>Location</b>	Site Adjacent to 18 Chapmans Close, Challock, Ashford, TN25 4AX
<b>Grid Reference</b>	601047/150616
<b>Parish Council</b>	Challock
<b>Ward</b>	Downs West
<b>Application Description</b>	Erection of two storey dwelling with associated parking
<b>Applicant</b>	Ashford Borough Council
<b>Agent</b>	Head of Housing - Corporate Property and Projects
<b>Site Area</b>	0.045 ha

## Introduction

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

## Site and Surroundings

2. The application site is a vacant piece of land at the western end of Chapmans Close, within the village confines of Challock and within an Area of Outstanding Natural Beauty (AONB). To the east, the site abuts No 18 Chapmans Close - an end of terrace 2-storey dwellinghouse. The site also includes a small piece of land adjacent to the turning head at the western end of the Close.



**Figure 1 – Location and Proposed Block Plans**

3. It is occupied by a single storey double garage with flat roof and a number of mature trees along its western and northern boundaries. The western boundary abuts the extensive open curtilage of a 2-storey building fronting Clockhouse Park whilst the northern boundary is adjacent to the curtilage of No 3 Chapmans Close.



**Figure 2 - The Application Site showing the adjacent No 18 Chapmans**

## **The Proposal**

4. Full planning permission is sought for the erection of a detached 2-storey dwellinghouse with a pitched roof and 3 bedrooms. The proposed dwelling would provide a specialist and wheelchair accessible accommodation for a local family with connection to Challock and with a disabled son; whose mobility needs are complex and are increasing over time. There are 2 off-street parking spaces provided.

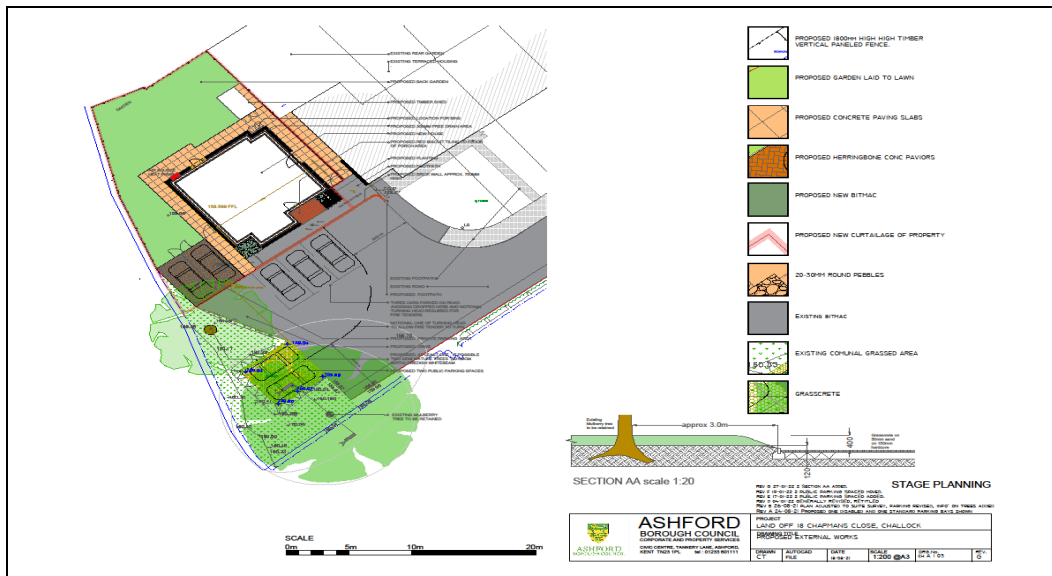


Figure 3 - Proposed Site Plan

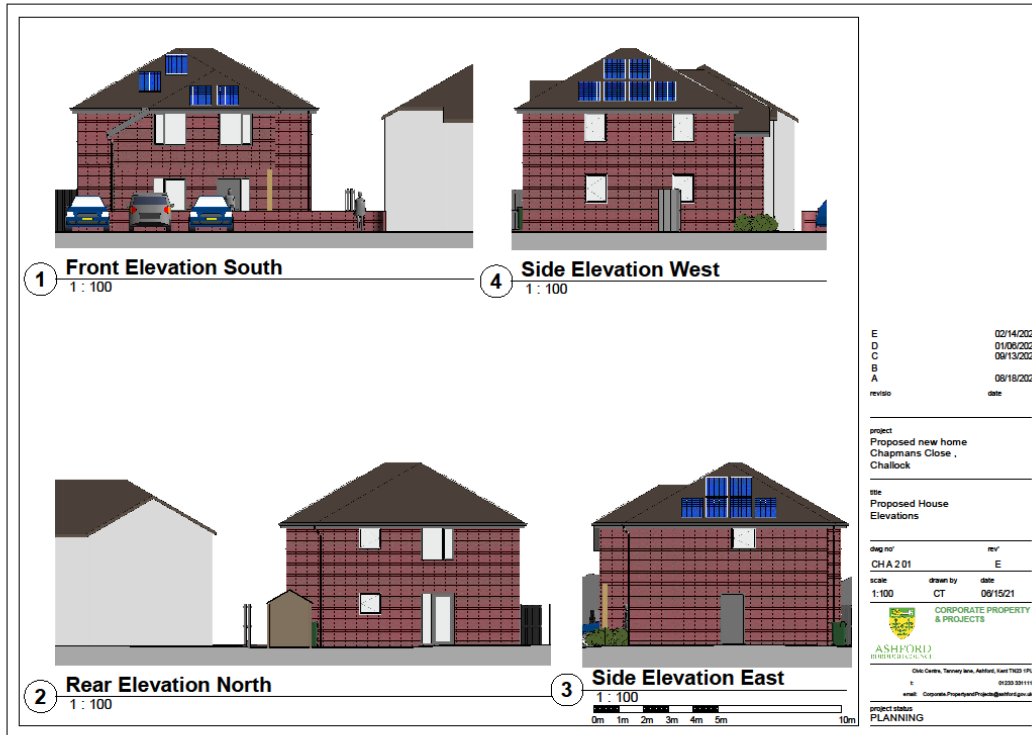


Figure 4 – Proposed Elevations

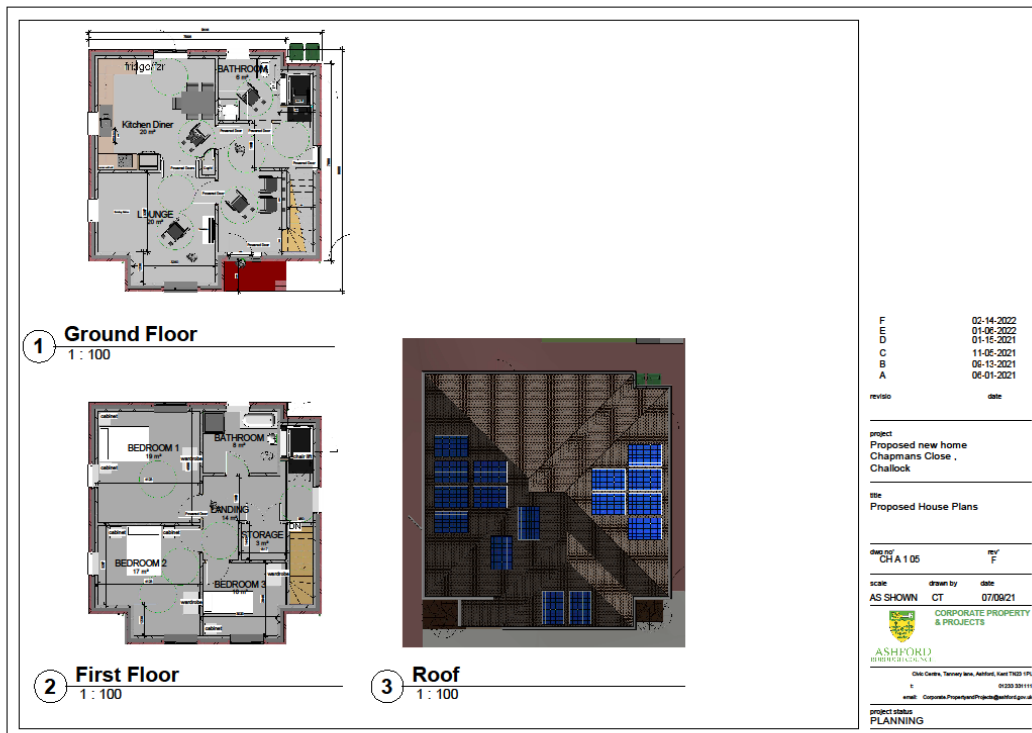


Figure 5 - Proposed Floor Plans

## Planning History

5. 80/00076/AS: Erection of brick-built garage store building to replace to replace existing timber ones with asbestos – Approved 27/06/1980  
  
85/00644/AS: Continued use of the garage/store/office building – Approved 10/07/1985

## Consultations

6. **Challock Parish Council** not in support of this application. There is no footpath for wheelchair access exiting Chapmans Close and Blind Lane. No dropped kerbs. Note with interest the foul drainage system may not be fit for purpose as it was originally built to service 8 dwellings and has increased to a further 6 dwellings. Current status the foul drainage system has not been put right. The Parish Council requests an independent survey is carried out on the foul drainage system. Neighbours' comments to be taken into consideration.
7. **KCC Highways & Transportation:** This proposal was subject to pre-planning advice between the applicant and Kent County Council Highways and Transportation. KCC Highways raise no objection subject to conditions.
8. **KCC Biodiversity and Ecology:** No objection subject to conditions.
9. **ABC Environmental Protection:** No objection.
10. **ABC Waste Management:** To currently service 15-18 Chapmans Close the refuse collection vehicle carries out a reverse manoeuvre. Servicing this new additional property would in no way change the current operation. A front of property waste collection service for this property is approved.
11. **Neighbours:** 12 neighbours notified and 6 responses received. Four (4) of these raised objection with the following concerns.
  - Insufficient turning space for large and emergency vehicles
  - Loss of mature boundary trees;
  - Undesirable impact on the amenity of neighbours in relation to overlooking and loss of light;
  - Exacerbation of drainage and sewage problems in Chapmans Close;
  - Exacerbation of parking problems; and
  - Every property in Chapmans Close should be notified about the proposal;

General comments: It is suggested that a covenant be placed on the new property to ensure it participates fully in sharing the ongoing costs of maintaining the Sewage Treatment Works as with other residents. Another

response seeks assurance that the access to the rear of their property is maintained.

## Planning Policy Context

### The Development Plan

12. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022), Boughton Aluph & Eastwell Neighbourhood Plan and the Kent Minerals and Waste Local Plan (2016).

The relevant policies in the Development Plan relating to the application are as follows:-

- SP1 – Strategic Objectives
- SP2 – The Strategic Approach to Housing Delivery
- SP6 – Promoting High Quality Design
- HOU2 - Local Needs / Subsidised Specialist Housing
- HOU3a – Residential Windfall Development Within Settlements
- HOU10 – Development of Residential Gardens
- HOU12- Residential Space Standards Internal
- HOU15 - Private External Open Space
- TRA3a - Parking Standards for Residential Development
- TRA6 - Provision for Cycling
- TRA7 – The Road Network and Development
- ENV1 - Biodiversity
- ENV3b – Landscape Character and Design in the AONB
- ENV4 – Light Pollution and Promoting Dark Skies
- ENV5 – Protecting important rural features
- ENV7 – Water efficiency
- ENV8 – Water Quality, Supply and Treatment
- ENV9 – Sustainable Drainage

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

### Supplementary Planning Guidance/Documents

- Sustainable Drainage SPD 2010
- Residential Parking & Design SPD 2010
- Residential Space & Layout (External space standards) 2011
- Landscape Character Assessment SPD 2011
- Dark Skies SPD 2014
- Fibre to the Premises SPD

#### 14. **National Guidance**

National Planning Policy Framework (NPPF): The NPPF reflects the statutory provision at section 38(6) of the Planning and Compensation Act 2004 that mandates the determination of all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47). The NPPF was published on 27 March 2012 but has been amended on several occasions, with the most recent in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

Planning Policy Guidance: In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

Technical housing standards – nationally described space standards

### **Assessment**

15. The main issues for consideration are:

- a) Principle of Development
- b) Layout, Design, Character and Appearance
- c) Landscape impact and AONB
- d) Residential Amenity and Standards
- e) Access Arrangement, Parking Provision and Highway Safety
- f) Trees and Ecology
- g) Other Matters

### **Principle of Development**

16. The adopted Local Plan recognises and supports proposals for local needs / subsidised specialist housing within or adjoining rural settlements identified

under policy HOU3a. Policy HOU10 also requires the development of residential garden subject to compliance with policy HOU3a criteria.

17. Policy HOU3a of the Local Plan relates to residential windfall development within the existing settlements in the Borough. The policy states: *Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of a number of settlements (including Challock), providing that the following requirements are met:*

*a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;*

*b) It would not create a significant adverse impact on the amenity of existing residents;*

*c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);*

*d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;*

*e) It 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;*

*f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;*

*g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,*

*h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.*

*Where a proposal is located within, or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.*

18. The application site lies within the village confines of Challock and is therefore in a sustainable location and close to services and facilities that are on offer in Challock. The proposed development is therefore acceptable in principle, subject to satisfying the other criteria listed above.

### **Layout, Design, Character and Appearance**

19. Local Plan policies SP1 and SP6 also require good design and state that all development should seek to create a distinct character, with a strong sense of



place and identity. These policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment and seeks to safeguard heritage assets.

20. Having regard to the site's size, configuration and the site coverage of the proposed building in relation to the surrounding pattern of development, it is considered that the development, of the size and scale proposed, can be erected on the site without harming the character and appearance of the area. The pattern of the surrounding development, particularly the site coverage and scale of the existing dwellings within the confines of their respective plots, implies that the proposed dwelling would sit comfortably within the plot. The neighbouring dwellings are arranged in terrace form but there are detached dwellings on the opposite side of Chapmans Close in similar layout to the proposal. Besides, the site is not in a prominent location and is at the end of a cul-de-sac where the effect on the street scene would be less visible.
21. In relation to design, there is no noticeable or coherent pattern in the appearance of the surrounding buildings. Although the crown roof profile of the proposed dwelling differs from the dual pitched roof of the adjacent terrace, the effect on the street scene would be minimal given the site's location. The imposition of a condition requiring the submission of full details of the external facing materials for approval is recommended to ensure harmony in the interest of the visual amenity of the area.
22. On balance no significant or unacceptable harm to the street scene or the surrounding area would be caused and the proposal complies with the relevant Local Plan policies in respect of visual impact and would not harm the character and appearance of the area. Subject to being acceptable on all other matters which are assessed below, the proposal is acceptable in this respect.

### **Landscape Impact and AONB**

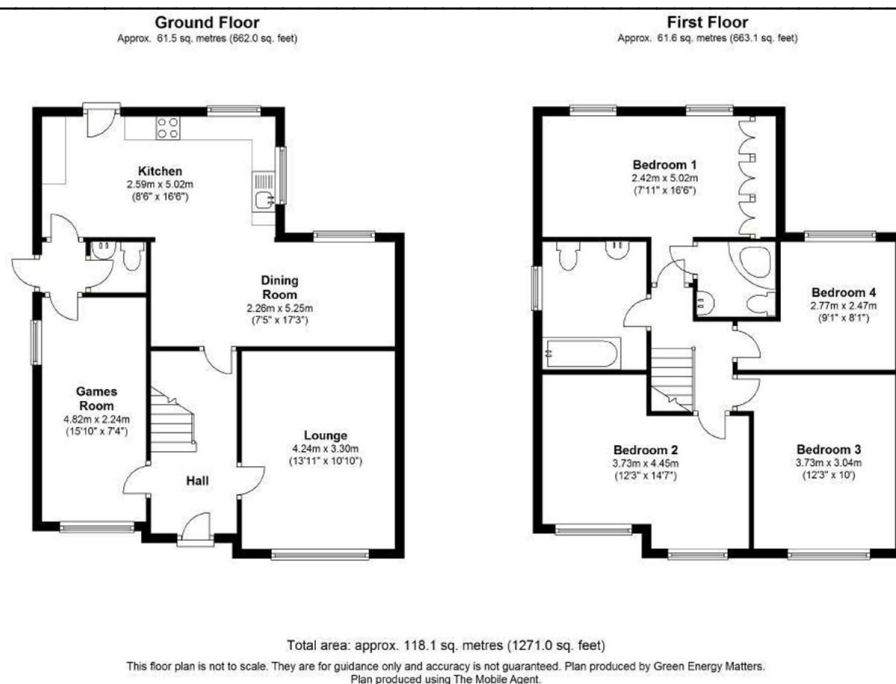
23. Local Plan policy HOU3a echoes the objective of policy ENV3b and both of them are consistent with the NPPF provision which seeks to protect and enhance the natural environment. The application site lies within the AONB, where proposals are expected to demonstrate their compatibility with the objective of conserving and enhancing their natural beauty. The site is located within the confines of the village and is neither on the edge nor in an isolated part of the countryside. It is surrounded by plots of land with buildings of similar scale and therefore the impact of its development to provide a single dwelling on the wider landscape and the AONB would be minimal.

### **Residential Amenity and Standards**

24. Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 states, amongst other things, that planning policies and decisions should ensure that developments:

*Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”*

25. Policy HOU3a also reinforces the emphasis on the protection of amenity. It seeks to ensure that new residential development do not harm the living conditions of neighbouring occupiers.
26. In consideration of the siting of the proposed dwelling relative to the neighbours, the proposal would not harm the living conditions of the neighbouring occupiers. The building is sufficiently distanced from the dwelling to the north and west (in Clockhouse Park) and in the circumstance, there would be no harm to the neighbours' amenity in relation to overlooking, loss of light and visual intrusion.
27. The proposed dwelling is separated from the adjacent end of terrace dwelling (No 18 Chapman Close) by about 2.7 metres and it should be noted that there are 3 openings on the flank elevation of the adjacent building. There are 2 on the ground floor consisting of a door and a secondary window to the games room. It is conceivable that there would be a loss of light to the games room, but it should be borne in mind that the primary source of illumination is the window on the front elevation, which is unaffected by the proposal. The first floor window is obscure glazed and serves a bathroom. The only openings on the side elevation of the proposed dwelling facing 18 Chapmans Close are a door on the ground floor and a high level window serving a hallway on the first floor.



**Figure 6 - Existing Floor Plans for the adjacent No 18 Chapmans Close**

28. In accordance with policy HOU12 and the provisions in the national guidance, the internal layout and floor space disposition for the proposed dwelling meet the set standards. The external amenity space is also satisfactory and in accordance with policy HOU15.

Overall, the proposal is satisfactory and would have no significant harm to the living conditions of the existing and future occupiers, in compliance with the NPPF provisions and the Development Plan.

### **Access Arrangement, Parking Provision and Highway Safety**

29. The proposed development including the access and parking arrangements were discussed with the Highways and Transportation Team at the County Council, who have raised no objections to the proposal, subject to the imposition of conditions. The proposal is accompanied by a parking survey with the objective of demonstrating that the parking capacity in the surrounding area would be unaffected by the proposal.
30. The proposal complies with policy TRA3a which states that dwellings of three bedrooms should be provided with 2 off road parking spaces. The shed at the rear of the site could be used as secure storage for bicycles. The development is therefore satisfactory in terms of highway safety and parking provision. There would be no loss of off-street parking provision in lieu of the loss of the existing double garage which had been in use as an office and for ancillary storage following the planning permission granted in 1985. Further 2 addition on street car parking spaces are being proposed as part of this application.
31. The existing turning head is not wide enough for a refuse truck to turn and because of this, they currently reverse along Chapmans Close. The applicant

has liaised with the Refuse Disposal Team who it is understood are happy that their current working arrangements would be unaffected by the proposal.

32. The proposal is acceptable in terms of highway safety

### **Trees and Ecology**

33. A mature Mulberry tree would be retained and a mature field Maple (Acer Campastre) replaced with at least one semi mature Swedish Whitebe.
34. A Bat Survey Report was requested by KCC Ecology and Biodiversity Team – which has been submitted and reviewed. The on-site building and the trees identified as T3, T6, T7, T8 are considered to be low suitability for roosting bats to be present and these are going to be lost by the proposed development. A bat emergence survey was also undertaken on the on-site building and tree T8 which was originally considered as having moderate potential for roosting bats to be present but no bats were recorded emerging from the building nor from the tree.
35. KCC Ecology agree with the conclusion of the Bat survey report which suggests that a precautionary bat mitigation strategy must be undertaken prior to any demolition/construction works. In the unlikely event of a bat being found then works should cease immediately and a licence from Natural England sought. They have also advised that the information submitted is sufficient and therefore recommended the imposition of conditions securing ecological avoidance, mitigation measures and the implementation of ecological enhancement.

### **Other Matters**

36. Several residents and the Parish Council have raised concerns about the drainage issue in the area. It is indicated in the application that storm water will run to soakaway in the rear garden and foul water will run into the existing communal private foul water treatment plant. It should be noted that the disposition of storm water and sewage are covered under separate legislation and the grant of planning permission does not negate the need for a separate consent from the relevant authority.

### **Working with the Applicant**

37. In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

### **Human Rights Issues**

38. Human rights issues relevant to this application were taken into account in the assessment of this proposal. 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).

## Conclusion

39. In conclusion, the Development Plan supports residential development within rural settlements subject to compliance with policy HOU3a criteria, other relevant policies and adopted standards. This site lies within the village confines of Challock and it is considered that the proposed development, by virtue of its scale, design and layout would be in keeping with the character and the spatial pattern of the surrounding development.
40. No significant harm to residential amenity is envisaged and the proposed development is acceptable in terms of its visual impact, impact upon the highway, ecology, trees and drainage. Overall, for the reasons set out above, the proposed development is considered to comply with the requirements of the development plan and it is therefore recommended that planning permission is granted.

## Recommendation

### Permit

Resolve to grant planning permission subject to the imposition of the following conditions.

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

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

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

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

- 3 The development shall be carried out in accordance with the plans and the details (including mitigation measures) set out in the accompanying documents listed in the section of this decision notice headed Plans/Documents Approved by this decision.

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

- 4 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development progresses beyond the foundation stage and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5. A landscaping scheme for the site (including entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

6. The areas shown on the approved drawings as vehicle parking spaces shall be provided, before the use is commenced and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

7. The approved dwelling shall be provided with at least one electric vehicle charging point prior to first occupation. This 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:  
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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

**8. Bat Mitigation Strategy**

Prior to demolition of the on-site building and the felling of trees T3, T6, T7, T8, the full bat mitigation strategy, as detailed in the Bat Survey Report, KWT, 6th July 2022, along with measures to enhance the site for bats shall be implemented in full, and shall be thereafter retained.

Reason: To protect the existing population of bats and to improve the habitat for bats on the site.

**9. Sensitive lighting strategy**

Within 3 months of works commencing a “sensitive lighting strategy” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Take into account measures as described within paragraph 5.4 appropriate lighting strategy of the Bat survey report;
- b) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and
- c) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: To protect and enhance existing species and habitat on the site in the future.

**10. Biodiversity and Ecological Enhancements**

Within 3 months of planning permission being granted, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained

Reason: To protect and enhance existing species and habitat on the site in the future.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification no extension, enlargement or other alteration of the approved dwelling shall be carried out without the prior written approval of the Local Planning Authority.

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

## **Informatives**

### **1. Working with the Applicant**

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

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

In this instance

- the applicant/agent was updated of 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.

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

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst



some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

## 2. **Breeding birds**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Trees and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

### **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 21/01173/AS)

**Contact Officer:** Olawale Duyile  
**Email:** [olawale.duyile@ashford.gov.uk](mailto:olawale.duyile@ashford.gov.uk)  
**Telephone:** (01233) 330380