

Application Number	17/01896/AS
Location	Garage blocks between 16 and 17 and Grass area in front of 7 and 8, The Weavers, Biddenden, Kent
Grid Reference	85289/38515
Parish Council	Biddenden
Ward	Biddenden
Application Description	Construction of two chalet bungalows with associated parking: amendment to planning permission 15/01073/AS
Applicant	Mr Giles Holloway, Development & Regeneration Manager, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
Agent	Mr Michael Head, RDA Consulting Architects, Evegate Park Barn Evegate, Smeeth, Kent, TN25 6SX
Site Area	0.16ha

(a) 7/1R (b) Biddenden S (c) ESM X, KCC H&T -

Introduction

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

Site and Surroundings

2. The application site relates to 2 separate pieces of land both located within the built confines of Biddenden. One area of land comprises hardstanding and two building blocks comprising 18 garages between residential development located to the north end of The Weavers, where a field is beyond to the north east (“the northern site”). The other comprises an area of grassland further to the south adjacent to the road (“southern site”).

3. The site is in the Low Weald Landscape Character Area (LCA), characterised by low lying land with small streams and wet woodlands.
4. Along the boundaries to the north and west is a strong line of mature hedgerow trees to the “northern site”. The Weavers is largely characterised by terraces of two storey dwellings with frontages onto the cul-de-sac, each with their own rear gardens. Their elevations comprise mainly brick facing and some render, plain tile roofs with chimneys and hipped roofs, white uPVC windows and doors. The properties to the west of the garage block site, comprise detached two storey large dwelling houses. The southern site comprises an area of grassland between the highway and houses.
5. A site location plan is attached as an annex to this report.



Figure 1 - Site location plan

Proposal

6. Full Planning permission is sought for the erection of a pair of semi-detached chalet bungalows. The proposal is an amendment to the development approved under application 15/01073/AS.
7. The approved scheme was for the demolition of existing garage blocks and the erection of a pair of semi-detached bungalows, located roughly centrally within the site. Due to the existence of an existing foul water pumping station, Southern Water state the dwellings must be located at least 10m away from the pump station and a minimum of 3m away from the line of the pumped sewer.
8. This application therefore seeks approval to reposition the dwellings parallel with the line of the pumped sewer and 10m from the pumping station. The dormer windows have been removed from the elevations and replaced with rooflights. The rooflights on the rear elevation have been placed at high level to avoid overlooking of the adjacent gardens. All other aspects of the application remain the same.



Figure 2: Proposed Site Layout



Figure 3: Proposed Elevations

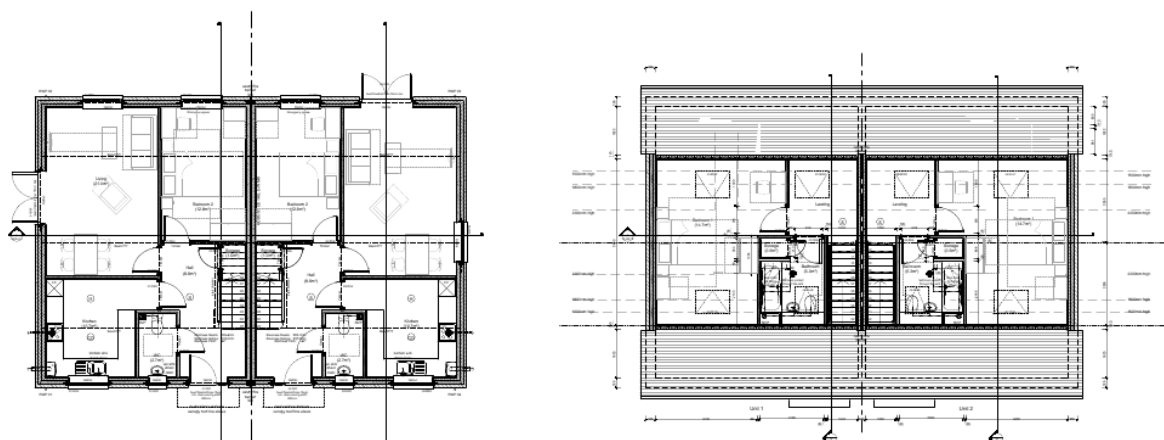


Figure 4: Proposed Floorplans



Figure 3: Proposed Parking

Planning History

DC	FA	15/01073/AS	Demolition of garages and construction of two chalet bungalows with landscaping, refuse bin and associated parking and the provision of six off-road parking spaces for general use	PERMITTED
DC	COND	15/01073/CONA/AS	Discharge of Conditions: 2, 4, 5, 6, 7, 8, 12 & 14	PERMITTED

Consultations

Ward Members: The Ward Member Cllr. Bell is not a member of the Planning Committee.

Biddenden Parish Council: Support the application subject to re-siting of the waste and storage area.

KCC Highways and Transportation: Do not wish to comment

Environmental Services (Refuse): No Objection

Environmental Services: No Objection subject to conditions regarding contamination

Neighbours: 7 neighbours consulted 1 letter of objection received stating the following:

- Need more parking, Difficult to turn cars around, Car park on the footpaths and double park in some places

Planning Policy

9. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 is now undergoing examination and as such its policies should now be afforded weight in accordance with paragraph 216 of the NPPF.
10. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

- | | |
|------|------------------------------|
| HG3 | Design in villages |
| EN32 | Important trees and woodland |

Local Development Framework Core Strategy 2008

- | | |
|------|---------------------------|
| CS1 | Guiding Principles |
| CS2 | The Borough Wide Strategy |
| CS9 | Design quality |
| CS15 | Transport |
| CS20 | Sustainable Drainage |

Tenterden & Rural Sites DPD 2010

TRS1 Minor residential development or infilling

TRS17 Landscape character and design

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

Ashford Local Plan to 2030

SP1 Strategic Objectives

SP2 The Strategic approach to Housing Delivery

SP6 Promoting High Quality Design

HOU3a Residential Windfall Development within Settlements

HOU12 Residential Space Standards Internal

HOU14 Accessibility Standards

HOU15 Private external open space

HOU18 Providing a Range and Mix of Dwelling Types and Sizes

TRA3A Parking Standards for Residential Development

ENV3a Landscape Character and Design

ENV4 Light pollution and promoting dark skies

ENV7 Water Efficiency

ENV8 Water Quality, Supply and Treatment

ENV9 Sustainable Drainage

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011 (External Amenity only)

Dark Skies SPD 2014

Village Design Statements

Biddenden 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

Government Advice

National Planning Policy Framework (NPPF) 2012

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
13. Paragraph 216 states in relation to the stages of preparing a Local Plan that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
14. The following sections of the NPPF are relevant to this application:-

- Paragraph 14 sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.
- Paragraph 49 states that housing applications should be considered in the context of the 'presumption in favour of sustainable development'.
- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
- Section 7 sets out requiring good design.

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

Assessment

15. The main issues for consideration are:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety and Parking
- Other Matters

Principle of Development

16. This application seeks permission for revisions to the development permitted under application 15/01073/AS. As there is an extant permission in place for two new dwellings on this site, the principle of development need not be reconsidered. The key issues to consider are the visual impact and the impact upon the residential amenity of existing and future occupiers.

Visual Amenity

17. The NPPF attaches great importance to the design of the built environment. Policies CS1 and CS9 of the Core Strategy are consistent with this approach, making reference to new buildings respecting the site context and creating a positive and distinctive character.
18. The removal of the rear dormer windows permitted under application reference 15/01073/AS would result in a reduction in the scale of the proposed dwellings. The development in its revised form would represent a well-proportioned and appropriately designed pair of dwellings which would sit comfortably within the plot and its context. No changes are proposed to the size and position of the garden sheds and the proposed timber fencing and access/parking area are also acceptable.
19. The development would be seen against the backdrop of the houses in the Weavers. The tree screening to the north would soften the impact of the development and ensure that the development is not visually prominent from the countryside.
20. The principle of providing 6no. parking spaces to the “southern site”, has been established though the granting of the pervious planning permission. These spaces remain as approved under application reference 15/01073/AS and as per the previous scheme are considered to be acceptable in visual terms.
21. With localised views and no harm to the wider landscape caused, the proposed development is considered to be acceptable with regard to its visual impact and would result in a significant visual improvement over the existing garage court.
22. Consequently, the proposals are considered to comply with development plan policies and the NPPF.

Residential Amenity

23. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
24. In their revised position, the proposed dwellings would no longer face the rear gardens of 16 and 17 The Weavers and therefore there would be no overlooking of these properties. The proposed dwellings would face the rear gardens of 18 and 19 Townland Close but with the tree screening to the north

retained and the dormer windows replaced with roof lights, the development would not result in significant or unacceptable overlooking of these properties.

25. Given the low level height of the chalet bungalows, their size and scale and relationship to the nearest neighbouring dwellings, the development would not result in an unacceptably overbearing or oppressive form of development, when viewed from neighbouring properties and their private gardens.
26. With regard to the residential amenity of the future occupiers, this revised proposal would not result in a reduced standard of amenity which, would be detrimental to the occupier's enjoyment of the property. The proposal would provide larger rear gardens which are acceptable. On the basis the proposals would comply with both the Nationally Described Space Standards and the Council's Residential Space and Layout SPD.
27. In light of the above, I do not consider the development would be harmful to the residential amenity of existing or future residents.

Highway Safety and Parking

28. No changes are proposed to the approved parking and access arrangement. With regard to the neighbours comment, the development makes provision for parking to serve its needs along with additional spaces as a flexible resource to the "northern site". Six additional spaces are provided as a flexible resource to the "southern site" for existing residents. Sufficient parking is therefore proposed to be provided and in light of this, I do not consider that the proposal will have an adverse impact on parking or highway safety and the development is therefore considered to be acceptable in regard to this matter.

Drainage

29. With regards to surface water drainage, a scheme should be designed to incorporate sustainable drainage systems in line with policy CS20 of the Core Strategy and the Council's SUDs SPD.
30. The scheme will utilise a number of soakaways and will incorporate SUDs features, which will help minimise the use of the public sewerage system. The provision of permeable surfaces and the use of water butts are included; this will improve the surface water run-off on site. A condition can be attached requesting a full drainage scheme to ensure compliance with policy CS20 and the Council's SUD's SPD.
31. The proposed dwellings are to be connected to a foul sewer close to the site.

Trees

32. Policy EN32 of the Local Plan states that permission will not be granted for development which would damage or result in the loss of important trees or woodland.
33. With regard to impact on existing trees, the new position of the proposed dwellings is still within the footprint of the existing garage block. Whilst there is potential for some root disturbance resulting from the demolition of existing garages and removal of existing surfacing, the impact would not be detrimental to the long term health of the surrounding trees.
34. Subject to tree protection measures being implemented during construction I do not consider that significant or unacceptable harm to the existing trees would be caused by this development.

Human Rights Issues

35. 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

36. In accordance with paragraphs 186 and 187 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

37. In its revised form, the proposed development would not cause significant or unacceptable harm to the visual and residential amenity of the locality. No highway safety issue arise from the proposal and the development is acceptable in terms of its impact upon parking, trees and drainage.
38. With no overriding harm caused the proposal is therefore considered to be acceptable and in accordance with the Development Plan as a whole. I therefore recommend the application is permitted subject to conditions.

Recommendation

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 hereby approved shall be carried out in accordance with the materials approved under application 15/01073/CONA/AS unless otherwise agreed in writing but the local planning authority.

Reason: In the interests of visual amenity.

3. A landscaping scheme for the site (retention of the existing boundary trees and the planting of native species in any of its gaps) 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

4. The area shown on drawing numbers 163163.03P3 and ABC1001_1010 as vehicle parking space shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority 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 this reserved parking space.

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

5. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority

and the works shall be carried out and maintained in accordance with these details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development.

6. Prior to works commencing on site, details of parking for site personnel and visitors and loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

7. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

8. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the commencement of development and such approved works shall be appropriately retained and maintained.

Reason: To avoid pollution of the surrounding area.

9. The development hereby approved shall be carried out in accordance with the land contamination remediation scheme approved under application 15/01073/CONA/AS unless otherwise agreed in writing but the local planning authority.

Reason: To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is developed.

10. Prior to the first occupation of the development hereby permitted the approved remediation scheme shall be fully implemented and a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is developed.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

12. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holiday.

Reason: To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as a single dwelling house as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

14. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
- (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

15. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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.

16. 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.

Note to Applicant

1. Working with the applicant

In accordance with paragraphs 186 and 187 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,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- 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 17/01896/AS.

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Annex 1



Ashford Borough Council



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