

Application Number	21/02120/AS
Location	Garages between 11 and 12, Plantation Close, Hothfield, Kent
Grid Reference	Easting (x) 597092; Northing (y) 145173
Parish Council	Hothfield
Ward	Upper Weald
Application Description	Residential development comprising of 4 dwellings, associated vehicular and pedestrian access, parking, hardstanding and landscaping and demolition of existing garages.
Applicant	Assistant Director Housing Sharon Williams (ABC)
Agent	Mr Asri Asra
Site Area	0.16 hectares (approx. 1600sqm)

Introduction

1. This application is reported to the Planning Committee because the Council is the applicant and under the Council's scheme of delegation it falls to be determined by the Planning Committee.

Site and Surroundings

2. The application site is approximately 0.16 hectares (ha) and located within the village of Hothfield. It comprises 22 garages arranged in three rows around a turning head at the end of Plantation Close. A total of 14 of the garages are let. The surrounding area is predominantly residential in nature with dwellings adjoining the site to the north, south, east, and west.
3. Plantation Close is a cul-de-sac accessed from Coach Drive. The site is a short walk from the local school, post office and village hall. The nearest bus stops are on either side of School Road, a 1-minute walk away, serving a bus route between Biddenden to Ashford Town Centre.
4. The properties to the northwest of the site on School Road are predominantly 2 storeys terraced housing, with bungalows adjacent to the east and south of the site on Plantation close. The surrounding residential houses were developed in the 50s/60s, with a few older farmhouses in the wider area. The existing garages on the site were built towards the end of the 1970s.

5. The garages are accessed via Plantation Close or via the public footway from School Road. The site also includes area in front of no's 9-11 Plantation Close at the end of the turning head. Rear gardens to the adjacent houses on School Road directly faces the site along the northwest corner. A number of the houses have direct rear garden access (via gates) to the site and have utilised the site for informal vehicular parking. A substation, enclosed by steel fencing, is located to the north of the site; at the end of a row of garages.
6. The site is largely level with a slight slope downward (approximately 0.4m) from the northwest. The area free of garages abuts rear gardens that are enclosed by a combination of boundary treatments including close boarded timber fence and gates, low level brick wall, railings and planting/shrubs.
7. A site location plan is as shown in Figure 1 below.

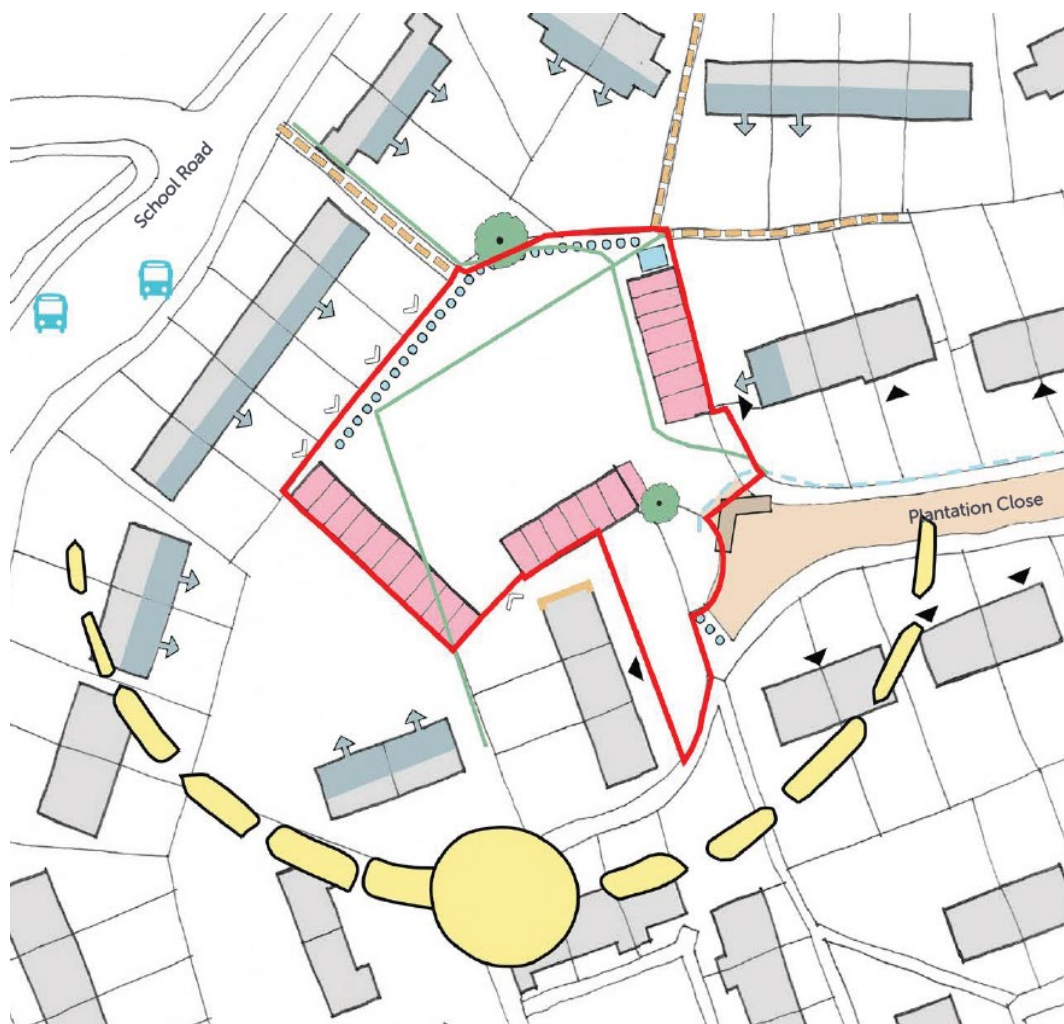


Figure 1: Site Location Plan



Figure 2: Aerial View

Background and Proposal

8. The application seeks planning permission for the demolition of 2 rows of garages (16 out of 22) and the construction of 4 single storey one bed terraced dwellinghouses arranged in a staggered fashion to the western side of the turning head. The proposed dwellings will be wheelchair accessible and affordable. With regard design, the proposal would have shallow asymmetric pitched roofs and would be finished in red brick, grey brick (horizontal banding to create interest), dark grey powder coated aluminum fenestration and a grey tiled plain roof. The driveways and privately maintained access road would be block paved. The dwellings would be set back approximately 1.2m from the boundary with neighbouring dwellings to the southeast and 2.4m from the boundary to the northwest.
9. The proposal seeks to utilise the existing access via Plantation Close. A new shared surface street is proposed to serve the proposed 4 new homes and associated vehicular and pedestrian access requirement. To ensure legibility and safety for pedestrians, a 1.5m wide delineated shared surface footway is proposed connecting the existing public footpath from School Road to the footway adjacent to no.12 Plantation Close. The existing pedestrian access for adjacent properties to the northwest and southeast of the site would be retained and combined with rear garden access for the proposed homes.
10. It would make provision for one disabled space per dwelling to the front of each unit and two visitor parking spaces, providing a total of six spaces to meet the needs generated by the future residents of the development. Further to this, 6

garages would be retained and to further alleviate parking on the existing turning head, new parking adjacent to no 9-11 Plantation Close is also proposed (3 parking spaces). Other offsite works include provision of dropped kerbs to Council owned properties in Plantation Close.



Figure 3: Block Plan

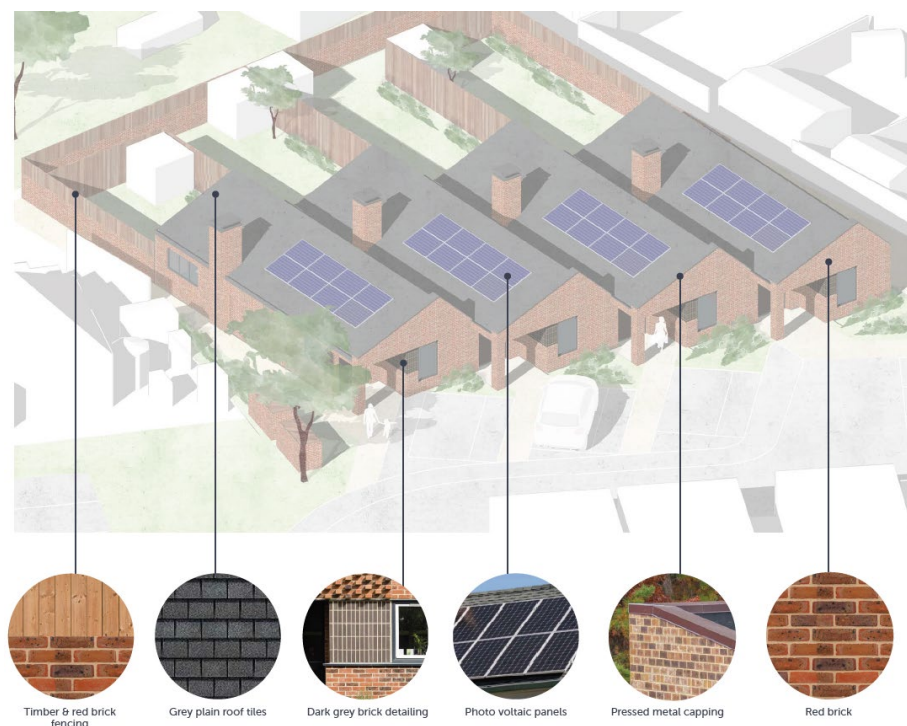


Figure 4: Elevations and materials

Planning History

- The site has a history of use as agricultural land, until its development to domestic garages in the late 1970s.
- The site does not have any relevant planning history.

Consultations

11. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the properties in the vicinity of the application site.
 - KCC Highways – no objection raised.
 - KCC Ecology – Due to the lack of habitat features on-site/habitat connectivity, we are satisfied that there is unlikely to be any protected species/biodiversity interest. No objection has been raised. An informative and condition requiring submission of an ecological enhancement plan is recommended to be attached to the permission.
 - ABC Environmental Protection – no objection raised subject to conditions in relation to EV Charging, land or groundwater contamination, unexpected contamination and an informative in respect of construction hours.

- Hothfield Parish Council - Hothfield Parish council are content with this application and welcome the commitment to residents for proposed dropped kerb and hardstanding improvements to Plantation Close to help alleviate the loss of a parking area. However it is felt that further consideration should be given to demolishing some or all of the remaining garages with a view to providing allocated parking as required by the new development and existing householders (including residents of Common Way) not able to make use of a drop kerb arrangement.

Neighbours

6 letters of representations received objecting to the planning application and raising the following matters:

- Increase in pressure of parking in the area on surrounding roads
- Would block right of way leading from no.10 School Road
- Construction traffic would be nightmare for residents
- Will make the quiet cul de sac very noisy and dangerous for our children whilst building work is going on
- Removal of the said car park will also deny access to the foot paths/alleyways leading to the car park and public transport.
- It would remove access to the Footpaths through the village and access to the public transport.

Planning Policy

12. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
13. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
14. The Local Plan polices relevant to this application are as follows:
 - SP1 Strategic Objectives
 - SP2 The Strategic Approach to Housing Delivery
 - SP6 Promoting High Quality Design
 - HOU3a Residential Windfall Development
 - HOU12 Residential Space Standards (internal)
 - HOU14 Accessibility standards

- HOU15 Private external open space
- ENV1 Biodiversity
- ENV7 Water Efficiency
- ENV9 Sustainable Drainage
- TRA3a Parking Standards for Residential Development
- TRA6 Provision for Cycling
- EMP6 Promotion of Fibre to the Premises (FTTP)

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

Supplementary Planning Guidance/Documents

- Fibre to the Premises SPD, 2020
- Dark Skies SPD, 2014
- Residential Space and Layout SPD, 2011
- Sustainable Drainage SPD, 2010
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010

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
- Kent Downs AONB Landscape Design Handbook
- Kent Downs AONB Management Plan 2021-2026

Government Advice

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance
- National Design Guide 2021
- Technical Housing Standards – nationally described standards
- Article 6(3) of the Habitats Directive; Habitats Regulations 2017

ASSESSMENT

16. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Five Year Housing Land Supply
- Character and Appearance
- Impact on Highways

- Impact on Residential Amenity
- Impact on Ecology
- Stodmarsh Catchment Area

Principle of development

17. The site lies within the settlement confines of Hothfield on previously developed land and is bounded by existing residential development. The proposal is a relatively modest scale which ensures the proposal can be satisfactorily integrated into the existing settlement. Therefore, the proposal, being compliant with HOU3a (Residential Windfall Development Within Settlements), is acceptable in principle provided the relevant criteria under Policy HOU3a are met. The criteria include the impact upon the character and appearance of the area, impact on the residential amenity of neighbouring dwellings, and undue impact on landscape, highway impact or ecology – all considered below.
18. The Strategic Housing Market Assessment (SHMA), updated in January 2017, sets out a need for 368 new affordable dwellings per year. The SHMA indicates that there will be a shortfall in all affordable housing if reliant upon open market schemes delivery through planning policy, especially a large shortfall of social and affordable rented homes. Ashford borough is growing significantly and this will have a proportionate effect on the demand for affordable housing. It is understood that by October 2017 there were 1668 live households registered with an increasing level of applications each month. In conclusion, there is an identified need for affordable housing in Ashford. Therefore, the proposed provision of 4 affordable homes would provide a significant social benefit and make a contribution towards this identified need. Should planning permission be granted, this element of affordable housing would be secured by a suitably worded condition.

Five Year Housing Land supply

19. The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026^[1]. The statement concludes that the Council can demonstrate 4.54 years' supply of land for housing.
20. Recent appeal decisions have found the housing land supply in a range between the July 2021 update and 3.5 years. With this being the case the Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged. Paragraph 11(d) of the NPPF states:

^[1] Five Year Housing Land Supply Position Statement [Five Year Housing Land Supply Update 2021-2026](https://www.ashford.gov.uk)
([ashford.gov.uk](https://www.ashford.gov.uk))

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

21. However, paragraph 11(d) criterion (i) is subject to *footnote 7* of the NPPF. *Footnote 7* lists the policies in the NPPF that protect areas or assets of particular importance. The policies referred to include those in the Framework relating to habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest.
22. For the reasons specified, it is the Council’s position that, for the purposes of determining this application, *footnote 7* is clearly applicable, and thus would disengage the ‘tilted balance’ towards the grant of planning permission where a 5 year housing land supply cannot be demonstrated contained within paragraph 11 (d). However, as planning permission will only be granted if a favourable Appropriate Assessment is in place, the tilted balance would be academic and would not be relevant to the decision. It would only be relevant if the application were to be refused on other grounds but with the nutrient neutrality issue satisfactorily addressed.
23. In this particular case, it is considered that the application is consistent with the Development Plan but the position on 5-year housing land supply only serves to reinforce the recommendation.

Character and Appearance

24. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance, such as village design statements.
25. The Character Appraisal of the area (i.e. study of the local vernacular, proportions and materiality) has been carried out. It is noted that the majority of the neighbouring houses are bungalows and semi-detached houses dating back to around the 1950s/60s. Aside from the older farm houses further away from the site, the houses surrounding Plantation Close are fairly uniform although there are slight variations in respect of detailing and porch designs. In respect of roof forms, it comprises a mix of hip, side gable and mansard roof with shallow pitches. The key elements include entrance porches, headers above windows and brick chimneys. In terms of the materials palette, it is

predominantly brick with variation in brick colour, UPVC/metal fenestration and tiled roofs.

26. The proposal is for the erection of 4 single storey one bed terraced dwellinghouses arranged in a staggered fashion. They have been designed to M4(3) Wheelchair standards. The dwellings would be finished in red brick, dark grey powder coated aluminium fenestration, grey brick detailing (horizontal banding detail) and a grey tiled roof. The dwellings would have asymmetrical shallow pitched roofs with recessed entrance with roof oversailing above thereby forming a covered porch. This asymmetric roof form, and horizontal grey brick detailing to entrance porches and raised parapets adds a crisp and contemporary feel to an otherwise quite traditional building form.



Figure 5: Front elevation

27. External refuse store of brick and timber construction for each property has been proposed either side of the terrace to minimise impact on the elevation. The small areas of landscaping proposed to the front of each unit would help improve the streetscape as well as provide some relief area between the homes, parking spaces and footpaths.

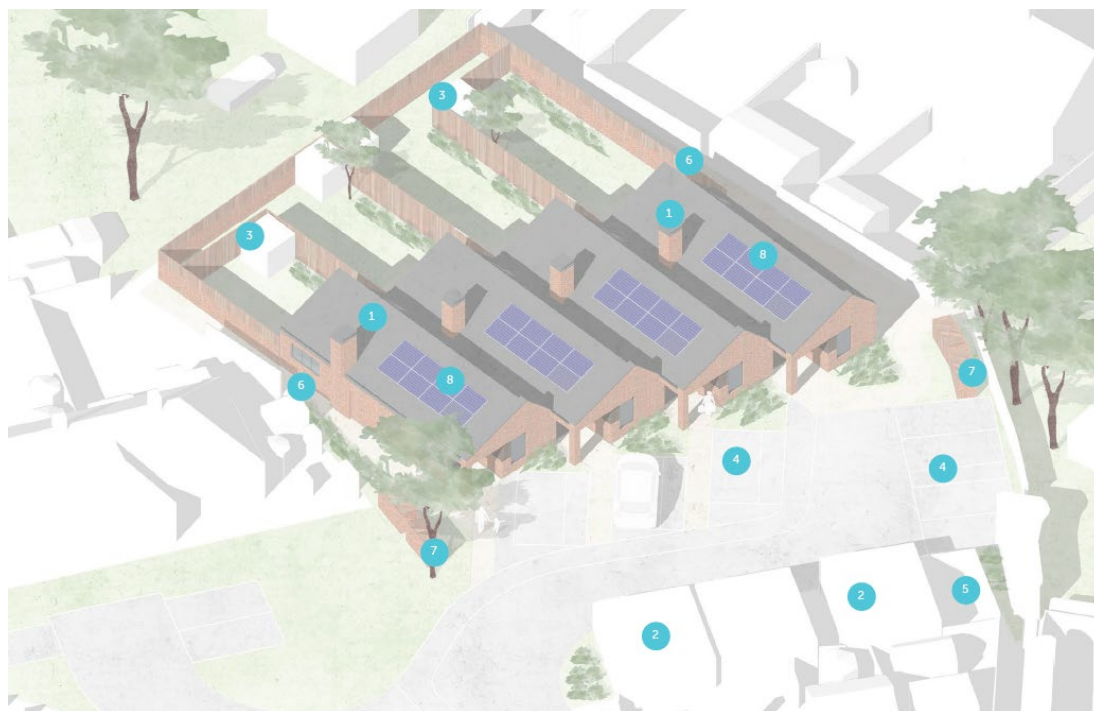


Figure 6: Roof and garden view

28. In respect of landscaping, private external amenity for each dwelling is proposed in the form of a secure, rear garden and has been designed to allow for a sitting out area, clothes drying area, small shed and area of play as well as space to plant shrubs and small trees. Where rear garden walls face onto public footpaths, they will be of brick construction (1200mm) with timber fencing above (600mm). All existing boundary treatment such as rear garden fences and gates of no 10-18 School Road would be retained. Where existing garages forming boundary treatment with adjacent houses are demolished, new brick walls of similar height are proposed to retain existing amenity and sense of enclosure currently enjoyed by the neighbouring properties.
29. Having regard to the above, it is considered that the design of the proposed development would be of a good standard and consistent with the established development within the wider area. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, HOU3a of the Local Plan and paragraph 130 of the National Planning Policy Framework.

Residential Amenity

30. The application site has an irregular shape, constitutes backland development and is surrounded by houses on all sides with an access via Plantations Close. It is noted that regard has been had to the residential amenity of the neighbouring occupiers and appropriate separation distances have been retained between the proposed dwellings and the neighbouring properties. Having regard for the sufficient separation distances, it is not considered that

the proposed development would cause loss of light, sense of enclosure or overshadowing to the neighbouring occupiers. Also, regard has been had to ensure that there is no unacceptable loss of privacy to the neighbouring occupiers.



Figure 7: Separation distances

Living conditions of the future occupants

31. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. The proposed units, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. The dwellings would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. Each dwelling would have adequate external amenity area or access to communal areas. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

Impact on Highways

32. Policy TRA3(a) requires that development to provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It requires a 1 bedroom house to provide 1 parking space, 2 and 3 bedroom houses will be expected to provide 2 spaces per unit; and 4 bedroom houses will be expected to provide 3 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces.

33. The parking requirement for 4 dwellings would therefore be 4 car parking spaces plus 1 visitor space. The proposal would make provision for 1 disabled parking space per unit (4 spaces in total) plus 2 visitor parking spaces. The disabled parking spaces would be equipped with EV Charging facilities. It is understood that these would be provided via a wall mounted socket charging point (such as a Solo Smart Charger) fixed onto the side external wall adjacent to the front entrance for three of the properties, with one of the properties EVC to be provided via a stand to minimise trailing cables across public footway. The proposal would therefore comply with policy TRA3a of the local plan and paragraph 112 of the NPPF.
34. Cycle parking has been provided in line with ABC Local Plan 2030 Policy TRA6. A garden shed with capacity for 2no cycle spaces has been allowed for within the rear garden of the dwellings. Furthermore, direct pedestrian external access is proposed to the rear of each garden; via the northwest footpath for Plots 03-04 and via the southeast footpath for Plots 01-2, which means any bicycles do not have to be taken through the dwelling to access the highways.
35. A layby for maintenance vehicles for the substation is proposed in the scheme directly adjacent to the substation. Swept path analysis has been carried out which demonstrate that a refuse vehicle, pantechnicon and fire tender will be able to serve the dwellings on street and swept path analysis has been provided to show a refuse vehicle can turn at the end of Plantation Close. Site investigation has noted that the existing turning head at the end of Plantation Close is sometimes utilised for informal parking for the adjacent dwellings and has resulted in refuse lorry utilising the existing parking/garage area for turning. Therefore, to ensure that the turning head at the end of Plantation Close is kept clear at all times for refuse and emergency services, the proposal seeks to provide three marked parking bays in front of no 9-11 Plantation Close. It is necessary to clarify that these three marked parking bays would be in addition to 6 parking spaces provided for the future occupants.
36. In respect of internal pedestrian links to the existing network on Plantation Close, new shared surface street is proposed to serve the proposed dwellings and associated vehicular and pedestrian access requirements. To ensure legibility and safety for pedestrians, a 1.5m wide delineated shared surface footway is proposed connecting the existing public footpath from School Road, across the front of the houses and cross to the footway adjacent to no.12 Plantation Close. Further, a footpath is proposed to the north and south of the houses to provide access to rear gardens of new houses as well as existing houses on School Road and Plantation Close.
37. Regard must also be had to whether the loss of garages would result in an unacceptable impact on the highway network. Paragraph 110 of the NPPF states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

38. A public consultation exercise was carried out prior to the submission of the formal application. Whilst concerns were raised in respect of the loss of the garages, efforts have been made to ensure that the impacts arising as a result of this loss of garages are the minimum required. A garage survey was undertaken by Ashford Borough Council (ABC). Owners of the existing 22 garages were contacted, and of these, 8 responded expressing the view that they use their garage currently, and would like to continue to have a space to park their car. Therefore, only limited number responses have been received from the current occupants of the garages.
39. A survey has been carried out on the site to confirm how many of the existing garages are in use for parking. It is noted that out of 22 garages in Hothfield Close, 8 were vacant and 14 rented. To assess the frequency of use, cameras were set up at the site access by K&M Traffic and these monitored the level of movements into and out of the site for a 24 hour period on Wednesday 16th June, Thursday 17th June and Saturday 19th June 2021. The results of this survey showed that only three of the garages were used for parking on the Wednesday, Thursday and on the Saturday. It is however noted that there were additional vehicles entering and exiting the site across all three days and these were associated with parking on the hardstanding. The maximum parking accumulation across the three days on the hardstanding was 22 vehicles.
40. An overnight parking stress survey was completed on Wednesday 16th June and Thursday 17th June 2021 by K&M Traffic Surveys. The survey was carried out in accordance with the Lambeth methodology to assess the road network within a 200 metre walk distance of the site frontage. The survey demonstrated that there were 49 observed free parking spaces on the Wednesday night and 43 observed free parking spaces on the Thursday night. The existing site contains 22 garages; however the above survey shows that only three of the garages are in use for parking and the maximum number of vehicles on the hardstanding was 22. A total of 25 vehicles will therefore be displaced and the above survey demonstrates that there is adequate on street parking to accommodate these displaced vehicles. Even if all garages were in use, excluding the six to be retained, then a maximum of 16 cars would be displaced as a result of the proposals. The above also shows that a maximum of 22 vehicles currently park on the hardstanding. A total of 38 vehicles could therefore be displaced, however as the survey demonstrated, these vehicles could be accommodated on street.
41. Further information has been provided in respect of the garage sites within Hothfield. There are three garage sites in proximity to the application site within Hothfield. The stats for each garage site is as stated below:

Plantation Close – 8 Void of 22 garages (14 rented)

Beech Drive - 1 Void

Sackville Close – 4 Voids

Thanet Terrace – 11 Voids

The above makes it evident that there are surrounding garages where there is capacity for the existing demand to be easily absorbed.

42. In the light of the above, it could be reasonably be concluded that the demolition of the existing garages and the development of four residential dwellings would not have a detrimental impact on the existing on-street parking provision i.e. the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network (relevant test in the NPPF) and would therefore accord with paragraphs 110 and 111 of the NPPF.
43. Further to the above conclusions, it is necessary to state that the off-site works include dropped kerbs to be provided to 10 no's ABC owned homes on Plantation Close with a view to reduce any parking stress in the area. However, having regard for the findings within the number of surveys as presented above, it is not considered that the proposed loss of garages would cause unacceptable highway impact. Therefore, it is considered that it would not be reasonable to impose a condition to require such a provision i.e., it would fail to meet the six tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects) for the use of conditions as set out in the Planning Practice Guidance.
44. KCC Highways have made provided no comment in respect of the proposals. Notwithstanding this, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, conditions should be attached to ensure that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). In respect of off-site works, a condition is recommended to be attached requiring completion of highway improvements of new improvements (dropped kerbs) as shown on the drawing 15761-H01-rev P3 to be implemented prior to first occupation of the dwellings.

Stodmarsh Catchment Area

45. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
46. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.

47. The importance of this advice is that the site falls within the Stour catchment and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission.
48. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.
49. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
50. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
51. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), it is recommended that a resolution to grant planning permission should also be subject to the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place.

Impact on Ecology and Trees

52. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great

crested newts could be expected. The application site is in a rural location. The application has been supported by a Phase 1 Habitat Survey.

53. KCC Biodiversity have been formally consulted on the application. They have advised that “due to the lack of habitat features on-site/habitat connectivity, we are satisfied that there is unlikely to be any protected species/biodiversity” interest.” In light of the above, the impact on ecology is considered acceptable.
54. The application has been accompanied by a tree survey. A total of 4 individual trees and 3 small groups were inspected, ranging from under 15-60 years of age and all planted or self seeded since the estate was developed. All the surveyed trees are located in adjoining gardens. One tree, T3, Alder graded as Category U is at risk of collapse in to the site by virtue of its poor condition. healthy with most having considerable future growth potential. The Tree Constraints Plan has been included with the report produced provides guidance on the potential influence above and below ground elements of trees could have on any redevelopment proposals. Overall, no significant effects are envisaged on the nearby trees as a result of the proposed works. Therefore, the impact on existing trees is considered acceptable.

Human Rights Issues

55. 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).

Conclusion

56. The application site meets the definition of previously developed land (PDL) as defined at Annex 2 of the NPPF. NPPF strongly advocates the use of PDL where possible. Therefore, having regard for the merits of this case, it is considered that the use of the site for the creation of 4 affordable dwellings of a good standard would provide a significant benefit to the community together with making the most efficient use of previously developed land. It would enhance the character and appearance of this part of the village. It would cause no harm to the residential amenity of the neighbouring occupants or the highway safety and is considered acceptable in all other material respects.

Recommendation

Permit

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto; and,
- B. Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.

Conditions

1. 3-year standard time-limit condition
2. Approve Plans condition
3. Affordable Housing
4. Construction Management Plan
5. EV Charging Points
6. Land Contamination
7. Unexpected Contamination
8. Parking and turning space to be provided
9. Bicycle Storage
10. Bin Storage
11. Sustainable Drainage Scheme
12. Material samples
13. Landscaping scheme
14. Reveals of 100mm
15. Remove PD rights
16. Biodiversity enhancement scheme
17. Broadband
18. Site inspection

Notes to Applicant

1. Working with the Applicant

2. List of plans / documents approved
3. Breeding Birds informative

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 21/2120/AS)

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