

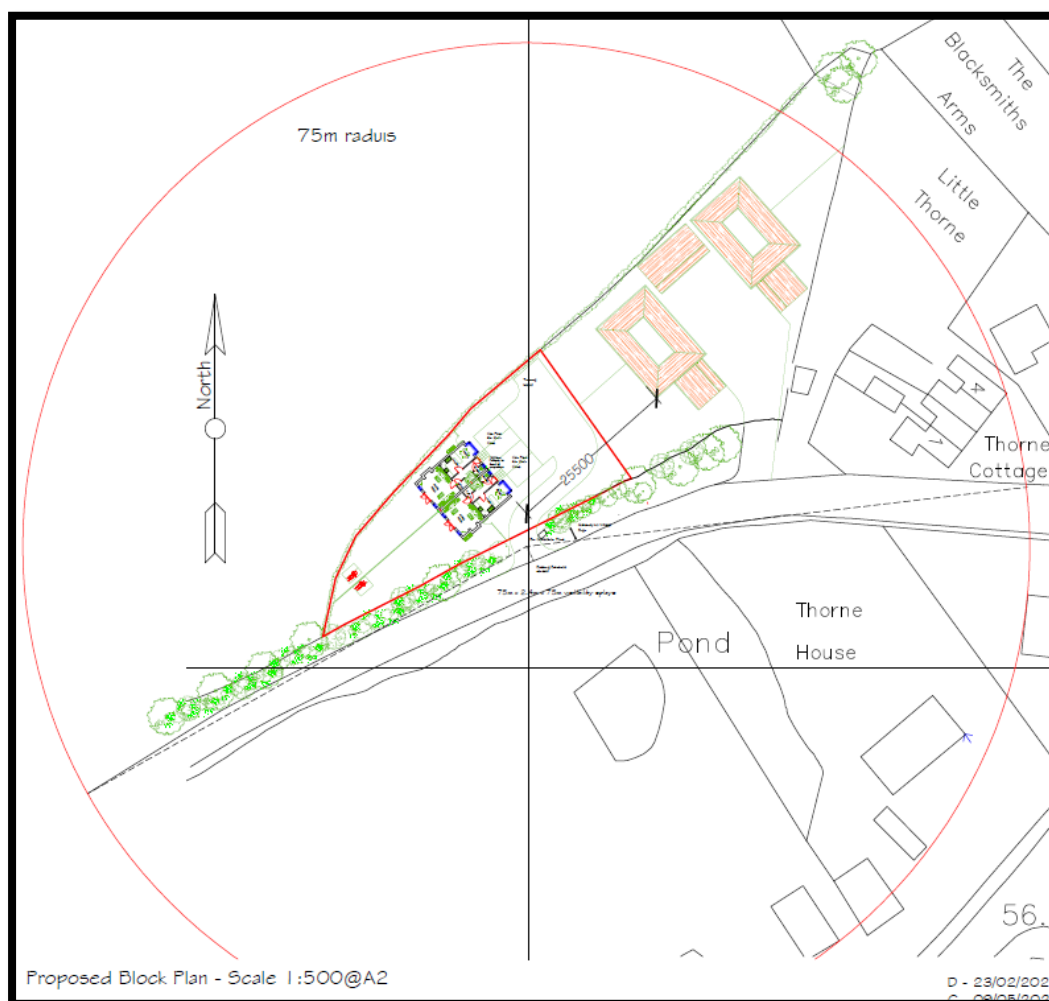
<b>Application Number</b>	21/00100/AS
<b>Location</b>	Pinnock Yard, The Pinnock, Pluckley
<b>Grid Reference</b>	591784,144820
<b>Parish Council</b>	Pluckley
<b>Ward</b>	Upper Weald
<b>Application Description</b>	Erection of 2 dwellings along with associated parking, bin store & bike store
<b>Applicant</b>	Mr G Oxley
<b>Agent</b>	Sevencroft Ltd
<b>Site Area</b>	0.076 hectares

## Introduction

1. This application is reported to the Planning Committee at the request of Cllr. Mrs Clair Bell.

## Site and Surroundings

2. The application site is a triangular plot approximately 0.076 ha in size located close to the hamlet of Pluckley Thorne. It was previously in commercial use but is no longer operational. The site contains an overgrown open yard area with a small number of dilapidated buildings and structures. Vehicular access is from Smarden Bell Road.
3. The site's southern boundary with Smarden Bell Road is well-defined by established trees which are subject to tree preservation order (TPO) with further mature landscaping evident around its boundaries.
4. To the north and west of the site is agricultural land and on the opposite side of Smarden Bell Road to the south are Thorne House, a grade II listed building, and the Gooseberry Fields Glamping Site. East of the site is a new development comprising 4 houses with car barns granted at appeal (Ref: 19/01411/AS) and beyond that are a further row of dwellings named Thorne Cottages.
5. The site lies within the Mundy Bois Mixed Farmland Landscape Character Area (LCA). The site lies outside of the East Stour Catchment.



**Figure 1 - Site Location & Block Plan**

### **Proposal**

6. The application seeks planning permission for the removal of existing on-site structures and the erection of two semi-detached dwellings. The dwellings would be traditionally designed with hipped roofs, symmetrical elevations and chimneys. Materials would be red & brown brick and hanging tiles set under a tiled roof. Each property would have its own private rear garden to the rear, off-road car parking spaces and cycle storage.
7. With respect to climate mitigation, EV charging points will be provided for each property, along with water butts for water conservation. Additionally, roof-mounted PV panels are proposed together with battery storage to reduce the carbon footprint of the dwellings.

Ashford Borough Council - Report of the Head of Planning and Development  
 Planning Committee 7<sup>th</sup> June 2023

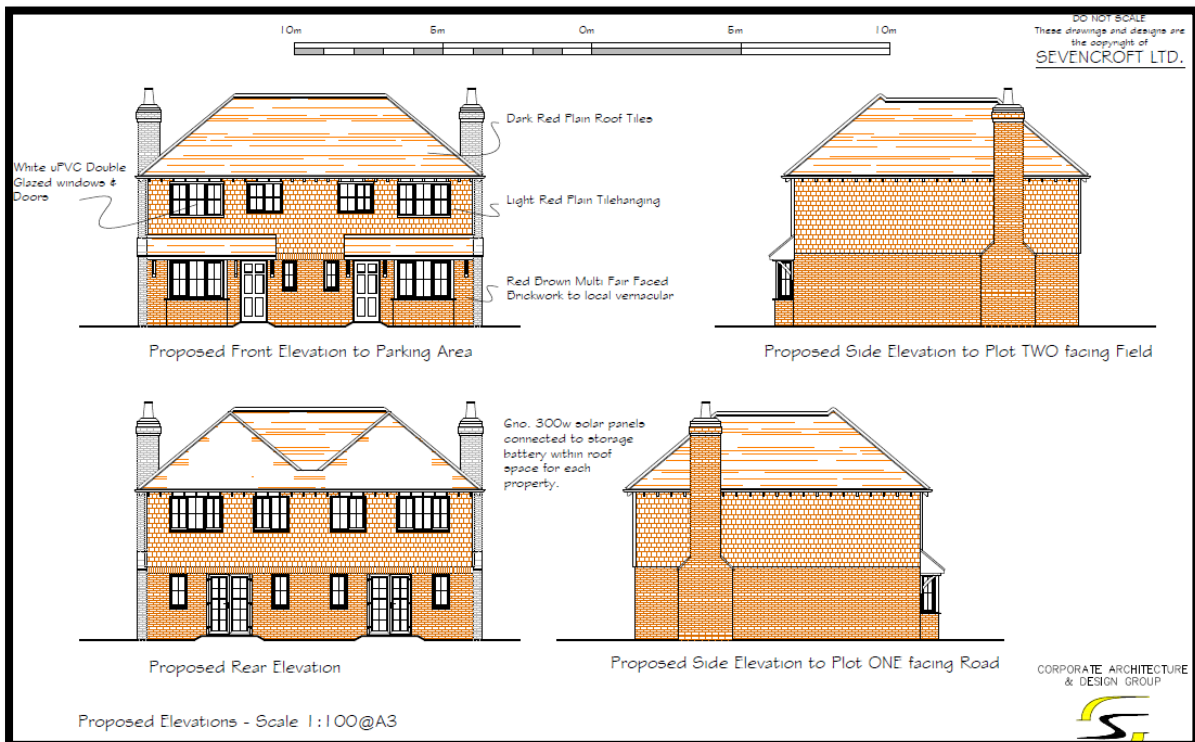


Figure 2 – Proposed Elevations



Figure 3 – Proposed Floor Plans

### Relevant Planning History

8. Planning permission was granted at appeal in 2020 for the construction of four dwellings, car barns and landscaping (Reference: 19/01411/AS).
9. Planning permission was granted in 2017 for the erection of 4 dwellings arranged as a terrace together with 3 allotments (Reference: 17/00837/AS).
10. In 2014 outline planning with all matters reserved for the erection of a terrace of 4 dwellings was refused (Reference 14/00720/AS).
11. An application for a Lawful Development Certificate for the storing of building materials and operating centre for H.G.V. was granted in 2003 (Reference 02/01720/AS).

### Consultations

12. The application has been subject to formal statutory and non-statutory consultation including notification letters sent to the occupiers of 7 properties (initially) in the vicinity of the application site.
13. Following receipt of new plans altering the access into the site and relocating cycle storage consultees and neighbours were re-notified of the application. In addition to this a further consultation with consultees and neighbours was undertaken in April 2023 to include the owners / occupiers of the 4 new properties to the north east of the application site in Pinnock Place.
14. **Ward Member** - The Ward Member, Cllr. Mrs Clair Bell has requested that the application be determined by the Planning Committee.
15. **Pluckley Parish Council** - Object:
  - Sightlines and access are unacceptable on a 60mph road.
  - The existing access has not been used for years, and so it is not true that the development would lead to less traffic using the access.
  - The site is outside the village boundary and is an undeveloped brownfield site.
  - The development would be contrary to the neighbourhood plan review as the scheme would be outside the Pluckley Thorne settlement.
  - The proposal would severely affect long range views of the site. The newly built 4 houses are very prominent and an additional 2 houses would make the development even more dominant.
  - The access would result in loss of TPO hedgerow.
  - The development would impact a grade II listed building.

- The application makes incorrect statements including the adjoining development of four homes is not affordable housing and therefore is not supported by the Pluckley Neighbourhood Plan, notwithstanding that it has planning approval. A further two homes similarly are not supported by the NP and would make the site overly congested.
- The proposal would not provide affordable housing and therefore fails to meet the needs of the village.
- The searches by solicitors working for residents of the new properties failed to identify the building application. (**Officer comment** – this is not a material planning consideration in the determination of this case).
- The submitted plans fail to accurately show the newly built semi-detached properties in Pinnock Place. (**Officer comment** – the revised drawings now accurately show the properties in Pinnock Place).
- The proposal would harm the residential amenity and privacy of existing residents.
- Ashford Borough Council is under pressure to meet its 5 year housing supply. However, the village has already had too much development and it cannot sustain more development without losing its character and appearance.

(**Officer comment** – the issues raised by the Parish Council are addressed in the main body of the report).

16. **KCC Highways** – No objections subject to conditions.

- Identifies the proposal will utilise an existing access that has current highway rights.
- Notes two proposed dwellings will result in reduced traffic movements when compared with the previous use of the site.
- Normally, as an existing access with reduced traffic movements visibility splays would not normally be required.
- Nonetheless, plans were submitted with visibility splays. These demonstrate that visibility splay lengths of 2.4m x 75m could be achieved in both directions. This equates to driven speeds of between 36-37mph which is acceptable given traffic approaching from the west will be slowing to negotiate the bend and the speed limit drops to 30mph immediately after the access. Traffic approaching from the east will have low driven speeds as they negotiate the bend, in addition this section of the road is within a 30mph speed limit zone. As such, the visibility splays as demonstrated are acceptable for this access.
- Adds that that crash data was checked for the immediate area, and no incidents have been recorded within the last 5 years.
- With regard pedestrians, notes there is a lack of highway-owned land to enable a pedestrian footway to be installed here. However, there is a 30mph

speed limit from the site to Smarden Road, and due to the geography of the road, driven speeds should be low.

- Identifies pedestrian movements will be very low and existing properties here also have no footway.

17. **KCC Biodiversity** – No objection subject to conditions.

- Advises that sufficient information has been provided to determine the planning application.
- The submitted ecological report has detailed that there is potential for protected species.
- A precautionary mitigation approach is needed for reptiles and breeding birds and KCC are satisfied with the principle of that approach subject to condition.
- A signed Impact Assessment and Conservation Payment Certificate has been submitted to demonstrate the site has been accepted in to the District Level Licencing scheme for great crested newts. A condition is recommended so that a copy of the GCN District Level Licence must be submitted to the LPA for written approval.
- To mitigate against potential adverse effects of lighting on biodiversity, and in accordance with the National Planning Policy Framework 2021 KCC recommends that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' should be consulted and the lighting design demonstrate this by condition.
- The report has made a number of recommendations to include habitats/features which will benefit biodiversity. A condition is recommended that an ecological enhancement plan is submitted as a condition of planning permission.

18. **Neighbours** – Across the first 2 consultations, 2 objections were received. These are summarised below:

19. Objections:

- The site is on a blind bend and by the 60mph limit.
- It is outside the built confines of Pluckley Thorne.
- Crowding more homes onto this small site, extending into the countryside, would impact adversely the open views and the character of the area.
- The Pluckley Neighbourhood Plan does not support additional homes.
- No affordable housing for which the site was intended.
- Overdevelopment of the site will negatively impact one whole area which contains an important listed building.
- Impact on TPO hedgerow.

20. Following on from the latest consultation in April 2023 a further two letters of objection were received. These are summarised below. It should be noted that one of these objectors previously objected on the previous consultations.

21. Objections:

- Never thought the remaining land on the original wider site would be developed.
- Overdevelopment.
- The existing access has little use and therefore the scheme would lead to an increase in vehicular use.
- The proposed visibility splays aren't adequate as the access leads onto a 60 mph zone and cars do not slow down at this point.
- Question whether emergency services would have enough space to manoeuvre within the site.
- The proposed houses would harm the amenities of residential neighbours.
- The site is very visible from Munday Bois Road.

(**Officer comment** – the issues raised by local residents are addressed in the main body of the report).

### Planning Policy

22. The current Development Plan for Ashford borough comprises the Local Plan 2030 (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), Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
23. The relevant policies from the Development Plan relating to this application are as follows:-

#### **Ashford Local Plan to 2030**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU3a – Residential windfall within developments

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

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment  
ENV9 - Sustainable Drainage

### **Pluckley Neighbourhood Plan (2017)**

R1 - Landscape Character and Design  
H1 - New Residential Development  
H2A - Design Standards

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

### **Supplementary Planning Guidance/Documents**

Climate Change Guidance for Development Management 2022  
Residential Parking and Design Guidance SPD 2010  
Sustainable Drainage SPD 2010  
Landscape Character SPD 2011  
Residential Space and Layout SPD 2011  
Dark Skies SPD 2014

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins  
Informal Design Guidance Note 2 (2014): Screening containers at home  
Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

National Planning Policy Framework (NPPF) 2021 & National Planning Policy Guidance (NPPG)

25. 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 conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Relevant sections of the NPPF include:

- Presumption in favour of sustainable development
- Determination in accordance with the development plan
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities



- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change and flooding
- Habitats and biodiversity

## Assessment

26. The main issues for consideration are:

- Principle of development
- Character and appearance
- Impact on residential amenity
- Trees and Biodiversity
- Flooding and Drainage
- Highway and Parking
- Stodmarsh
- Five-Year Housing Land Supply

## Principle of development

27. The proposal constitutes residential development to an existing brownfield site on the north-western edge of Pluckley Thorne. It is bounded by residential development to the east and forms part of an allocated site for housing within the Pluckley Neighbourhood Plan (PNP).
28. The PNP recognises that housing growth is desirable for the community to ensure a sustainable future. The application site, which forms part of a key housing allocation, has been through consultation, independent examination and adoption into the PNP. The PNP states that the sites allocated for housing meet the needs expressed by residents during the consultation and scored highest in the scoring matrix used. As such, the site was allocated on the basis that it is one of the most suitable and sustainable locations in Pluckley Thorne to accommodate new housing
29. Policy H1 of the PNP refers to the site as Site A and states that it is allocated for approximately four dwellings. In relation to the total number of dwellings, the Neighbourhood Plan sought to limit the number of dwellings at the draft stage to four. The Independent Examiner found that restricting the number of units was not consistent with the general presumption in favour of sustainable development which runs through the NPPF and, while it was considered appropriate to give guidance on the scale of development envisaged, there was no clear justification for setting an absolute limit. Consequently, the word **approximately** was added to the policy by the Independent Examiner to avoid limiting the number of dwellings that could be provided.

30. Whilst the proposal would increase the overall number of houses within the housing allocation to 6 (as 4 market houses were already granted by the Planning Inspectorate (Reference: 19/01411/AS)) the addition of 2 additional dwellings on this site is acceptable in principle as it would accord with Policy H1, which allocates housing on the site with no upper limit to the number of dwellings that could be provided. Also, it will make the best and most efficient use of a previously developed site in compliance with provisions of the NPPF and Local Plan policies SP1 & SP2.
31. Further, the proposal would also remove dilapidated structures from the site to be replaced with well-designed houses thereby improving an untidy site which is in-line with the supporting text to policy H1. Significantly, the proposal would not conflict with any other policies of the development plan including the relevant criteria under HOU3a and those with respect to character and appearance, residential amenity, heritage, highway impact and biodiversity – all considered below.
32. In relation to the PNP policy aspiration that the houses should be affordable for young people, it is noted that the two previous applications on the wider site (Ref: 17/00837/AS & 19/01411/AS) were both granted for market housing. The Planning Inspector found when considering the 4 houses (Ref: 19/01411/AS) that Policy H1 of the PNP makes no reference to the need for it to be an entry-level site or rural housing exception site as defined in the NPPF. Therefore, market housing could not be prevented.
33. Although technically forming part of a commercial site, the PNP indicates the site has not offered employment for at least twenty years and there would be no consequent loss of employment as a result of its development. Also, the change of use from commercial to housing was proposed by virtue of its allocation.
34. Overall, for the reasons stated above the proposal accords with policy H1 of the PNP and complies with policies SP1, SP2 & HOU3a of the Ashford Local Plan to 2030 and the NPPF. The proposal is therefore acceptable in principle.

### **Character and appearance**

35. The relevant development policies against which to assess the visual impact of the proposal include policies SP1, SP6 and HOU3a of the Local Plan and R1 & H2A of the PNP. These are consistent with the NPPF which seeks to create the highest quality design and promote a positive sense of place through the design of the built form, the relationships of buildings with each other and the spaces around them, responding to the prevailing character of the area.
36. The surrounding area has a mixed character with no obvious uniformity of plot size, building line or architectural language. At two storeys and semi-detached, the dwellings are responsive to the immediate built context and considered

acceptable. With respect to design, the dwellings would be traditionally designed in brick and hanging tile under a pitched tiled roof. Given the variation in architectural language within the area, the form, appearance and materials would integrate successfully into the wider street scene, subject to materials to be clarified by condition.

37. Being allocated for housing, the site was also planned to undergo change. The site is previously developed land comprising an open yard area with a small number of dilapidated buildings and structures that do not contribute positively to the surrounding area. It is proposed the current structures will be removed and redeveloped to accommodate an appropriately scaled and designed residential development that would sit comfortably within the context. The proposal would therefore address an untidy site and would not adversely impact the built context or wider landscape character.
38. With respect to climate mitigation, EV charging points will be provided for each property, along with water butts for water conservation. Additionally, roof-mounted PV panels are proposed together with battery storage. This would reduce the carbon footprint of the dwellings and is in accordance with the Council's climate change guidance.
39. Overall the layout, design and appearance would be appropriate and would be compatible with the character of the surrounding area and the development would not be detrimental to the visual amenity of the area.

### **Impact on residential amenity**

40. Given the separation of over 25m to the closest neighbour and position of windows proposed, the proposed development would not result in undue overlooking of existing or future neighbouring properties. Nor would it be overbearing and/or result in the loss of light. Accordingly, no harm to the residential amenity of neighbouring properties would result from the proposal.
41. The dwellings would meet the Nationally Described Space Standards and include garden spaces in accordance with Local Plan policies HOU12 & HOU15. It is therefore considered the proposed new dwellings would provide a good standard of amenity for future residents.

### **Trees and Biodiversity**

42. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats and networks of ecological interest. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Policy ENV1 of the Local Plan is consistent with the guidance

contained within the NPPF which seeks to conserve and enhance biodiversity through the planning process. The trees along the road frontage are protected by Tree Preservation Order.

43. The submitted Arboriculture Report identifies that no trees will require removal to facilitate the proposed development. With respect to retained trees, a range of tree protection measures are proposed that would ensure the trees and their amenity value will be preserved. Specifically, retained trees will be subject to a range of protection methods to avoid soil compaction, impact damage and other ground preservation measures. Subject to conditions the impact upon trees is acceptable.
44. With regards to ecology, a Preliminary Ecological Appraisal has been submitted. It identifies the application site does not contain or lie close to any national sites of nature conservation importance. The site is located on the other side of the road from a Local Wildlife Site called 'Pasture and Orchard, Pluckley'. Taken with the nature and scale of development, the proposal is unlikely to result in any adverse effect on any local or statutorily protected sites.
45. The site itself consists of sparsely grassy ground over areas of rubble and hard standing with a small number of dilapidated tin sheds and caravan in the southern tip of the site. The west boundary is lined with low bramble along the field. Along the road are hornbeam, ash and hawthorn trees. In view of this, the Ecological Appraisal indicates there is potential for foraging bats, GCN, reptiles, dormouse and breeding birds to be present.
46. With respect to reptiles and breeding birds the Ecological report advocates a precautionary mitigation approach. KCC Ecological have advised that the principle of this approach is acceptable provided that prior to the commencement of development, an ecological mitigation plan is submitted by condition. This will set out an appropriate mitigation strategy for each species, illustrating how the populations shall be maintained, enhanced or monitored and measures shall be agreed and carried out to an agreed timetable. Given that hedgerows will not be impacted by the proposed development no ecological mitigation is required for dormice.
47. A signed Impact Assessment and Conservation Payment Certificate has been submitted to demonstrate the site has been accepted into the District Level Licencing scheme for great crested newts. KCC Ecology advises that information be submitted by condition to demonstrate the licence has been issued the certificate to confirm that acceptance onto the scheme in the interest of protecting GCN.
48. As lighting can be detrimental to roosting, foraging and commuting bats a condition is recommended to ensure the lighting design is in the interest of biodiversity. Also, the application provides opportunities to incorporate features into the design which are beneficial to wildlife in accordance with the

requirements of Policy ENV1. Enhancement opportunities may include the incorporation of planting of appropriate native plant species and/or to provide nesting and foraging opportunities and the installation of bird and bat boxes. It is recommended further details on ecological enhancements are secured by condition. Subject to these conditions KCC Ecology raise no objections.

49. In summary, the development proposals would conserve and enhance trees and biodiversity subject to conditions in accordance with policy ENV1 of the Local Plan and NPPF.

### **Heritage**

50. On the opposite side of Smarden Bell Road to the south is Thorne House, a grade II listed building. In view of the proposal's appropriate scale and design, significant separation and intervening road and tree planting, the proposed development would preserve its setting.

### **Flooding and Drainage**

51. The NPPF seeks to direct development away from areas of highest flood risk. Policy ENV9 of the Local Plan 2030 requires development to include appropriate sustainable drainage systems for the disposal of surface water where it is practical to do so, to avoid any increase in flood risk or adverse impact on water quality.
52. The application site is located within an area of 'low' probability of flooding being located within Environment Agency Flood Zone 1.
53. In terms of surface water drainage, the applicant proposes a SuDS scheme which will minimise runoff leaving the site during heavy rain events. The strategy will incorporate permeable surfacing and rainwater harvesting. Subject to conditions requiring the details of the sustainable surface water scheme and further verification report to demonstrate that the drainage system constructed is consistent with that which was approved Officers are satisfied that surface water drainage can be appropriately dealt with in accordance with the requirements of policy ENV9. For sewerage disposal, the development will connect to the mains drainage system which serves the nearby properties.

### **Highways and Parking**

54. The proposal would use the existing vehicular access to the site from Smarden Bell Road. This access was employed by vehicles associated with its former commercial use and has a longstanding connection to the highway. KCC Highways advise the current access would experience reduced traffic movements for two dwellings when compared with the previous use of the site. A reduction in usage of the access would, in turn, reduce the potential for conflict between drivers emerging from the site and other motorists.

55. Given the existing access is being reused and a reduction in usage is proposed from the previous commercial use of the site, it would not normally be necessary to show visibility splays. However, these have been submitted and demonstrate lengths of 2.4m x 75m in both directions. This equates to driven speeds of between 36-37mph. KCC Highways advise that the visibility splays are acceptable given traffic approaching from the west will be slowing to negotiate a bend and as the speed limit drops to 30mph immediately after the access. Traffic approaching from the east will have low driven speeds as they negotiate the bend, in addition, this section of the road is within a 30mph speed limit zone. Accordingly, the visibility splays are acceptable for this access, particularly given its reduced usage. KCC Highways adds that crash data was checked for the immediate area, and no incidents have been recorded within the last 5 years.
56. With regard pedestrians, KCC Highways advises that there is a lack of highway-owned land to enable a pedestrian footway to be installed at this location. Nonetheless, there is a 30mph speed limit from the site to Smarden Road, and due to the geography of the road, driven speeds would be low. Further, pedestrian movements will be very low given the number of houses proposed and existing properties here also have no footway. Overall, KCC Highways finds that there would not be a harmful risk to the safety of pedestrians or motorists using the road network from the existing access.
57. There is adequate space within the application site to accommodate parking for cars as well as cycle parking in accordance with adopted policy standards set out in policy TRA3a of the Local Plan 2030.
58. The Highway Authority also requested planning conditions listed below. These are justified in planning terms and are recommended.
59. In conclusion, based upon the number of dwellings proposed, reuse of existing access and parking provision accommodated within the site, the proposal would not result in any demonstrable adverse highway impacts and therefore would comply with the relevant policies of the development plan.

### **Stodmarsh**

60. 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.
61. 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.

62. The importance of this advice is that whilst the application site does not fall within the Stour catchment area, it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford (Bybrook) Wastewater Treatment Works. Bybrook Wastewater Treatment Works is located 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.
63. 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.
64. 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.
65. 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.
66. 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.

### **Five Year Housing Land supply**

67. 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.

68. Paragraph 11(d) of the NPPF states:

*“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.”*

69. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would no longer apply.

70. On the second exemption, Officers do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply. Accordingly, it is concluded that this exemption would not apply and the tilted balance would therefore be engaged.

71. In this particular case, it is considered that the application is consistent with the Development Plan and, in the context of the tilted balance, it is concluded that planning permission should be granted in accordance with the recommendations contained within this assessment.

### **Human Rights Issues**

72. Human rights issues relevant to this application have been taken into account. 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**

73. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the

### **Conclusion**

74. The proposal constitutes residential development to an existing brownfield site on the north-western edge of Pluckley Thorne. The site is allocated for housing within the Pluckley Neighbourhood Plan (PNP) policy H1 and the site is therefore a suitable and sustainable location for the growth of Pluckley Thorne.
75. The development would provide a minor increase in housing at this location that would be in keeping with the character of the existing and approved built form of the surrounding area. It is considered that the layout, scale and design quality of the scheme are appropriate at this location and the proposals would be in compliance with Development Plan policy.
76. There would be no unacceptable harm to residential amenity, highway safety, biodiversity or any other consideration subject to conditions. There would also be no issues in terms of surface and foul water drainage given the condition for a detailed drainage strategy to be agreed upon. Overall, the scheme would deliver a modest addition to the Council's 5 Year Housing land supply, which it cannot currently demonstrate.
77. The application site does not fall within the Stour catchment area however it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford (Bybrook) Wastewater Treatment Works. Bybrook Wastewater Treatment Works is located within the Stour catchment. The nitrates and phosphates generated by the development will need to be mitigated through the strategic mitigation solution once available. Therefore, the recommendation to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in this respect.
78. Overall, for the reasons set out above, it is recommended that planning permission is granted once there is a means of mitigating the Stodmarsh impacts.

## **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:**

- Standard time condition
- Development carried out in accordance with the approved plans
- Materials to be approved
- Landscaping Scheme including planting
- Arboricultural Method Statement
- Details of boundary treatments
- Sustainable Drainage Scheme and verification report
- Completion and maintenance of the access shown on the submitted plans
- Provision and retention of visibility splays, vehicle parking spaces, cycle parking, and turning facilities
- Bound surface from the highway
- Measures to prevent surface water discharging on highway
- Electric vehicle charging points
- Construction Management Plan
- Ecological mitigation plan
- External bat-sensitive lighting
- GCN District Level Licence
- Biodiversity Enhancement
- Unexpected contamination
- PV Panels
- Site inspection

### **Notes to Applicant**

- Working with the Applicant
- List of plans/documents approved
- Bird Nest Season
- KCC Highways informative
- Provision of water-butts

### **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 21/00150/AS)

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