

Application Number	PA/2023/0424
Location	Garages (1-18), to the rear of 12 and 13 Thorne Estate, Thorne Estate, Pluckley, TN27 0RD
Grid Reference	Easting (x) 592044; Northing (y) 144800
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Proposed residential development comprising of 3 dwellings together with associated vehicular and pedestrian access, parking, landscaping and boundary treatments, including the demolition of some existing garages
Applicant	Assistant Director – Housing, Sharon Williams (ABC)
Agent	Ms. Asri Asra
Site Area	0.12 ha(approx. 1000sqm)

Introduction

1. This application relates to a housing scheme (3 dwellings) proposed by Ashford Borough Council.

Site and Surroundings

2. The site lies within the village of Pluckley Thorne and approximately 1.1km southwest of Pluckley Village centre. Occupying an area of approximately 0.12 hectares (ha), the site is bordered by The Thorne Estate existing residential developments to the southwest and northwest, a council owned public amenity open space to the southeast and a private field to the northeast.
3. The site consists of two sets of domestic garages, totalling 18 units, with 11 of them currently being rented. Access to the garages is provided directly from The Thorne Estate. The part of the site lies within the confines of Pluckley Thorne as defined in the adopted Local Plan whilst a small part of the site lies within an area designated as Amenity Public Open Space known locally as Thorne Field. It is owned by the Council and lies outside of the confines of Pluckley Thorne.

4. A pair of bus stops are located approximately 100 meters northeast of the site on Smarden Road. The Stagecoach 10E school bus service stops at these stops, which operates between Ashford and Egerton. This service runs once in the morning and once in the afternoon Monday to Friday, school only days.
5. The nearest railway station is Pluckley Station approximately 2km away, which offers services hourly and at peak times there are two services an hour, providing access to Ashford International railway station. This station offers connections to London St Pancras International, London Victoria, London Charing Cross, Ramsgate, Margate, Eastbourne, and Dover Priory.
6. A site location plan is as shown in Figure 1 below.



Figure 1: Site Location Plan



Figure 2: Site Plan

Background and Proposal

7. The Five Year Housing Land Supply Update July 2021, sets out that Ashford now has an identifiable 4.54 year supply of housing land, or a shortfall of 0.46 years. As a result the Council are unable to demonstrate a 5 year supply of housing. Given the absence of a 5 year housing land supply more weight is afforded to the National Planning Policy Framework 2023 (NPPF) than Local Plan housing policies, in particular the requirement to significantly boost housing supply set out in the NPPF.
8. The application seeks planning permission for the demolition of twelve of the existing garages and the erection of 2no. 3 bedroom, 5 person dwellings (3B5P) and 1no. 2 bedroom, 4 person dwelling (2B4P). It should be noted that the intention is to provide 100% affordable housing. The proposed housing development would follow the existing urban pattern, consisting of a terrace configuration that fronts the council owned public amenity open space. To optimise space and enhance the size of the gardens on the two end terrace

homes, the houses will have wrap around gardens, to offset the space taken up for on-site parking. The terrace would be predominantly 2 storeys high at the centre of the site with the end terrace houses reducing to single storey with lean to/catslide roofs. Inset entrances to the end terrace homes are proposed with a canopy over the mid terrace to define and delineate individual properties. Light red/pink brick is proposed for the base of the terrace and for the central set back 2B4P house. The end 3B5P houses would be clad in timber shingles that would start out a warm timber colour and fade to a silvery grey hue over time. Green coloured windows and doors and a brown/red clay tile roof are proposed.

9. Each dwelling would have dedicated parking spaces for two vehicles. Two visitor parking spaces would also be provided for the development. The refuse stores are within the rear gardens with the refuse collection point shown at the entrance to the site adjacent to The Thorne Estate.
10. All rear gardens would have external access, with the back gardens of the three terrace houses being accessible from the parking/turning area adjacent to the retained garage block. The front of the properties would open out onto the council owned public amenity open space with a footpath adjacent to this and alongside the two existing bungalows (12 and 13) to provide front pedestrian access to the dwellings. A low level brick wall with piers and open railings are proposed to the front of the properties to separate them from the public amenity open space. High level brick walls and close boarded timber fencing is proposed for all other boundary treatments.
11. A small area of encroachment would occur from the site into the grassland within the public open space. This would be approximately 4.8m at the widest point adjacent to the north eastern boundary and it would taper down to 2.4m at the narrowest point. Other than the grass, there are no trees or vegetation proposed to be removed.
12. Finally, air source heat pumps, photovoltaic solar panels on the roofs, water butts, compost bins and electric car charging points would be provided for all three dwellings.

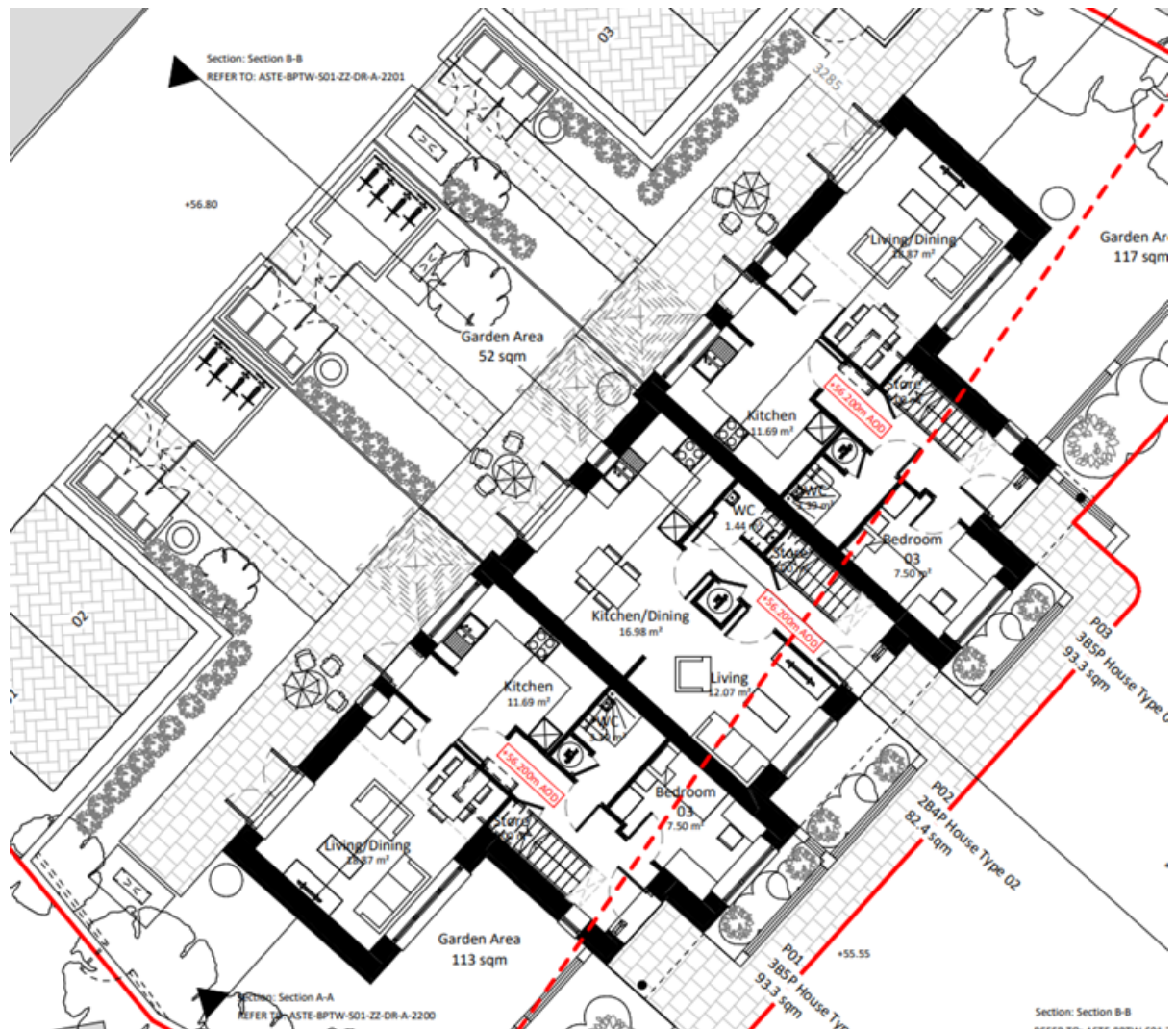


Figure 3: Proposed Ground Floor Plan

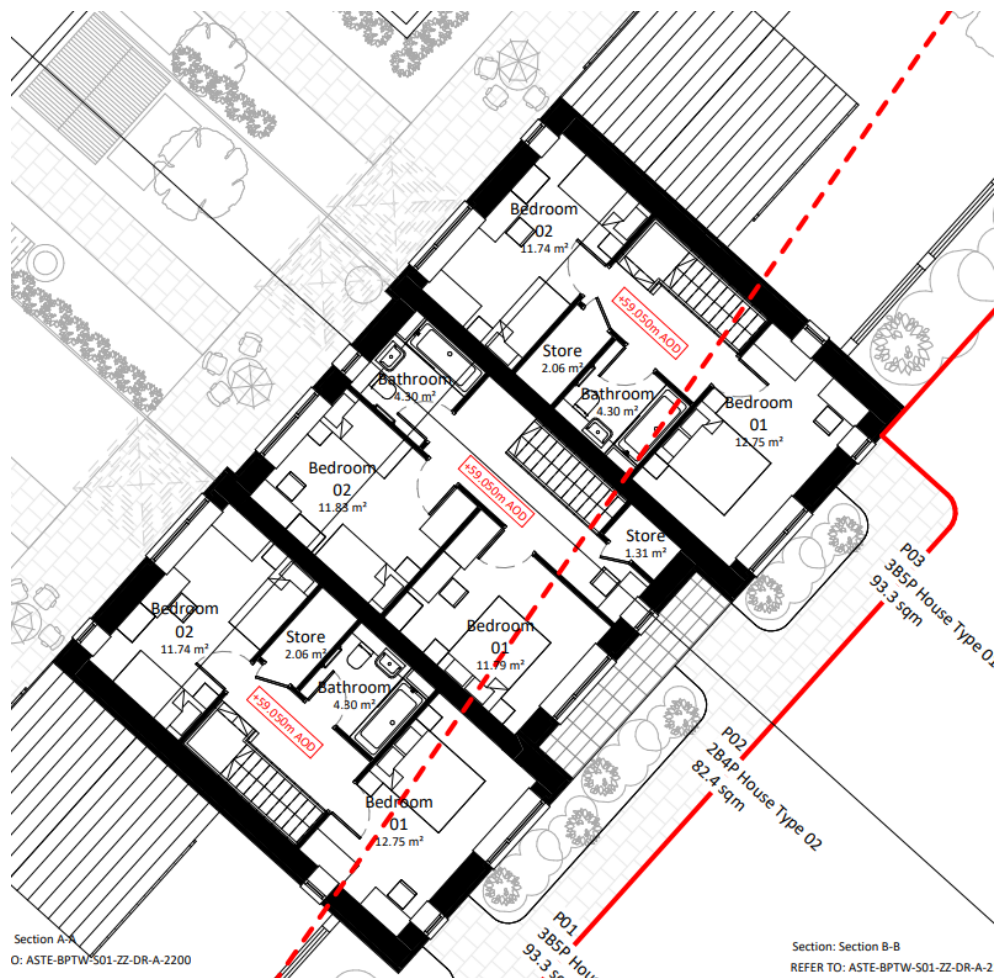


Figure 4: First Floor Plan

Planning History

- The site and its surrounding area were historically used as agriculture land of open fields as part of Thorne Farm. The surrounding Thorne Estate residential area was developed circa 1970s and remains largely unchanged.
- The site does not have any other relevant planning history.

Consultations

13. 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.
- Pluckley Parish Council – supports the application.

The Parish Council is happy to support this application as it delivers the type of affordable housing sought in the Neighbourhood Plan and reflects the wishes of the village as a whole. The proposed development reflects the extensive consultation that has taken place between ABC and the Parish Council and we are appreciative of the work that has been undertaken through parking studies, impact of the surrounding area etc. It is worth noting however that some of the residents of Thorne Estate are still unhappy about the proposed development and expressed reservations about the following at the recent Parish Council meeting:

Car Parking – they are worried that despite the proposal for 10 parking spaces for the 3 new houses there will still be a shortage of places to park in the vicinity.

Access for emergency vehicles – residents questioned whether the access was wide enough to meet the required provision for emergency vehicles

Garages not being used – while there was acceptance that the garages were not being used it was suggested that this could be because they were in a poor state of repair although it was unclear whether residents would be prepared to pay for them if they were better maintained.

Damage to residential amenity – neighbours are concerned at the potential damage to views and are worried about being overlooked by the new development

Road stability – one of the residents pointed out that there had been previous challenges with subsidence due to the existence of an old cess pit tank

Residents also questioned whether it would, in fact, be preferable to demolish all of the existing garages to create more parking spaces for the Thorne Estate as a whole

- KCC Highways – no objection raised subject to an informative stating that planning permission does not convey any approval to carry out works on or affecting the public highway.
- Kent Police – no comments received.
- KCC Biodiversity - sufficient ecological information has been provided. No objection subject to conditions for a biodiversity lighting design plan and a biodiversity enhancement plan.
- Kent Fire and Rescue - the access requirements for the Fire and Rescue Service have not been met at this stage. Details provided show inadequate access for the fire service. Applicants should be aware that in the event of planning permission being granted, the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010,

to be established. Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

- ABC Environmental Services - Refuse Collection - the communal refuse collection point needs to be within 10m of where the RCV passes. As there will be 3 bins (up to 6 if residents subscribe to the garden waste service) presented in one location this is classed as a communal collection point. The developer needs to be aware of the requirement to pay for the provision of new services (full sets of wheeled bins) to these premises when completed. Collections will be on an alternate weekly basis with refuse and food waste collected week one, recycling and food waste collected week two.
- ABC Housing Services - Affordable Housing – Support. This application by the housing service at Ashford Borough Council has been in the planning for many, many months. It has sought the views of stakeholders along the way, as outlined in the submission documentation. Close working with the parish council from the outset on the possibility of the site's use and also a detailed consultation with local residents can be evidenced. The upshot of which is a scheme, which following pre-planning advice was revised to comprise of three homes. This is a proportionate scheme and there is absolutely an identifiable need for this scheme based on the work of the parish council and the housing waiting list. The proposed homes are of good quality and will all be affordable, that is to say as close to social rent as possible, to make them genuinely affordable homes. We fully endorse this application.
- Environmental Protection – no objection raised subject to conditions in relation to EV Charging, land or groundwater contamination, unexpected contamination, No occupation until sewage disposal works have been completed and an informative in respect of construction/demolition hours, no burning of controlled waste and minimising dust emissions.

Neighbours

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

- Proposal is contrary to green belt philosophy and protocol.
- Encroachment into public green space. Could set a precedent for future development.
- The two storey design out of keeping with adjacent bungalows and the other dwellings on the estate.
- Overlooking concerns.
- Overbearing concerns.
- Bungalows would be preferable to avoid overlooking.
- The proposed middle dwelling has inadequate private outdoor amenity space.

- The estate already lacks adequate parking spaces for the existing dwellings and three new dwellings would exacerbate this by removing existing parking provision.
- Many dropped kerbs, which already restricts kerbside parking.
- Parked cars already restrict views at the entrance to the estate.
- Parked cars already hinder emergency vehicle access.
- The entrance to the site is narrow with poor visibility onto the estate road.
- Narrow entrance to the rear of the proposed houses with an existing dwelling opening onto this.
- The development would obstruct the existing farm access through double fence gates that allow egress to adjacent paddocks. It is not clear that the plans have taken this access requirement into consideration.
- No local primary school places available.
- Doctor's surgery already very full.
- No nearby bus service or bus stops.
- No pedestrian footpath to the station.
- Proposed location of refuse bins in the car park is unsuitable.
- Construction vehicles, machinery and construction material storage could cause problems outside of the site.
- Noise pollution from construction activities.
- No Stodmarsh assessment.
- Inconsistency on plans regarding cycle storage and bin storage.

Planning Policy

14. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022), the Charing Neighbourhood Plan 2023 and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
15. 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
 - ENV3a Landscape Character and Design
 - ENV7 Water Efficiency
 - ENV9 Sustainable Drainage
 - TRA3a Parking Standards for Residential Development

- TRA6 Provision for Cycling
- EMP6 Promotion of Fibre to the Premises (FTTP)
- COM1 Meeting the Community's Needs
- COM2 Recreation, Sport, Play and Open Spaces

16. Pluckley Neighbourhood Plan 2016 – 2031 policies relevant to this application are as follows:

- R1 Landscape Character and Design
- R4 Recreation and Community Use
- H1A Windfall sites
- H2A Design Standards
- H2C Lighting
- E2 Seek better Communications
- E3 Traffic management through the parish

17. 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

Government Advice

- National Planning Policy Framework (NPPF) 2023
- Planning Practice Guidance
- National Design Guide 2021
- Technical Housing Standards – nationally described standards
- Article 6(3) of the Habitats Directive; Habitats Regulations 2017

ASSESSMENT

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

- Principle of Development
- Character and Appearance
- Impact on Residential Amenity
- Living conditions of the future occupants
- Impact on Public Open Space
- Impact on Highways
- Stodmarsh Catchment Area
- Impact on Ecology and Trees

Principle of development

19. The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
20. The Council are currently unable to demonstrate a five-year supply however, the Council have not 'failed' the Housing Delivery Test. It is considered that the policies which are most important for determining the application are HOU3, HOU5 and ENV3a.
21. The majority of the site lies within Pluckley Thorne whilst a small part of the site lies outside the settlement confines that forms part of the Public Open Space (called as Thorne Field). For the purposes of planning, the part of the site that lies outside the confines is considered to be within the countryside and as such, policies HOU3a and HOU5 would apply in this instance.
20. Further to the above, regard must be had to the Pluckley Neighbourhood Plan. In relation to the part of the site that is outside of the village confines, it is not one of the allocated sites identified in policy H1 of the Pluckley Neighbourhood Plan and policy H1A of the Pluckley Neighbourhood Plan is therefore relevant. The policy requires consideration of those sites which have not been identified in the Plan, but which may come forward as windfall sites within "the confines of the continuous developed areas of the three settlement areas of the parish". It is understood that the site has been considered by the Parish Council who are happy to support this application as it delivers the type of affordable housing sought in the Neighbourhood Plan and reflects the wishes of the village as a whole.

22. The proposal complies with the listed criteria under Local Plan policy HOU3a in so far as it is largely within the defined Village confines and considered suitable for infilling. It is of a scale that can be satisfactorily integrated into the existing settlement.
23. Policy HOU5 applies to windfall housing sites outside the built settlement confines. It is a permissive policy and seeks to grant development outside the built confines but in a sustainable location with no significant ecological or landscape impacts. The policy aligns with the aim of the NPPF to 'avoid isolated development in the countryside', and is therefore considered to be broadly consistent with the Framework. Policy HOU5 of Local Plan lists a number of criteria for residential development which are adjacent to or near to a range of sustainable rural settlement, including Pluckley Thorne, which is a designated sustainable settlement and 2km from Pluckley Station. Pluckley, Pluckley Thorne and Pluckley Station collectively form the whole settlement. The application site has easy access to Pluckley mainline train station and bus services. The nearest primary school and other services and facilities including a shop/Post Office, pubs, sports ground and sports pavilion are located 1 km away in Pluckley Village Centre. The village school serves the three identified centres and is also within 1km of the site. The school bus route passes within 100m of the site and links with other schools outside of Pluckley.
24. Policy ENV3a generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. These policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. It is therefore considered that, for the purposes of this application, ENV3a should be afforded significant weight. Detailed assessment has been carried out in respect of the impact of the development on the character and appearance of the countryside under 'Character and Appearance' section.
25. In light of the above, the proposal would comply with policy H1A of the Pluckley Neighbourhood Plan, policies HOU3a and HOU5 of the Local Plan.
26. The NPPF paragraph 79 requires that "housing should be located where it will enhance or maintain the vitality of rural communities" and paragraph 104 prioritises pedestrian and cycle movements and facilitating access to high quality public transport whilst paragraph 105 requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Therefore, the proposal would be contrary to paragraphs 79, 104 and 105 of the NPPF.
27. Regard has also been had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.

Character and Appearance

28. 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, which in this instance is Pluckley Neighbourhood Plan 2016 – 2031.
29. Regard has been had for planning policy ENV3a which seeks to protect the special character of the countryside. Paragraph 174 of the Framework seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and of trees and woodland. Regard must also be had to policy R1 of the Pluckley Neighbourhood Plan.
30. The site lies within Mundy Bois Mixed Farmlands LCA. The overall guidelines for the area are to conserve and improve the landscape. The key characteristics of the LCA include gently undulating landform which forms part of the foreground to the steep Greensand Ridge; Fields set within a regular framework of native hedgerows; Regular, frequently spaced hedgerow trees • Narrow hedge and ditch lined lanes and Large, traditional and often converted buildings scattered along lanes and clustered around junctions.
31. The site currently comprises garages and hardstanding with a strip of public open space. The proposal would involve demolition of 12 garages out of 18 and erection of 3 two storey dwellinghouses fronting the Thorne Field. To further clarify, the development would result in an encroachment of approximately 5.2m at the widest point adjacent to the north eastern boundary and would taper down to 2.4m at the narrowest point along the north western boundary of Thorne Field. Part of this encroachment would be to form the pedestrian footway and landscaping to the front of the proposed dwellings. The proposal would be well contained within the application site and would be read in conjunction with a row of existing dwellings fronting Thorne estate when viewed from the open fields to the northeast.
32. It is noted that the majority of the neighbouring houses are bungalows and semi-detached and terraced houses dating back to around the 1970s. The houses surrounding the site are fairly uniform although there are variations in respect of the house type on either side of the road with further variations in detailing and porch designs. A pair of semi-detached bungalows (no.12 and no.13) are immediately adjacent to the site. In respect of roof forms, pitched side gables prevail with a number of front gables. The key elements include entrance porches and brick chimneys. In terms of the materials palette, it is predominantly brick with variation in brick colour, UPVC/metal fenestration and clay red/brown tiled roofs.

33. The proposed houses would be sited to follow the frontage of no.12 and no.13 Thorne Estate and continue along, turning the corner to fully complete the existing urban grain with rear gardens and amenities to the back. The main frontage of the terrace and new pedestrian access route will provide an active frontage and natural surveillance to the open public amenity space. The design of the houses takes inspiration from the existing adjacent houses, ensuring a cohesive visual appearance within the neighbourhood. A two storey element is at the centre of the terrace with the end terrace houses reduced to single storey to complement the adjacent no.12 and no.13.
34. A front gable is proposed for the end terrace homes, referencing the semi-detached properties on Thorne Estate (such as no.14-15 opposite) with the mid terrace house inset to create interest and demarcate the different house types. The 3-bed end of terrace homes have a single storey living space with lean-to roofs that reference the large mansard roofs along Smarden Road. Inset entrances to the end terrace homes are proposed with a continuous canopy over the mid terrace.

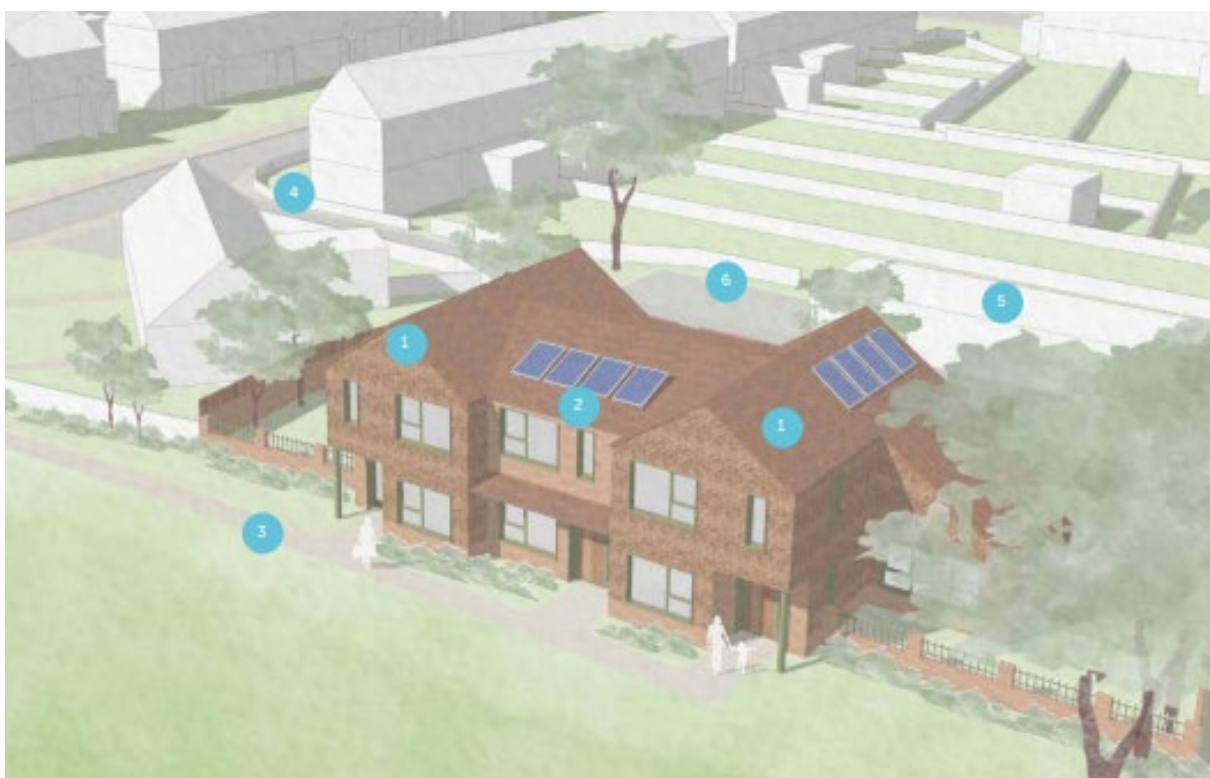


Figure 5: Rendered View



Figure 6: Rendered View

35. 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. The two end terrace homes will also have garden space to the side in order to offset the area at the rear that will form the onsite parking. Planted borders will be incorporated to the front of the dwellings with low brick walls and railings to provide a clear division and separation between the public amenity open space.
36. Having regard to the above, the proposed development is considered appropriately sited and designed and would not detract from the character and appearance of the street scene or the wider landscape. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, ENV3a, HOU3a of the Local Plan, policies R1, H1A and H2A of the Pluckley Neighbourhood Plan and paragraph 130 of the National Planning Policy Framework.

Residential Amenity

37. The application site has a rectangular shape, fronts the public amenity open space and is surrounded by houses on three sides with accesses off The Thorne Estate. 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 not cause loss of light, sense of enclosure or overshadowing to the neighbouring occupiers. Having regard to the above, the proposed development is considered acceptable in terms of residential amenity impact.

Living conditions of the future occupants

38. Regard must also be had to whether the proposed development would provide a 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 the public amenity open space. 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 Public Open Space

39. Policy R4 of the Pluckley Neighbourhood Plan includes reference to Thorne Field. The policy states that proposals for development will not be supported that impinge or in any way detract from these areas, unless they are related to the existing recreational use, are required for a statutory utility infrastructure purpose, are shown to be surplus to requirements from a formal assessment, any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. The accompanying text states that Thorne Field is enjoyed by the residents of the estate as a space for children to play rather than having to walk the half-mile to the QEII Recreation Ground, and for dog walkers. Similar requirements form part of Local Plan policies COM1 (meeting the community's needs) and COM2 (recreation, sport, play and open spaces), which are in line with the requirements of the NPPF paragraphs 84 and 99, which state the importance of providing and retaining valued recreational facilities for the community.
40. The proposed development would result in an encroachment (beyond the confines) of 5.2m at the widest point adjacent to the north eastern boundary and would taper down to 2.4m at the narrowest point of Thorne Field. The overall area of Thorne field (identified as Public Open Space) as a whole is approximately 6150sqm (6.5ha). The encroachment would be a total of 278sqm, which equates to approximately 4.5% of the total area of the field. This is minimal in comparison to the overall scale of the field with the vast majority of the field retained for its existing use by local residents. The encroachment would not hinder the use of this space and would function as a public amenity space.
41. In conclusion, whilst the loss of a small section of the field is acknowledged, it is not considered that this would result in a qualitative loss of the existing

public open space. Taking the above into the round, on balance, the proposal would comply with policy R4 of the Pluckley Neighbourhood Plan, policies COM1 and COM2 of the Local Plan as well as paragraphs 84 and 99 of the NPPF (2023).

Impact on Highways

42. The site lies on the edge of the countryside, with a section of the site lying outside of the confines whilst the majority of the site falls within the defined confines of Pluckley Thorne. 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 2/3 bedroom houses to provide 2 parking spaces. 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. The parking requirement for 3 dwellings would be 6 car parking spaces plus 0.6 visitor space. Spaces for the 3B5P homes would be located directly adjacent to their rear garden and the parking spaces for the 2B4P would be located opposite, adjacent to the retained existing garages. 2 no. unallocated visitors' spaces are also proposed. The proposal would therefore make provision for 2 parking spaces per unit (6 spaces in total) plus 2 visitor parking spaces. The 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 to the rear garden walls for where vehicles are directly adjacent to the dwellings and standing EVC points would be provided adjacent to the car parking spaces opposite the dwellings to eliminate trailing cables across the access. The proposal would therefore comply with policy TRA3a of the local plan and paragraph 112 of the NPPF.
43. 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.
44. 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."
45. The application has been accompanied by an Access Strategy, which includes a survey of the garages. This concludes that 11 out of the 18 garages are rented. 7 garages are rented to 3 properties on Thorne Estate; with 2 of the properties renting three each. The 3 properties renting garages have off street parking opportunities that will not be affected by this development. 4 garages are rented to people not registered in a property

within the area local to the garage site. The survey alongside adequate off street parking as well as retention of 6 of the existing garages and additional parking for no.12 and 13 Thorne Estate ensures that the development would not negatively impact parking provision for existing residents.

46. KCC Highways have raised no objection or offered any comments in respect of the proposed development, however, a number of conditions will be attached including a construction management plan, retention of parking provision and EV Charging points.
47. Bin collection points are shown on land within the applicant's ownership within 10m of where the RCV passes, which is considered to be acceptable. Further to the comments from Kent Fire and Rescue that fire tender will be unable to serve the dwellings via Thorne Estate, the applicant states that the potential space for water sprinkler storage locations is not currently shown as this is to be developed and coordinated during the detailed design stage. As such, this can be conditioned to ensure provision is made for a sprinkler system and that Fire Service access and facility provisions are also a requirement under the Building Regulations.
48. The neighbour comment regarding loss of access to the adjacent paddock is noted. However, it has not been identified that ABC (as the owners of the development site) have conferred a formal right of way to the owner of the adjacent piece of land. This access does therefore not form a material consideration in determining the application.
49. In the light of the above, it could be reasonably concluded that the demolition of the existing garages and the development of three residential dwellings would not have a detrimental impact on the existing on-street parking provision i.e. the proposal would not 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.

Stodmarsh Catchment Area

50. 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.
51. 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.

52. The importance of this advice is that the site falls within the Stour catchment area 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.
53. 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.
54. 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.
55. 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.
56. 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 Assistant Director - 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

57. 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. The site lies in an urban location and lacks any significant features to support wildlife. Notwithstanding this, the application has been supported by a Preliminary Ecological Appraisal (PEA) to rule out the presence of any protected species on the site.

58. The PEA revealed that the site lacks priority habitats and the amenity grassland has limited ecological value.
59. The site and garages have negligible potential for supporting roosting bats. Nevertheless, the survey notes that the site is bordered to the north/northeast by tree-lines and tall grassland/scrub habitat, which are highly likely to be used by foraging and commuting bats. Whilst no further survey work is recommended, a sensitive lighting design strategy is recommended, which can be secured by condition. No additional work is necessary for hazel dormouse or badgers. Hedgehogs may be present, and areas where mammals may shelter should be checked prior to disturbance.
60. In conclusion, the site's ecological value is limited, and no significant species or habitats require further attention. Recommendations include consideration of native plantings for birds, and mindful lighting design to minimize impacts on bats. Also, a broad list of potential biodiversity enhancement measures has been included within the PEA. It is considered that given the lack of habitat features on-site/habitat connectivity, the impact on ecology is considered acceptable. Suitably worded conditions could be attached to secure the recommendations made within the report.

Human Rights Issues

61. 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

62. Having regard for the merits of this case, it is considered that the use of the site for the creation of 3 dwellings of a good standard would provide a significant benefit to the community together with making the most efficient use of the land which largely comprises previously developed land (PDL). The limited loss of public open space is acknowledged however, it would not result in a qualitative loss of the existing public open space. As such, it would not

prejudice the enjoyment of the open space by the local residents. Finally, it would not cause harm to the character and appearance of this part of the settlement and the adjoining countryside. 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.**
1. 3-year standard condition
 2. Approved Plans
 3. Construction Management Plan
 4. Provision and retention of permanent parking spaces
 5. EV Charging points
 6. Cycle parking
 7. Contamination (Land or groundwater)
 8. Reporting of unexpected contamination
 9. Foul water disposal
 10. Bin Storage
 11. Sprinkler system and Fire Service access and facility provisions under the Building Regulations.
 12. Submission of material samples
 13. Landscaping scheme
 14. PD rights removed [Classes A (extensions), B (Dormers), D (porches) and E (outbuildings)]
 15. Fibre optic broadband

16. Scheme of biodiversity enhancements

Notes to Applicant

1. Working with the Applicant

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 PA/2023/0424)

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