

Application Number	PA/2022/2788
Location	Orchard Cottage, Tile Kiln Road, Kennington, Ashford, Kent TN24 9NT
Grid Reference	Easting (x) 601404; Northing (y) 145257
Parish Council	Kennington
Ward	Goat Lees
Application Description	Demolition of existing barn and redevelopment of site to provide 5no. 2 bedroom terraced houses, 5no. 3 bedroom terraced and semi detached houses, 4no. 1 bedroom bungalows, car barn and associated parking and landscaping
Applicant	Assistant Director Housing Sharon Williams (ABC)
Agent	Ms. Elizabeth Mitchell
Site Area	3825 sqm

Introduction

1. This application relates to an affordable housing scheme (14 dwellings) proposed by Ashford Borough Council.

Site and Surroundings

2. The application site (0.38ha) is situated in a residential area of Kennington, to the north of Ashford's town centre, facing Tile Kiln Road to the southwest and Towers View to the northwest. The properties surrounding the site consist of a mix of one and two-storey detached, semi-detached, and terraced houses, as well as flats. These structures are generally constructed with buff, brown, or red brick, featuring pitched tiled roofs and some tile hanging. The houses in close proximity to the site seem to have been built in the 1970s, with several residences along Grosvenor Road dating back to the early 1900s. There are no listed buildings in the vicinity of the site, and it is not situated within or adjacent to a Conservation Area. Opposite the site on Tile Kiln Road, there is a convenience store and a takeaway food outlet.
3. The site was formerly occupied by a single, detached dwelling known as Orchard Cottage, a brick outbuilding, and a former agricultural Atcost barn. The house suffered extensive fire damage and was demolished, along with the outbuilding, in 2020 under application reference 20/01393/AS. The Atcost

barn remains on the site, identified as an opportunistic roost for bats following ecological survey work.

4. There is a significant downhill slope of approximately 4.1m from north to south across the site and 2.1m from west to east. Large portions of the site are undeveloped and covered with trees, hedgerows, dense undergrowth, and grass, contrasting with the moderately densely built-up surroundings. A number of mature trees line the northeast and northwest boundaries of the site, with some located within an unmanaged and overgrown strip of unregistered land between the site and the rear gardens of adjacent properties. The site is currently enclosed with hoarding along Tile Kiln Road and Towers View, and there is a combination of chain link and panel fencing along the internal site boundaries.
5. A site location plan is as shown in Figure 1 below.

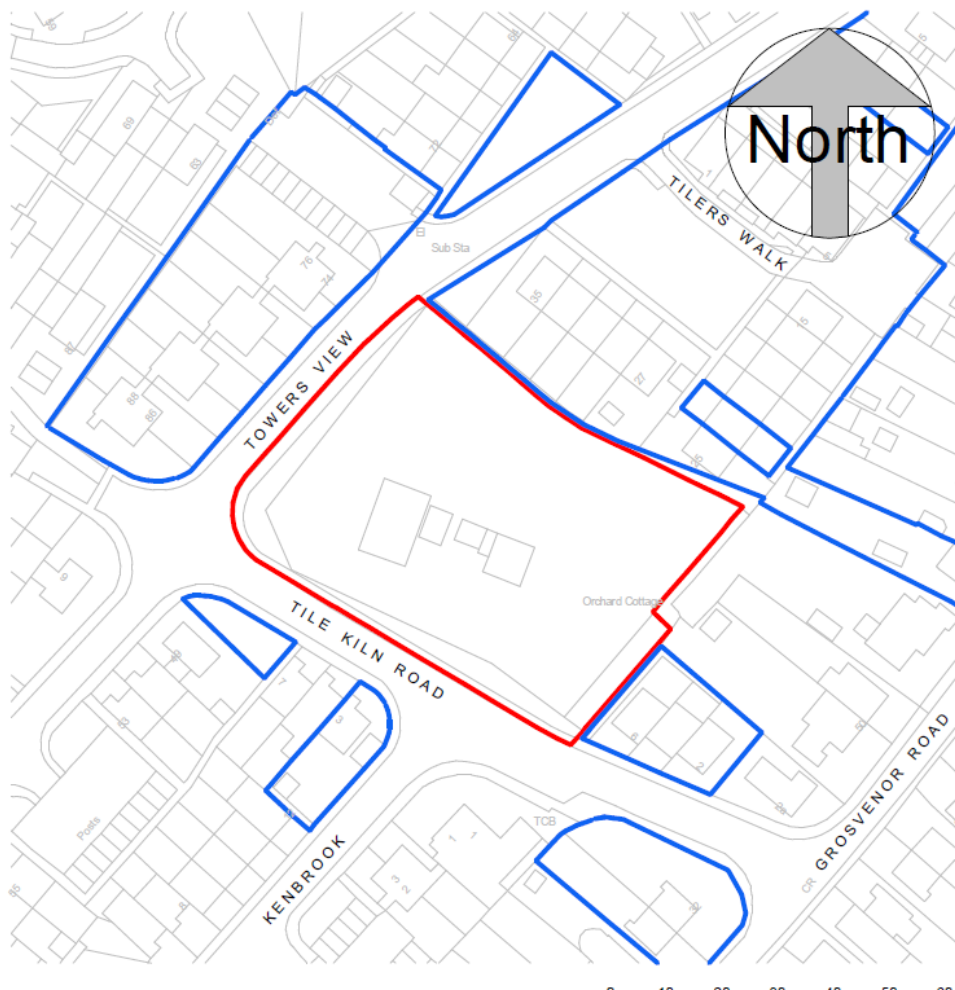


Figure 1: Site Location Plan

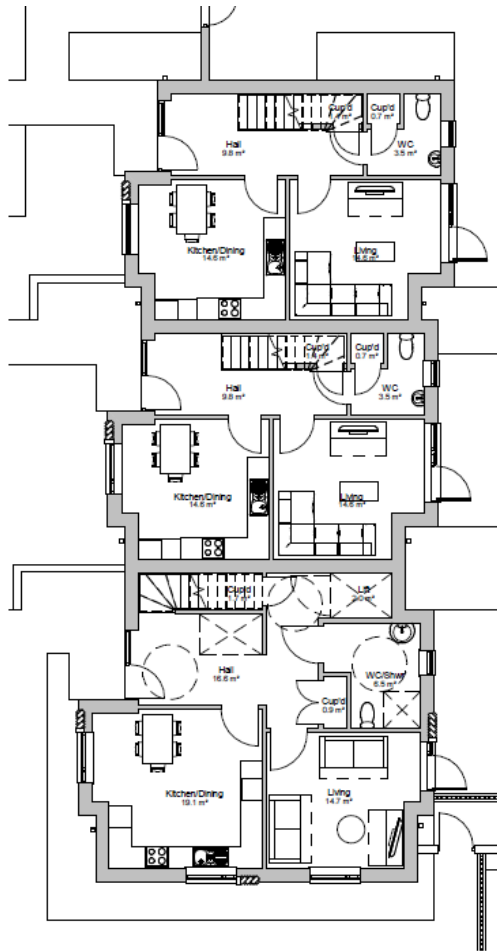


Figure 2: Site Plan

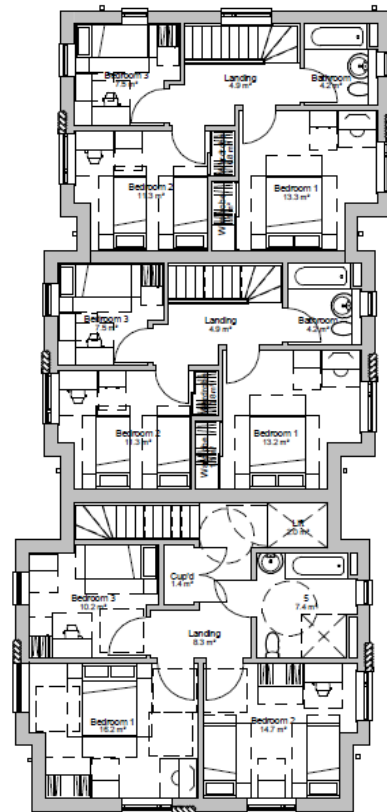
Proposal

6. The proposal seeks planning permission for the erection of ten two-storey houses in three blocks along Tile Kiln Road and Towers View, accompanied by four bungalows discreetly positioned behind a private parking area featuring a car barn. The intention is to provide 100% affordable housing (affordable rent).
7. The proposal includes the installation of photovoltaic panels on south and southeast-facing roofs of the houses. Each dwelling would have dedicated parking spaces and benefit from the provision of one EV charging point for each dwelling. Discreetly positioned refuse stores with brick construction,

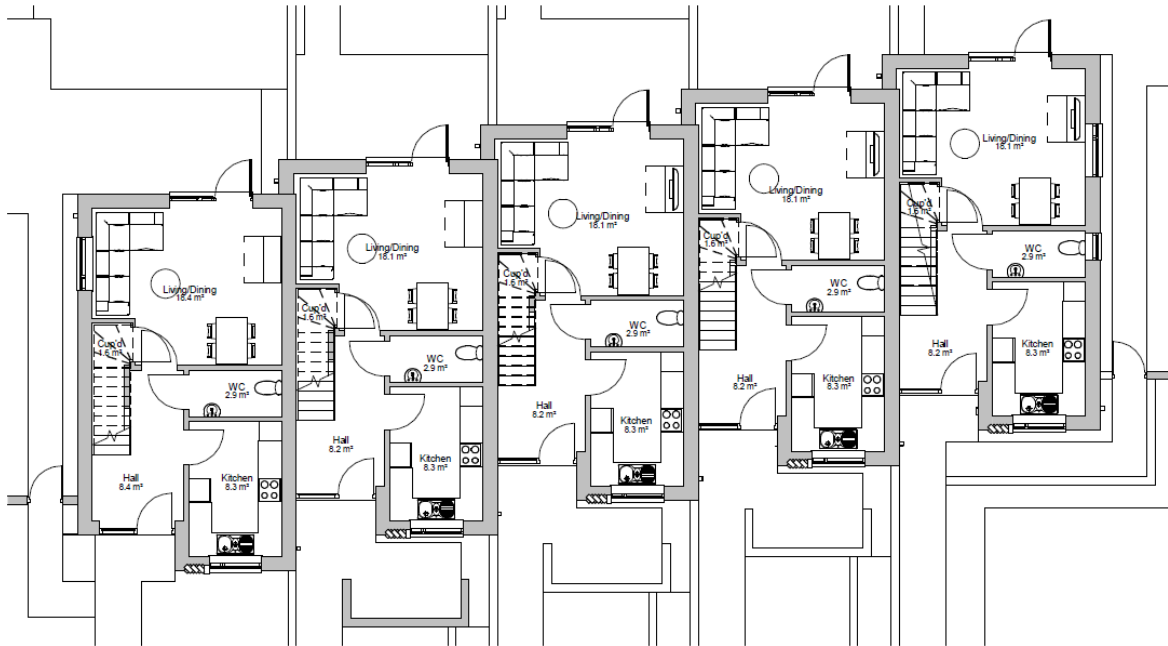
timber doors, and roofs are placed on the sides or fronts of specific properties. The back gardens of the three terrace houses are accessible from rear pedestrian pathways, and existing pathways along the northeastern and northwestern boundaries are retained. Proposed compensatory landscaping accounts for the removal of existing trees and enhances the adjacent green space.



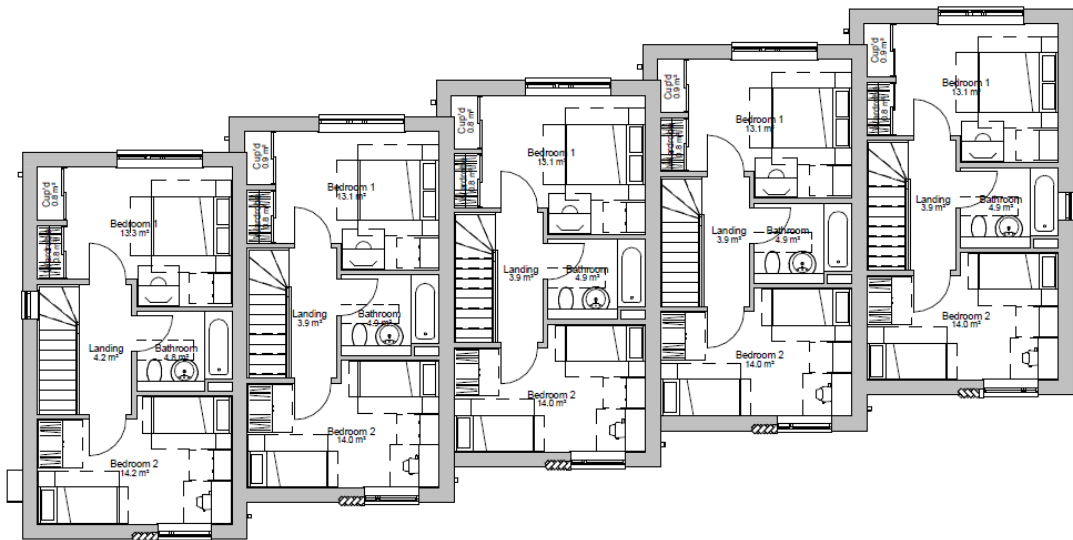
3B5P HOUSES - LEVEL 00



3B5P HOUSES - LEVEL 01



2B4P HOUSES - LEVEL 00



2B4P HOUSES - LEVEL 01

Figure 3: Floor Plans



SECTION A



SECTION B



SECTION C

Figure 4: Elevations

Planning History

- 20/01393/AS - Prior Notification for the demolition of the fire-damaged cottage, ancillary out-building and Atcost barn. Prior Approval Not Required.

Consultations

2. 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 subject to conditions.
 - KCC Ecology – **No objection** subject to conditions relating to bat mitigation measures, reptile translocation, bat sensitive lighting scheme, method statement for invasive non-native species and biodiversity and ecological enhancements.

- KCC Archaeology – **No objection** subject to a precommencement condition relating to securing the archaeological field evaluation works.
- Natural England – Further information required to address stodmarsh concerns.
- Fire Officer – It appears from the site block plan as proposed, that there would be an extended hose laying distance from the furthest point in the bungalows to a suitably parked fire appliance therefore not meeting the B5 requirements within the Building Regulations 2010.
- Southern Water – **No objection** subject to conditions and informatives.
- 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.
- ABC Housing – **Support**. Under Local Plan policy, the site lies within the Hinterlands area as identified and defined in Policy HOU1 in the borough council's Local Plan. Ordinarily, the policy compliant position means there would be an expectation of 30% affordable housing being delivered within this scheme providing 10% affordable rent homes and 20% of the total number of dwellings for affordable home ownership.

However, the development is for 5 x 2-bedroom terraced houses, 5 x 3-bedroom terraced and semi-detached houses and 4 x 1-bedroom bungalows, all to be delivered as affordable homes. A lot of work has been undertaken prior to submission to planning to liaise with the community about these proposals and this work is detailed in the submission.

This will be a quality development, adding valuable homes to the Council's housing revenue account stock and taking people with an identified need for social housing off the waiting list. The Council has vast experience of delivering and then managing affordable housing in the borough and these will make good use of the footprint available and with the associated landscaping and parking they will not create any issues for the local community. Contractors will adhere to the considerate contractors' scheme and regular meetings will be held to make sure the community is largely unaffected by the development during its construction phase and that mitigation measures are in place where necessary.

- Kennington Parish Council – **object** to the planning application for the following reasons:
 - Proposed bungalows situated at the rear, increasing isolation risk.
 - Suggestion to move them to the front for improved accessibility, sunlight, and social engagement.
 - Concerns about lack of direct sunlight affecting heating, lighting costs, and elderly residents' vitamin D needs.

- Potential oppressiveness of front aspect facing the rear garden.
- Emphasis on the need for a wide footpath from Tile Kiln Road to the bungalows to accommodate wheelchairs and mobility scooters.
- Noting the rarity of bungalows being overlooked, highlighting concerns about potential overshadowing.
- inadequate parking on surrounding roads and the site.
- Concerns about having only one parking space per bungalow.

Neighbours

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

- Parking situation is hideous at the moment
- Loss of wildlife

Planning Policy

3. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (adopted July 2013), the Wye Neighbourhood Plan (adopted March 2016), the Pluckley Neighbourhood Plan (adopted April 2017), the Rolvenden Neighbourhood Plan (adopted December 2019), the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021), the Egerton Neighbourhood Plan (adopted March 2022), the Charing Neighbourhood Plan (adopted July 2023), the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
4. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
 - Tenterden Neighbourhood Plan currently at Examination stage in the plan making process.
 - Pluckley Neighbourhood Plan Review currently at Examination stage in the plan making process.
 - Aldington & Bonnington Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
5. 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)
6. 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

7. The key areas for consideration in the assessment of this application are as
- Principle of Development
 - Character and Appearance
 - Impact on Highways
 - Impact on Residential Amenity
 - Impact on Ecology
 - Stodmarsh Catchment Area
 - Archaeology
 - Contamination

Principle of development

8. The site lies within the settlement confines of Ashford. Therefore, the principle of development is considered acceptable subject to meeting the relevant criteria under policy HOU3a (Residential Windfall Development Within Settlements) of the Local Plan and other site specific considerations.
9. Policy HOU3a states that “Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines... providing that the following requirements are met:
 - a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
 - b) It would not create a significant adverse impact on the amenity of existing residents;
 - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
 - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
 - e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
 - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
 - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
 - h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
10. It is noted that the proposal is for 100% affordable housing (affordable rent). A supporting statement has been submitted with the preapplication which includes the justification for the need for affordable housing in the area. It is noted that Ashford Borough Council Housing Service currently has 1566 applicants on the Housing Register. For Kennington specifically, the profile of need is as follows:
 - 1 bedroom property – 414
 - 2 bedroom property – 162
 - 3 bedroom property – 184
 - 4 bedroom property – 43
 - 5/6 bedroom property – 10
11. Therefore, with a total of 760 applicants stating that they would like a 1-bed, 2-bed or 3-bed property in this area of Ashford, there is an undisputed need for affordable rental properties of the types proposed in this area. It is noted that by virtue of these households being on the waiting list for the very reason,

it is reasonable to conclude that they are extremely unlikely to be able to afford a shared ownership property, even with its lower entry level. Indeed, acceptance onto the waiting list is means tested, so if a household has an income that is sufficient to purchase a shared ownership property, this then prevents them from being accepted onto the list. The demand for shared ownership properties is acknowledged however, it is further stated that this demand is purely anecdotal as there are no waiting lists for such properties. Thus, even though the housing will all be for affordable rent and include no provision for affordable home ownership, this is in response to a clearly evidenced need for affordable rental properties and flexibility in terms of the tenure mix is fully justified.

12. In conclusion, sufficient justification has been provided which clearly demonstrates the need for affordable rental properties in the area. Therefore, the principle of 100% affordable rent housing units is considered acceptable.

Character and Appearance

13. 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.
14. The proposed dwellings would be characterised by a series of staggered gables that mirror the architectural style of adjacent structures and are stepped to seamlessly integrate with the natural slope of the site. . The proposed dwellings would benefit from step-free access, facilitated by gently sloping paths maintaining a gradient less than 1:20. To address the substantial level change across the site, certain gardens are designed as split-level spaces, minimising the need for high retaining structures. Further to this, the introduction of a raised planter alongside the retaining wall would mitigate the visual impact in an area where the level difference is most pronounced, specifically between the end bungalow and the rear garden of the pair of three-bedroom semi-detached houses.



15. The development comprises a range of one, two, and three-bedroom houses and bungalows. Emphasis is placed on maximising natural light and expansive views through dual or triple-aspect orientations and full-height windows. Each dwelling is equipped with a fully enclosed private garden, equipped with bicycle storage sheds. Despite the compact size of bungalow gardens, their increased width compensates, resulting in an overall area greater than that of the two-bedroom terraced houses.

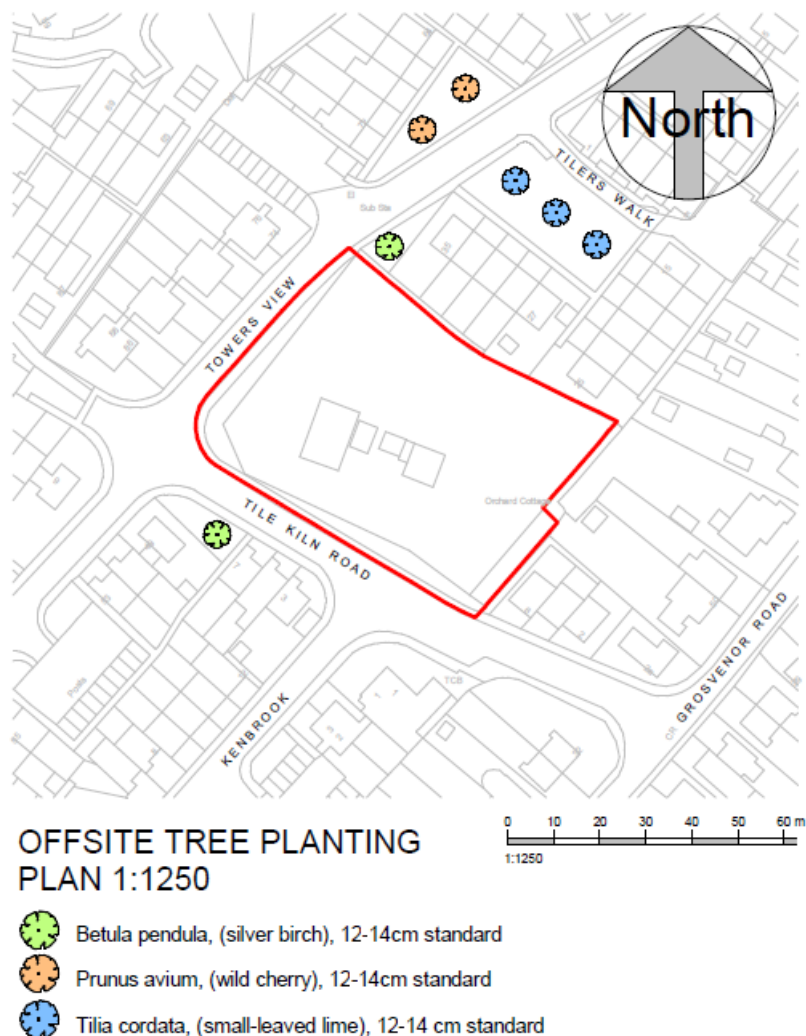


16. The proposed materials would incorporate a mix of buff and brown multi bricks, grey artificial slate pitched roofs, single-ply membrane small flat roof areas, reconstituted stone cills, and grey/beige polyester powder-coated aluminium windows, parapet copings, and rainwater goods. The car barn would be finished with dark grey stained weatherboarding above a brick

plinth. The hard landscaping elements feature grey permeable block paving in the parking court and bays, buff paving flags in private patios and footpaths, and grey slate chippings in narrow margins. Boundary treatments, including brick walls (some serving as retaining walls), pressure-treated timber closeboard fencing, and black polyester powder-coated galvanised steel railings, contribute to a visually coherent and well-defined architectural identity.

17. The waste management strategy incorporates designated brick bin stores at the front of each property or within the back/side garden areas with gated access. Further to this, the hardstanding adjacent to the car barn would facilitate efficient bin collection for bungalow residents without requiring the refuse vehicle to enter the site from Tile Kiln Road. Members will note that consultation with the Ashford Borough Council's Refuse Team in December 2021 confirmed the acceptability of the waste management proposals.

18. Soft landscaping elements encompass raised planters, trees, and climbing plants on wall-mounted trellises, enhancing both private gardens and communal areas. The inclusion of a 1.5-2m Hazel hedge and Hornbeam and Maple trees along the northeast and southeast boundaries further reinforces existing planting, contributing to a lush and ecologically considerate environment. The proposal also involves offsite mitigation planting as shown below. The landscaping scheme and the offsite mitigation planting could be secured via conditions.

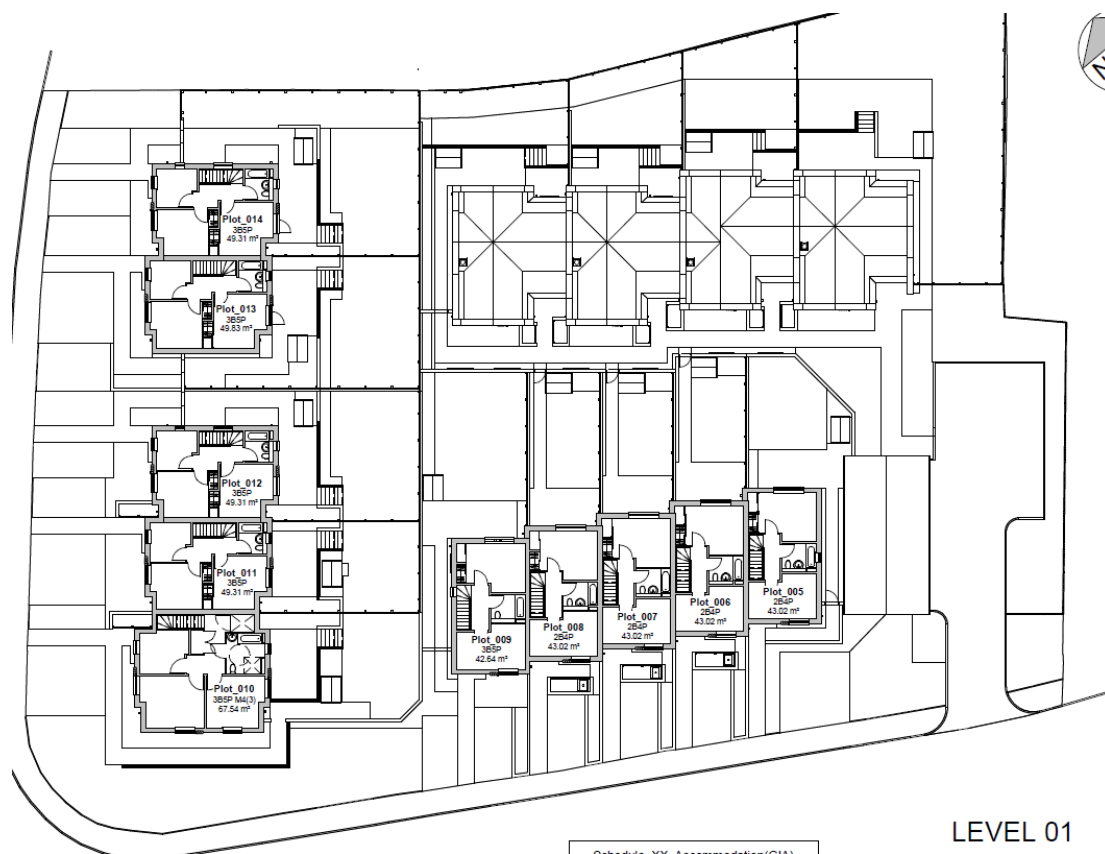


19. Having regard to the above, it is considered that the design of the proposed development would be of a good standard and would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, HOU3a of the Local Plan and paragraph 135 of the National Planning Policy Framework.

Residential Amenity

20. There is a row of single-storey dwelling houses fronting Tilers Walk to the northeast of the site. The separation distance between the proposed single-storey dwelling houses (along the northeast boundary) and existing dwellings (Tilers Walk) would be approximately 20m, while the proposed two-storey dwelling house (located within the northern corner of the site – Plot 14) would be at a distance of approximately 17m. Given the adequate separation distance between the site and the neighbouring properties, it is not considered that the proposed development would cause a sense of enclosure, overshadowing, or loss of light.

21. It is noted that the proposed two-storey dwelling (Plot 14) would have two windows on the side elevation facing northeast at the first floor level. One window would serve the stairwell, while the second single-pane window would serve the third bedroom. To mitigate the potential impact from the loss of privacy from the first-floor windows of the proposed dwelling, a suitably worded condition could be attached requiring these windows to be fixed shut and obscure glazed up to 1.7m above floor level.



22. Having regard to the above and subject to conditions, the proposed development is considered acceptable in terms of residential amenity impact. It would, therefore, comply with paragraph 135(f) of the NPPF.

Living conditions of the future occupants

23. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. It is noted that there are limited separation distances (within the range of 12.5m to 15.5m) between the row of terrace fronting Tile Kiln Road and the row of bungalows to the rear. It is proposed to have a kitchen (considered to be a non-habitable room) towards the front of the bungalows with a wall mounted trellis with climbing plants at a distance of approximately 1.4m from the kitchen window. From the review of the plans submitted with the application, it is apparent that the fencing would be approximately 2m in height which would effectively screen any direct views from the first floor of the terraced housing into the living space of the bungalows and vice versa. Having regard for the above and on

balance, the limited separation distance in this instance is considered acceptable.

24. Further to the above, it was observed that the first-floor window at Plot 12 would overlook the private amenity area of Plot 9 and result in a loss of privacy to the future occupants of Plot 9. Discussions were held with the applicant regarding a potential solution to mitigate this impact without compromising the natural light quality for Plot 12. It has been agreed that fixed vertical blinds will be installed (at a fixed angle), integral to the window frame of Plot 12, facing the rear garden of Plot 9. This arrangement would ensure that the views of future occupants are directed away from the private amenity area of Plot 9. On balance, it is considered that this solution effectively addresses the unacceptable loss of privacy and, at the same time, provides satisfactory living conditions for the future occupants of both Plots 9 and 12.
25. Finally, the proposed dwellings, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. It would have a private garden and areas which could be used for refuse storage and external amenity 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 135 of the NPPF.

Impact on Highways

26. The site is considered to fall within an urban location. Policy TRA3(a) would apply in this instance. The policy requires a provision of 2 offstreet parking spaces for 2 and 3 bed dwellings together visitor parking at a rate of 0.2 spaces per dwelling whilst 3 spaces would need to be provided for a 4-bed dwelling. The development would provide 24 off-site parking spaces. Whilst there is a lack of 2.8 visitor parking spaces on the site, given the fact that on-street parking is prevalent in the area, the lack of visitor parking spaces is considered acceptable. The parking spaces would be equipped with EV Charging facility. The proposal would therefore comply with policy TRA3a of the local plan and paragraph 157 of the NPPF.
27. Cycle parking has been provided in line with ABC Local Plan 2030 Policy TRA6. A garden shed with a capacity for 2no. cycle spaces has been allowed for within the garden of the dwellings.
28. KCC Highways have raised no objection in respect of the proposed development and have recommended a number of conditions to be attached to the permission.
29. In the light of the above, it could be reasonably concluded that the proposed development 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 114 and 115 of the NPPF.

Stodmarsh Catchment Area

30. 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.
31. 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.
32. 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.
33. Under the Council's Constitution, the Assistant Director 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.
34. 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.
35. Notwithstanding this, 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 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

36. 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.
37. Kent Wildlife Trust (KWT) conducted a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) in April 2020. The PEA recommended a reptile survey and identified potential bat roosts in the residential property, outbuilding, and Atcost barn. Reptile and bat surveys were conducted in June/July 2020, indicating a low population of slow-worms and identifying the Atcost barn as an opportunistic roost for brown long-eared (BLE) and serotine bats.
38. In respect of reptiles, a suitable translocation site has been identified at Kestrel Park Play Area 4.3 miles from the Orchard Cottage. A presence/likely absence reptile survey of Kestrel Park in September & October 2023 identified a good population of viviparous lizards (peak count of 5) and no slow worms were recorded. From the results of the survey, Kestrel Park was deemed as a suitable translocation site for the population of slow worms on site. The management methods and required mitigation of log piles and hibernacula suggested in the mitigation strategy for Kestrel Park are suitable to further improve the conditions to support the slow worm population in the long term. KCC Ecology are satisfied with the trapping and translocation methods and have recommended a condition to be attached to ensure that they are followed, and reptiles protected prior to and during construction.
39. The bat surveys revealed moderate suitability for roosting bats in the fire-damaged house and low suitability in the outbuilding. The Atcost barn, initially considered of low suitability, showed evidence of BLE bat roosting. Despite demolition permissions for the house and outbuilding, the Atcost barn's loss required mitigation, including tree-mounted bat boxes, a sensitive lighting scheme, a car barn with bat roosting opportunities, and native hedge and tree planting. An updated bat survey in July 2021 confirmed the Atcost barn's continued use as an opportunistic roost for BLE bats. No further evidence of serotine bats was recorded. A dusk emergence bat survey in August 2022 and a dust sheet check found no bat droppings in the Atcost barn. An updated reptile assessment in August 2022 confirmed suitable habitat for reptiles, initiating repeat survey work in September 2022. KCC Ecology have advised that these proposed mitigation measures should be followed throughout the construction works, unless varied by the EPSM licence. This could be achieved via suitably worded condition. Further to this, a condition requiring installation of a bat sensitive light scheme has been recommended to be attached to the permission.
40. The ecological assessment identified Montbretia, an invasive non-native species, in the south of the site during the Preliminary Ecological Appraisal

(PEA) in 2020. Classified under Schedule 9ii 7 of the Wildlife and Countryside Act 1981, it raises concerns about its impact. Additionally, other invasive species, such as Japanese knotweed, knotweed, Yellow archangel, and Himalayan cotoneaster, may have established on-site since the initial survey. To address this issue, KCC Ecology recommended a Method Statement, which could be secured via condition, if planning permission is granted.

41. Finally, the biodiversity enhancement plan submitted with the application is considered to be satisfactory. KCC Ecology have recommended a condition requiring submission of a management plan to secure the management of the proposed mitigation measures.
42. In conclusion, subject to conditions, the proposal is considered acceptable in terms of the ecology impact.

Impact on Trees

43. The application is accompanied by a tree survey. The proposed development would involve the removal of 10 trees and 5 groups of vegetation. The removals are limited to low and poor-quality trees, with some prominent ones, like T3 and T11, being retained. The removal of specified trees and vegetation groups facilitates the implementation of the proposed development, particularly the built elements and a new landscaping scheme.
44. All trees within and bordering the site are categorized as either category C, suitable for retention but of low quality, or category U, unsuitable for retention due to their condition. Trees along the northeast and southeast boundaries will be retained, except for groups close to existing bungalows at Tilers Walk and alongside the proposed parking area. Some retained trees are within the unregistered strip of land bordering the site, not under Ashford Borough Council's ownership. The landscaping scheme involves creation of grassland area, native hedgerow planting along the site boundary, and the addition of new trees within the site in addition to offsite planting of trees. Taking the above into consideration, it is concluded that the proposal would provide sufficient mitigation planting to offset the loss of the trees within the site. Regarding tree removal, a condition could be attached, requiring the submission of an Arboricultural Method Statement.
45. In conclusion, subject to appropriately worded conditions, the impact on the trees is considered acceptable.

Impact on Archaeology

46. The site is situated within an area of potential associated with Bronze Age and Iron Age burial and settlement activities, with general indications of Roman activity. Orchard Cottage, identifiable on the 1st Ed OS map, suggests a minimum age of 19th-century origin. Due to the archaeological potential of the

site, KCC Archaeology has recommended a pre-commencement condition to be attached to secure archaeological field evaluation, further archaeological investigation, recording, and reporting, determined by the results of the evaluation, and a programme for post-excavation assessment and publication. It is considered that subject to a suitably worded condition, the proposed development would be considered acceptable in terms of the impact on archaeology.

Impact on Drainage

47. The site is within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea. As such, the application does not need to be subjected to the sequential or exception tests. However, given the size of the site, it is necessary to consider how surface water will be drained and how foul sewerage will be disposed of.
48. At present there is no planned surface water drainage on the site, with surface water draining to ground or running off the site naturally. As there are no water courses in the area, the only remaining option is to discharge to a public sewer, although infiltration (in the form of permeable paving) could be used to reduce the volume of surface water which needs to be discharged to the public sewer. It is considered that, subject to conditions being attached to any grant of permission to require full details of foul and surface water drainage be submitted for approval, the development would not increase the risk of flooding on site or elsewhere.

Planning Obligations

49. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
50. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's **committee** report are considered to be **necessary** to make the development acceptable in planning terms, are **directly related** to the development and are **fairly and reasonably related in scale and kind** to the development. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL compliance statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1.	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>	5 affordable rent units	To be constructed and transferred to Registered Provider before occupation of 75% of the general market units
2.	<p><u>Accessible and Adaptable Dwellings</u> Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% [total of 14 dwellings] of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>20% M4(2) across the whole site.</p> <p>M4(3b): 1 number of dwellings.</p>	All accessible and adaptable homes to be constructed before the occupation of any dwellings.

	Wheelchair accessible housing [totalling 1 number of dwellings] built in compliance with building regulations M4(3b) standards shall be provided within the affordable rented element of the scheme.		
3.	<u>Allotments</u> Project detail: To be confirmed	£258.00 per dwelling for capital costs £66.00 per dwelling for maintenance Indexation: BCIS General Building Cost index Quarter 3 of 2012	Upon occupation of 75% of the dwellings
4.	<u>Cemeteries</u> Project detail: To be confirmed	£284.00 per dwelling for capital costs £176.00 per dwelling for maintenance Indexation: BCIS General Building Cost index 2012	Upon occupation of 75% of the dwellings
5.	<u>Children and Young People's Play Space</u> Project detail: To be confirmed	£649.00 per dwelling for	Upon occupation of 75% of the dwellings.

		<p>capital costs</p> <p>£663.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index Quarter 3 of 2012</p>	<p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>
6.	<p><u>Indoor Sports Provision</u></p> <p>Project detail (off site): To be confirmed.</p>	<p>Off site: £83.36 per dwelling for capital costs (3G pitches) + £562.07 per dwelling for capital costs (sports hall)</p> <p>(capital only – contributions are derived from the latest Sport England Calculator).</p> <p>Indexation: BCIS General Building Cost index quarter 1 of 2019</p>	<p>Upon occupation of 75% of the dwellings.</p> <p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>
7.	<p><u>Informal Natural Green Space</u></p>		<p>Upon occupation</p>

	<p>Project detail: To be confirmed</p>	<p>£434.00 per dwelling for capital costs</p> <p>£325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index quarter 3 of 2012</p>	<p>of 75% of the dwellings.</p> <p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>
<p>8.</p>	<p><u>Outdoor Sports Provision</u> Project detail: To be confirmed</p>	<p>£1050.21 per dwelling for capital costs</p> <p>£575.00 per dwelling for maintenance</p> <p>(For capital contributions - calculations are derived from the latest Sports England Calculator)</p> <p>Indexation: BCIS General Building Cost index quarter 1 of 2019</p>	<p>Upon occupation of 75% of the dwellings.</p> <p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>

<p>9.</p>	<p><u>Quality Monitoring</u> Contribution towards monitoring, to ensure that the approach to design quality is delivered on site in accordance with the details approved as part of the planning permission, including any subsequent details approved pursuant to any conditions related to the planning permission.</p>	<p>One off payment of the following: £90.00 per dwelling Total amount capped at £350,000 in relation to development provided for by any single outline/full planning permission. Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>Development comprising 300 dwellings or less: The total amount due will be payable on commencement of the development. OR Development comprising more than 300 dwellings: 25% of the total amount due will be payable on commencement of the development, with the remainder being payable on occupation of 50% of the total number of dwellings.</p>
<p>10.</p>	<p><u>Strategic Parks</u> Project detail: Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs £47.00 per dwelling for maintenance Indexation: BCIS General Building Cost index quarter 3 of 2012</p>	<p>Upon occupation of 75% of the dwellings</p>

Kent County Council Planning Obligations

11.	<p><u>Adult Social Care</u> Project detail:</p> <p>Awaiting project detail confirmation from KCC</p>	<p>£146.88 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
12.	<p><u>Community Learning</u> Project detail:</p> <p>Awaiting project detail confirmation from KCC</p>	<p>£16.42 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
13.	<p><u>Libraries</u> Project detail:</p> <p>Awaiting project detail confirmation from KCC</p>	<p>£55.45 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>
14.	<p><u>Primary Schools</u> Project detail:</p> <p>Awaiting project detail confirmation from KCC</p>	<p>Per Dwelling £4535.00 (New Build)</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation:</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

		BCIS General Building Cost Index from Oct 2016	
15.	<p><u>Secondary Schools</u> Project detail:</p> <p>Awaiting project detail confirmation from KCC</p>	<p>Per Dwelling £4687.00 (New Build)</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
16.	<p><u>Youth Services</u> Project detail:</p> <p>Awaiting project detail confirmation from KCC</p>	<p>£65.50 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>
Other Obligations			
17.	<p><u>Health Care (NHS)</u> Project detail:</p> <p>Awaiting project detail confirmation from NHS</p>	<p>£X per dwelling. (awaiting response)</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>

Monitoring

18.	Monitoring Fee Contribution towards the Council's costs of monitoring and reporting.	£1000 per annum until development completed. Indexation: Indexation applied from the date of the resolution to grant permission.	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
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Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.

PLEASE NOTE:

- **If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused.**
- **Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change.**

Human Rights Issues

49. 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

50. Having regard to the merits of this case, it is considered that the use of the site for the creation of 14 affordable dwellings of a good standard would provide a significant benefit to the community together with making the most efficient use of land. It would enhance the character and appearance of this part of the town. 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 the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit;
- C. 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 to include but not limited to construction vehicle loading/unloading and turning facilities, parking facilities for site personnel and visitors, wheel washing facilities.
4. Localised highway condition surveys (before and after construction)
5. Bound surface (first 5m of the access)
6. Submission of material samples
7. Measures to prevent discharge of surface water onto the highway
8. Provision and retention of permanent parking spaces
9. EV Charging points
10. Cycle parking
11. Provision and maintenance of pedestrian visibility splays
12. Completion and maintenance of the access
13. Contamination (Land or groundwater)
14. Reporting of unexpected contamination
15. Foul water disposal
16. Surface Water Drainage Strategy
17. Bin Storage
18. Landscaping scheme
19. Offsite mitigation planting
20. Reveal of 100mm for the windows
21. PD rights removed [Classes A (extensions), B (Dormers), D (porches) and E (outbuildings)]
22. Obscure glazing (Plots 12 and 14)
23. Installation of fixed vertical blinds at a fixed angle to Plot 12 (first floor bedroom window)
24. Fibre optic broadband
25. Management Plan for the maintenance of the proposed biodiversity enhancements
26. Removal of the trees outside of the bird nesting season
27. Reptile translocation
28. Bat mitigation measures
29. Bat sensitive lighting scheme
30. Method Statement for Invasive Non-native species
31. Ecological management plan
32. Archaeological field evaluation, further archaeological investigation, recording and reporting, determined by the results of the evaluation, and programme of post excavation assessment and publication.

Notes to Applicant

1. Working with the Applicant
2. List of plans / documents approved
3. KCC Highways
4. Southern Water
5. Construction Hours

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 //AS)

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