

Application Number	18/01268/AS
Location	Briars, Church Hill, Kingsnorth, Ashford, Kent, TN23 3EG
Grid Reference	00341/39339
Parish Council	Kingsnorth
Ward	Kingsnorth Village and Bridgefield
Application Description	Outline application for the development of 44 one and two bedroom sheltered retirement apartments with associated parking and amenity space to consider means of access, layout, scale and landscaping
Applicant	P.J. Developments Ltd. 2 Square Chambers, 23 High Street, Emsowrth, PO10 7AQ
Agent	-
Site Area	0.43 ha

(a) 69/24R, 2+, 3S (b) R (c) KHS/R, KCC LLFA/R, ABC Drainage/R, Housing/+, KFB/+ OSS/X, EA/- SWS/- NHS CCCG/- ABC Refuse/+

Introduction

1. This application is reported to the Planning Committee because it is a major development.
2. Members should note, this is an application is subject to an appeal against non-determination and therefore the Council are unable to make a decision on the application and Members can only resolve to indicate how they would have determined the application had they been in a position to do so.

Site and Surroundings

3. The application site comprises a detached chalet bungalow with rear private garden which incorporates a parcel of land amounting to 0.43ha which is laid to lawn and enclosed by stock fencing. The existing dwelling fronts onto Church Hill, a classified C road, with the site falling within the parish of Kingsnorth. The majority of the site lies outside of the built up confines as identified under the pre-amble to policy HOU3a at paragraph 6.51 of the Local Plan. This is reinforced by the built up confines drawn up by Kingsnorth

Parish Council (see other material considerations section of the planning policy section of the report) (Figure 1).

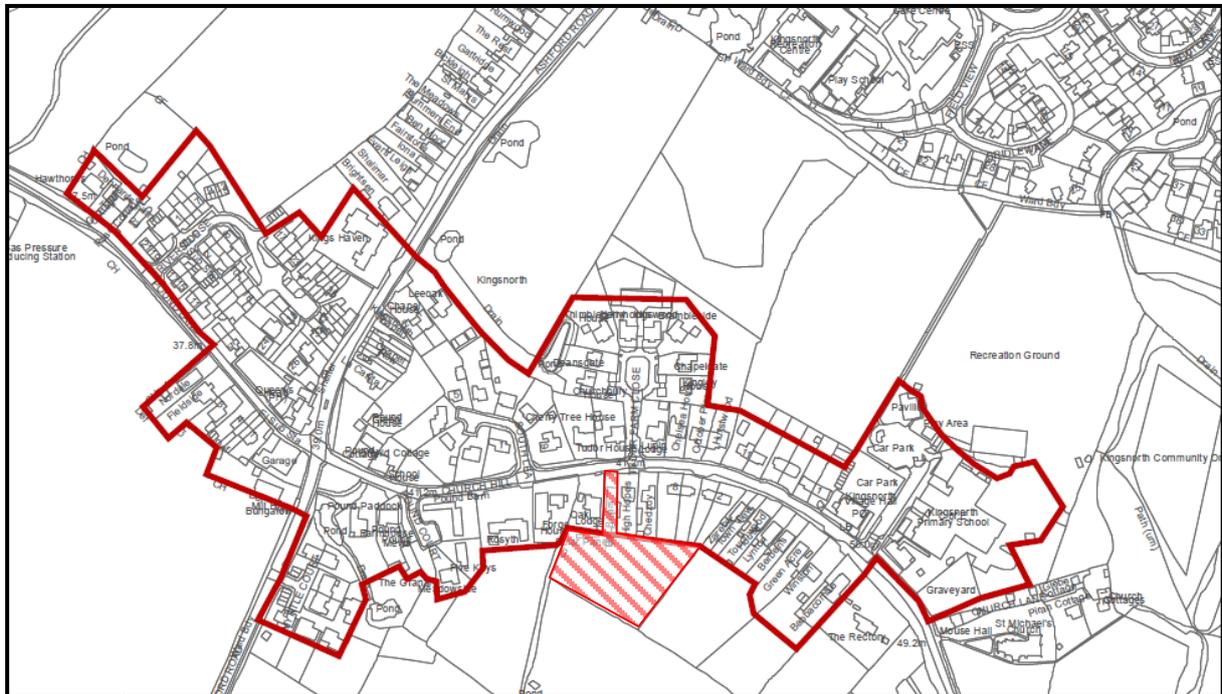


Figure 1 - Settlement Confines of the settlement of Kingsnorth village outlined in red with the application site shown hatched in red

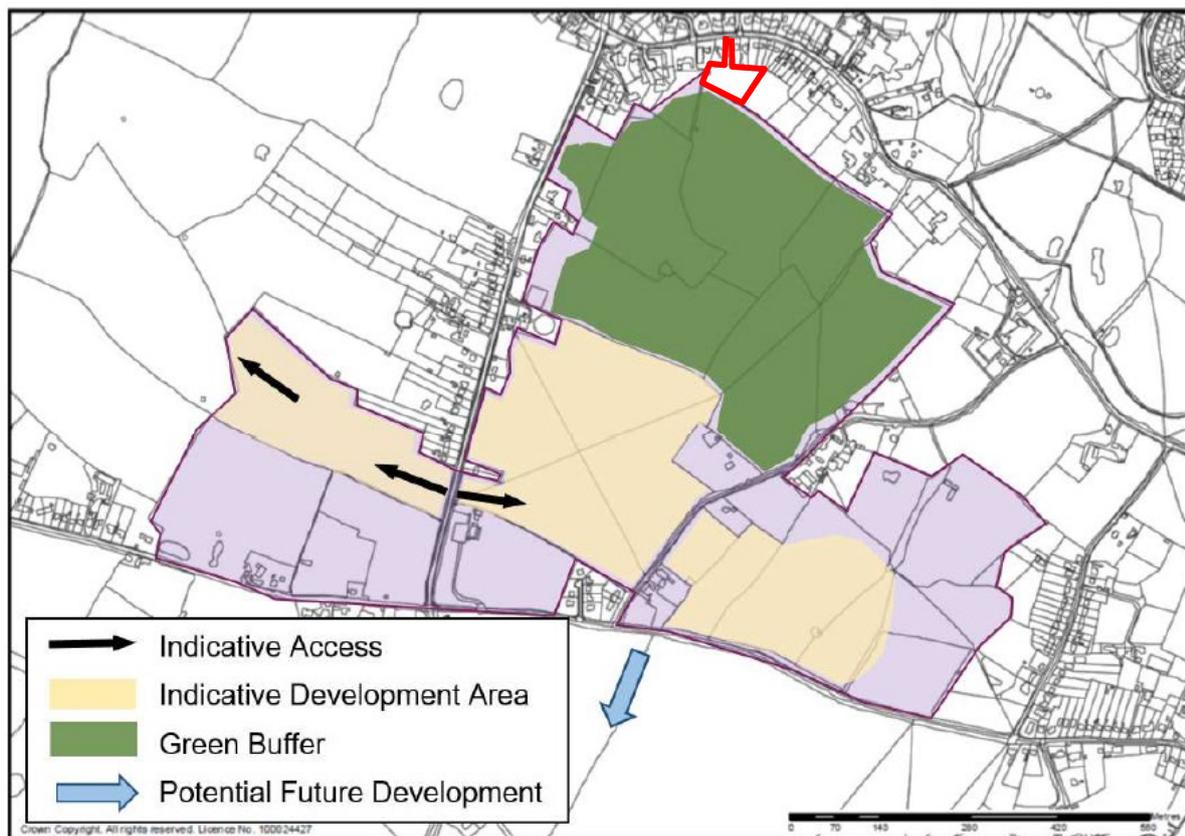


Figure 2 - Extract from Local Plan - Policy S4 allocation, to be read in conjunction with Figure 1

4. The street scene is characterised by a range of dwellings which are predominately single storey within the immediate context and two storey further along Church Hill to both the east and west. The immediate context on the southern side of Church Hill is linear development fronting onto the road.
5. There is no public footway for the southern side of Church Hill where the application site is located, only a grass verge. To the northern side of the Church Hill there is a footway and a cul-de-sac of detached two storey dwellings. Further along to Church Hill to the west is a car repair and MOT garage.
6. The site directly abuts site allocation S4 to the south, which includes a substantial buffer (see figure 2).
7. The site is within the Kingsnorth Wooded Pasture Landscape Character area which is defined as having open undulating mixed farm land with arable and sheep grazing with a mix of gappy and strong hedgerows with intermittent trees. The objectives are to conserve and to create.

Proposal

8. Outline planning permission is sought for the erection of a 44 one and two bedroom sheltered retirement apartments with associated parking and amenity space. All matters were originally reserved, however, the following matters were called-in for consideration by officers post submission and therefore Members are considering the following matters in addition to the principle of the development:
 - Means of access
 - Scale
 - Layout
 - Landscaping

Appearance remains a reserved matter for future consideration.

9. In support of the application the following information was submitted:

Parking and Access Assessment

- A private road would serve the development off Church Hill allowing vehicles to leave the site in a forward gear.
- The development would only generate a low level of vehicle movements.

- The parking on site would exceed national requirements with one space per three properties and one visitor space per three properties.

Bin Storage and Collection Assessment

- A dedicated refuse area would be proposed
- Refuse vehicles will service the development

Foul and Surface Water Assessment

- Foul water would be discharged to the mains foul sewage drains
- Surface water would be disposed of through soakaways

Amenities Assessment

- The site lies within close proximity to shops and day-to-day services including a large Tesco superstore.
- There are mainline train services nearby
- The town centre and Designer Outlet are a short distance

10. Following the call in of some of the reserved matters as set out above the following additional information was received:

Access

11. An additional plans were submitted (figures 3 and 4) to show the means of pedestrian and vehicular access to the site. The second of these plans shows a proposed pedestrian crossing and traffic lights to induce traffic calming and reduction of speed of vehicles travelling along Church Hill. This however has not been addressed in the Transport Assessment and therefore is not being considered.

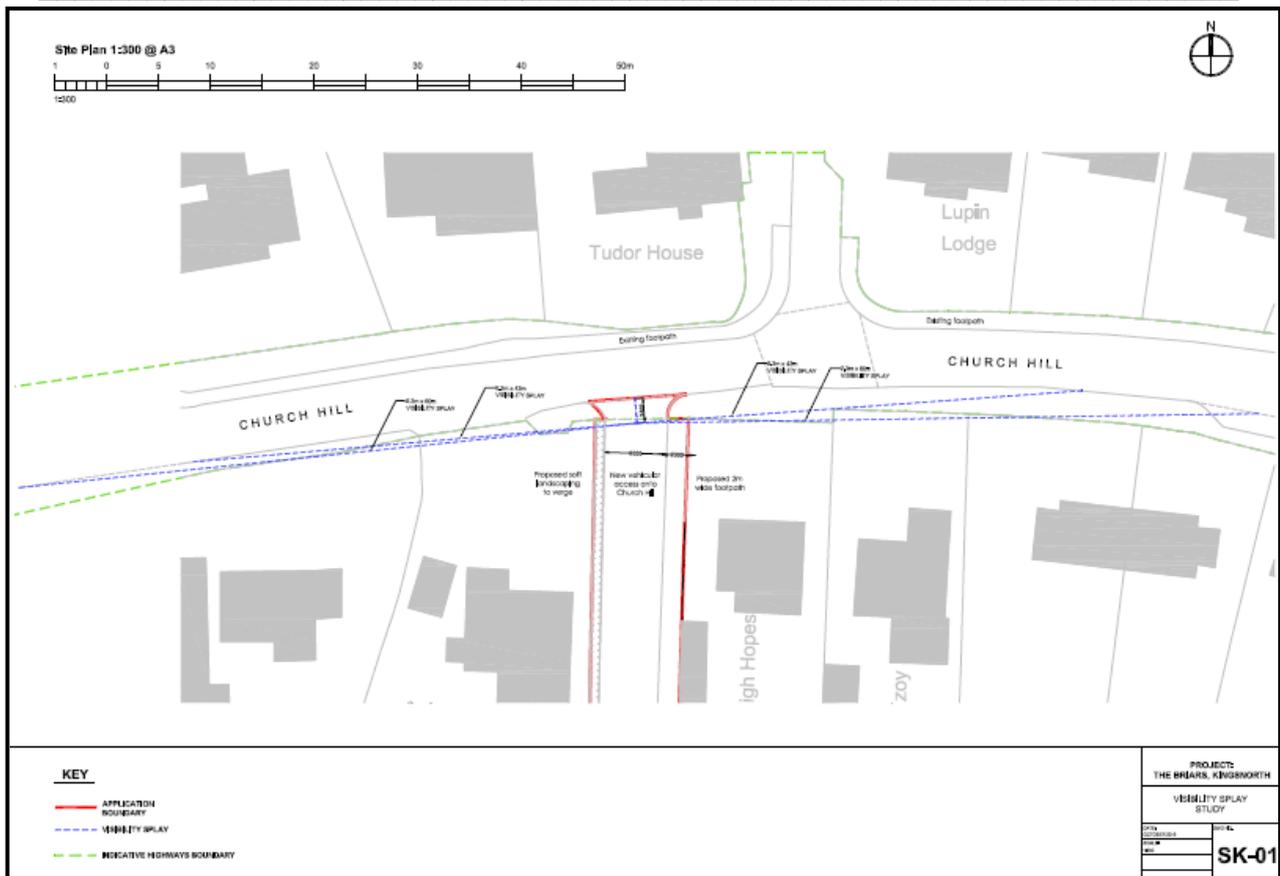


Figure 3 - Visibility Splay Plan initially submitted and referred to in Transport Statement subsequently received

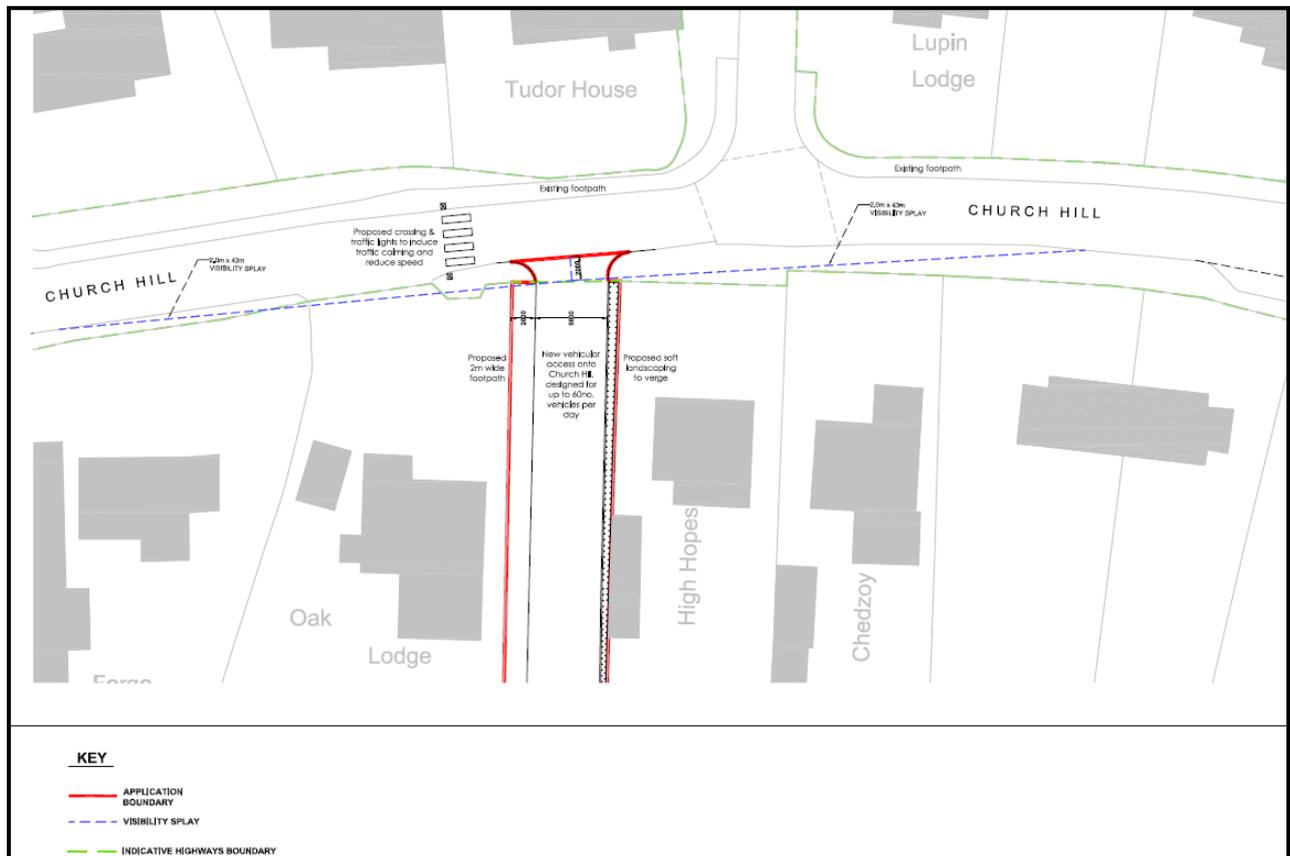


Figure 4 - Visibility Splay Plan with pedestrian crossing and 'traffic calming measures'

Transport Assessment

12. A Transport Assessment was submitted with an accompanying supporting letter. This was submitted to address concerns raised by KCC Highways and Transportation, in particular with regards the visibility splays provided on the accompanying plans.
13. The existing conditions on Church Hill are described as a main route through Kingsnorth with a speed limit of 30mph. Existing flows were monitored through an automatic traffic count to the west of the site with an average weekday total of 1,318 vehicles with the AM peak flow of 193 vehicles and the PM peak 143 vehicles in a westerly direction. In the easterly direction, there was an average of 1,154 vehicles with 144 vehicles in the AM peak and 125 vehicles in the PM peak.
14. Accident data confirmed that within the vicinity of the site access (150m radius) within a 5 year period up to 30/09/2018, no reported accidents have taken place. It is concluded that given the number of vehicle movements, the additional traffic movements generated by the development is unlikely to impact the existing road safety within the area.
15. KCC had stated that the proposed plans appeared to be based on OS mapping data and the accuracy of this is not suitable for the intended purposes. It was stated by KCC that the extent of the third part land included within the sightlines is greater than has been submitted.
16. The applicant responded by confirming that a full topographical survey had been carried out to accurately measure the existing geometry of Church Hill. The visibility splays have been shown to be 2.4m by 43m accurately plotted on topographical/OS mapping in accordance with the guidance from KCC. The accuracy of Kent Highway Services mapping may be questioned as it has been interpreted from OS data.
17. The Kent Design Guide, together with other published guidance including the Kent Design Technical Appendix dated 200, Kent Design Guidance Review Interim Guidance Note 2 dated 2008 and more recently the Vehicle Crossing Guidance and Self-Assessment dated October 2018, all state an X-distance of 2m rather than 2.4m, therefore splays measuring 2m by 43m have been plotted on the drawing and these do not appear to cross over 3rd party land.
18. In addition to the above, the Kent Design Guidance Step 3 states that over generous visibility encourages higher speeds and conversely, the effect of a dense urban form with restricted visibility can contribute to speed reduction. Furthermore, the Manual for Streets 2 states that unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.

19. Sustainability of the site has been considered with the maximum distance to a bus stop being 250m to the west of the site. There are safe pedestrian routes to both bus stops with multiple services operated by Stagecoach. Ashford International Rail station is located 3.5km to the north of the site with regular domestic and international passenger services to London, nearby towns and the continent, which could be reached by a combination of sustainable modes of transport. Walking from the site to Tesco Extra, the surrounding residential areas and Kingsnorth Medical centre and other local amenities are within 2km of the site. A footpath along the northern side of the road exists with a proposed footway from the building entrance to the southern side of Church Hill. Cycle routes are also available. In conclusion the site offers a wide range of sustainable modes of transport opportunities to reduce the use of private modes of transport.
20. The site access road would be 6m in width with a 2m width footpath leading from the building entrance and car park to the southern side of Church Hill.
21. A swept path analysis has been carried out to demonstrate that road layout provides sufficient width and turning for an 11.4m refuse vehicle.
22. Whilst there is no footway on the southern side of Church Hill and no formal crossing point for pedestrians from the southern to the northern side of Church Hill, there is good visibility for pedestrians to cross Church Hill in a safe manner. The existing residents already have to cross Church Hill and there have been no reported accidents within the vicinity. There would only be 22 pedestrian trips generated by the development within a 24 hour period and as a result pedestrian movements are likely to be low with minimal probability of conflict with existing traffic.
23. Car park provision on site cannot be considered against the standards set out by the LPA under the Local Plan to 2030 as no such standard exists for this exact residential use. TRA3a requires 1 space per 1 bed dwelling and 2 spaces per 2 bed dwelling. KCC's SPG4 includes details of the requirement for Sheltered Housing with 1 space per resident warden and 1 space per 2 units.
24. No details regarding the traffic calming measures shown on figure 4 are outlined in the Transport Assessment.

Scale, Layout and Landscaping

25. A proposed block plan was submitted to show Scale and Layout which also included some indicative elevations to show the overall height of the proposed building at 8.5m above ground level (figure 5). The indicative plans suggest the building have two storeys with accommodation with the roof space and would have a flat roof with pitches to the front and area with dormer windows inserted.



Figure 5: Indicative Elevation

26. The layout plan (figure 6) shows the proposed building articulated in an L-shape in the southern most part of the site abutting the site boundary and the landscape buffer zone for allocated site S4 of the Local Plan. Parking would be located to the north of the building on land to the rear of the properties fronting onto Church Hill. Communal garden areas are proposed to the areas adjacent to the site access and parking area with private gardens laid out for the ground floor units.



Figure 6: Indicative Site Layout Plan



Figure 7 Refuse storage and turning head

Planning History

04/00233/AS - Application for Lawful Development Certificate - Existing Development - Change of use of land to residential garden – Existing use is lawful – 05/04/2004

11/00115/AS – Installation of 22 freestanding photo voltaic solar array panels – permitted 21/01/2011

11/00115/AMND/AS – Revision to increase the length of the array by 0.5m to 15m to allow for spacing between the panels not allow for in the original application (11/00115/AS) – permitted 06/05/2011

Consultations

Ward Member: Cllr Mrs Heyes has not provided any comments on the scheme and is not a member of the Planning Committee.

Parish Council: object on the following grounds:

- Inappropriate location for type of accommodation
- Increase in traffic

- Care staff would generate additional traffic
- Development of 44 units would not be viable
- Overbearing impact on neighbours
- Loss of views for existing residents on Church Hill [**HoDMSS comment:** this is not a material consideration]
- Impact on amenity of residents including impact of traffic into the site on the two immediate neighbours
- A future reserved matters application could alter the development being considered at outline [**HoDMSS comment:** matters relating to the means of access, scale, layout and landscaping are now being considered, only appearance now remains a reserved matter]
- Cramped development resulting in overdevelopment of the site
- Narrow access

Kent Highways and Transportation: object to the application on the following grounds:

- Visibility available is insufficient for the development proposed as it is over land not within the ownership of the applicant/highway authority control
- Increase in pedestrian traffic on highway lacking adequate footways with consequential additional hazards to all users of the highway
- Traffic calming measures do not include puffin crossings, which are solely to provide a crossing facility for pedestrians
- The puffin crossing is unacceptable as there is insufficient demand and not worthy of the Highway Authority implementing in this location as there is no footway on the southern side of Church Hill.

Following the receipt of further information the following comments have been provided:

- The Highways Authority view remains unaltered from the previous comments (see above)
- The additional supporting information selectively quotes references from the Manual for Streets 2 (MfS2) and Kent Design and is done out of context and ignores caveats that accompany some of the quotes with some quotes misinterpreted as they apply to different circumstances as set out below:
 - The measurements for visibility are for when there is no splitter island, there is no such island in existence or proposed.

- Does not take account of parked vehicles
- Measurements based on forward visibility rather than sightlines at accesses and junctions.
- Measurements for slow speed locations not applicable in this instance as this is a junction/access.
- The MfS2 state approach should only be considered in some very lightly trafficked and slow-speed situations
- Ability to manoeuvre around any protruding vehicle without undue difficulty need to be considered.
- Church Hill is a classified C-road, the traffic associated with the nearby school.
- There is limited availability for vehicles to take evasive manoeuvres around a vehicle protruding from the access, given on-street parking or other vehicles approaching from the opposite direction.
- Over generous visibility encouraging higher speeds is not relevant in this particular circumstance. This has been taken out of context.
- The personal injury crash data to justify the acceptability of the access relates to the whole road and all access along it, they may be provided with adequate visibility.
- Whilst no crashes are recorded with the current access to the site the current situation is a single dwelling not a more intensively used access which would be by people who are less familiar than a single family occupying the site.

KCC LLFA: object on the following grounds:

- Further information required including:
 - a schematic or sketch drainage proposal
 - Clear description of key drainage features within the scheme
 - Information to support key assumptions
 - Supporting calculations to demonstrate the operation of the system and drainage model network schematic
 - Drainage strategy form (from KCC Drainage and Policy)
- Weald Clay underlies the site resulting in poor permeability

- The proposal for individual plot soakaways would likely be inadequate to serve the development, other methods should be explored
- Imperative that principles of surface water drainage are demonstrated to avoid later complications.

ABC Drainage: object on the basis of the comments from KCC LLFA

ABC Environmental Services (Refuse): general comment received regarding the level of refuse provision on site. No comment on turning of refuse vehicles on site given indicative details, however, access to site will be required via the private road, an indemnity will be required.

Environment Agency: do not wish to comment as outside of the statutory remit for consultation

NHS CCG: no representations received

Southern Water Services: no representations received

Cultural Services (Open Spaces Officer): general comment received outlining contributions to be secured through S106 agreement (see Table 1)

Kent Fire and Rescue: general comment stating that insufficient information has been provided to demonstrate access to the site for fire and rescue service to include width of the access, details of the road surface, distance from the highway, turning circle for fire appliance of 16.8m

ABC Housing Services: site is within Ashford 'Hinterlands' under policy HOU1 and expectation is therefore that the site would provide 30% affordable housing with 10% of total dwellings for affordable or social rent, 20% for affordable home ownership (of which 10% of total dwellings shared ownership). 13 units will be required overall for affordable housing with 4 units for affordable rent, 9 for affordable home ownership (4 of which for shared ownership with remainder a low-cost home-ownership product). There should be a split of 1 and 2 bedroom units. It may be beneficial for the developer to provide one-bedroom properties for affordable rent and the two-bedroom properties for affordable home ownership as this is more appealing to the prospective purchasers. Properties should meet Nationally Prescribed Space Standards. The two bedroom properties should include 3 bed spaces. The Affordable homes should be integrated into the development.

Neighbours: 69 consulted: 24 objections received raising the following concerns

- Limited visibility for new access
- The mapping providing the details of the visibility and ownership of land is incorrect as noted by Highways
- Issues for collection of refuse

- Concerns for pedestrian safety due to lack of pedestrian footway along southern side of Church Hill
- Street lighting for the development and within the vicinity should be provided to improve pedestrian/highway safety
- Supporting documents state more parking than is being provided
- Insufficient parking on site given car ownership for retired persons is not zero
- Staff parking is not included
- Overflow parking would occur on Church Hill and nearby streets
- Traffic congestion already an issue and further congestion would occur as a result
- Impact on emergency vehicles being able to travel along Church Hill as a result of parking on highway
- Accidents have occurred at cross roads in recent months
- Traffic lights are needed at the junction of Church Hill and Ashford Road [**HoDMSS comment:** this is a matter for the highway authority]
- Church Hill should be double yellow lined to ease the flow of traffic [**HoDMSS comment:** this is a matter for the Highways Authority]
- Insufficient information has been submitted [**HoDMSS comment:** additional information was sought following the initial submission with all matters reserved, now all matters other than appearance are being considered.]
- Massing of proposed building is too great
- Site until recently was agricultural [**HoDMSS comment:** see principle section of report]
- Apartments in this location would be inappropriate
- Impact on Doctors surgery in Kingsnorth
- The apartments should be built elsewhere in new developments where new healthcare services are being provided
- Impact on the visual amenity of the village of Kingsnorth and the scale of buildings which are only 2 storeys in height
- Noise for local residents with need for sound protection measures
- Overdevelopment of the site with insufficient amenity space

- Loss of a view [**HoDMSS comment:** this is not a material planning consideration]
- Limited access to shops and services in the area with Tesco not within easy walking distance of the site
- Impact of construction on residents [**HoDMSS comment:** should permission be granted a construction management plan can be secured by condition]
- Imminent development to the south of the village should be taken into consideration [**HoDMSS comment:** see principle section]
- Creep of development into greenfield sites to the south west of the site
- Recent application for single dwelling in village has recently been refused [**HoDMSS comment:** each application is judged on its own merits]

2 General comments received raising the following points:

- Lack of footway on southern side of Church Hill
- Sight lines
- Narrow access to the site
- A risk assessment should be carried out regarding emergency vehicles accessing the site
- Overdevelopment of the site

3 Support comments received raising the following points:

- Good location
- Benefit the village
- The drainage could be accommodated on site due to the topography of the land
- Further information regarding drainage could be achieved on site and provided at reserved matters stage
- Requirement for this type of accommodation in the area
- Location is close to services and public transport
- The site borders the buffer zone in Kingsnorth to the south
- There is a need to provide a range of types of accommodation which this satisfies

- Kingsnorth has already had a lot of provision of new large urban extensions

Planning Policy

27. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU1 – Affordable Housing

HOU5 – Residential Windfall Development in the Countryside

HOU6 – Self & Custom Build Development

HOU12 – Residential Space Standards internal

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

HOU18 – Providing a range and mix of dwelling types and sizes

TRA3a – Parking Standards for Residential Development

TRA5 – Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 – The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Dark Skies

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

EMP6 – Promotion of Fibre to the Premises (FTTP)

COM1 – Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Space

IMP1 – Infrastructure Provision

The following policy is also relevant as it relates to land abutting the site, immediately to the south:

S4 – Land North of Steeds Lane and Magpie Hall Road

28. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
29. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
30. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Affordable Housing SPD

Landscape Character Area SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

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) 2019

31. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework

(NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

32. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
33. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
34. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
35. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:
 - Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

36. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
37. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity
38. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

National Planning Policy Guidance (NPPG)

Technical Housing Standards – nationally described space standards

Assessment

39. The following issues are considered to be raised by the application:
 - Principle of the development
 - Visual Amenity
 - Residential Amenity
 - Highway Safety & Parking
 - Ecology
 - Flooding and Surface Water Drainage
 - Affordable Housing and Housing Mix
 - Other issues
 - Planning Obligations

Principle of the development

40. The application site lies predominately outside of the built up confines as defined by the Local Plan paragraph 6.51 which states the following:

'the limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g. garden areas)'.

The rear part of the site was granted a lawful development certificate in 2004, as outlined in the planning history above for use as part of the garden serving the dwelling known as The Briars. Therefore, the garden serves a dwelling within the built up confines as defined above and the confines boundary shown at figure 1, the proposed development would be outside of the built up confines as defined by the Local Plan and in light of other material considerations in the form of the Kingsnorth Parish built confines defined by figure 1, which is endorsed by the Council. The Briars, the rear garden which serves it and the buffer zone beyond are shown in figures 8-12.



Figure 8 - Front of site in middle of shot - note no footway



Figure 10 - Land to south of site - buffer zone of S4 allocation



Figure 11 - looking to the north west corner of the site



Figure 12 - south west corner of site

41. The site is not allocated in the Local Plan but is close to or adjoining the built up confines of the existing village of Kingsnorth. The proposed development falls to be considered under policy HOU5 where residential development is considered acceptable subject to the following criteria which must be satisfied:
- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;
 - b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;
 - c) The development 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 without adversely affecting the character of the surrounding area;
 - d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;
 - e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,

- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-
 - i) it sits sympathetically within the wider landscape,
 - ii) it preserves or enhances the setting of the nearest settlement,
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside
 - iv) it is consistent with local character and built form, including scale, bulk and the materials used,
 - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
 - vi) it would conserve biodiversity interests on the site and/or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

- 42. The site has an area of 0.43ha, therefore the proposed density of development on the site would equate to 102dpha. The surrounding area is characterised by development of a significantly lower density of approximately 25 dpha. The proposed development would therefore overdevelop the site with limited opportunity for a transition to the open countryside beyond (see visual amenity section).

- 43. There are day-to-day services within close proximity to the site, including a medical centre (approximately 650m), Tesco superstore and associated shops including a take-away and hair dressers (approximately 850m) and Kingsnorth village hall and recreation ground (approximately 250m). The Queens Head public house is located a short distance (approximately 225m) to the west of the site on west side of Ashford Road (utilising a pedestrian refuge).

- 44. All of the routes once out of the site would require crossing to the northern side of Church Hill. Whilst the immediate area has street lighting, relatively level topography with footways present to the aforementioned services for pedestrians, access to all of the above, would involve crossing the Church Hill from the southern to the northern side. This is due to the absence of a footway southern side of Church Hill where only a grass verge exists. The proposed pedestrian access in term of sustainability would be limited and hinder safe access to day-to-day services. The proposed development would therefore be unsustainably located for future occupiers by virtue of this inadequate provision of safe pedestrian routes and the need to cross Church Hill, which is a classified C-road and at certain times of the day can become very busy with school traffic. The lack of parking controls also results in vehicles parking on both sides of the carriageway, further hindering the ability of future occupiers to safely cross the road.

- 45. Notwithstanding the above, it is considered by the Highway Authority the a puffin crossing proposed in one of the plans submitted, which subsequently

has been superseded by a Transport Assessment which makes no reference to any such crossing, would not be acceptable (see highway safety section). In light of this, it is considered the proposed development, in the absence of a footway on the southern side of Church Hill, is therefore considered to fail to comply with criterion b) of policy HOU5.

46. The remainder of the above criteria are addressed in the relevant sections which follow below.
47. The proposed development would result in the demolition of a single private dwelling, The Briars, to facilitate vehicular access to the site, this would be off-set by the provision of the 44 dwellings proposed on the site.
48. In principle, the development, whilst sustainably located close to the built up confines would be poorly served by a footway to enable safe access to day-to-day services and would therefore not be considered to be acceptable as it would fail to comply with criterion b) of HOU5.

Visual Amenity

49. The application site abuts open countryside. As outlined in the site and surroundings section of the report, site allocation S4 is on land to the south of the site. The site allocation includes a substantial buffer area which is shown in figure 2. Policy HOU5 under criterion f) iii) also includes a requirement for any development close to or adjoining the built up confines of the existing village of Kingsnorth (amongst others) to include an appropriately sized and designed landscape buffer.
50. The proposal seeks outline planning permission with appearance reserved for future consideration should the appeal be allowed. The plans submitted are shown at figures 5-7. This confirms the access, layout, scale and landscaping for the development which would abut the southern and western boundaries of the site without any opportunity for landscaping to be provided to address the requirement for any landscape buffer with the open countryside beyond outlined under HOU5 and to respect the open countryside beyond, which includes the buffer outlined under policy S4 (Figure 2). The development would therefore fail to sensitively transition to the open countryside.
51. The development along the southern side of Church Hill in this immediate context is linear and fronts the highway. The proposed development would be located to the rear of these existing dwellings and constitute a backland form of development which would be contrary to the established character and pattern of development within the immediate locality. This is further exacerbated by the two storey form of the building, with rooms in the roof. The 8.5 metre height of the building would be overly dominant within the context of the surrounding dwellings, which are predominately single storey or chalet bungalows within the immediate context. In the absence of the buffer to the open countryside beyond, as identified above the abutting of an 8.5 metre high building up against the west, south and east boundaries of the site would further emphasise the over dominant form of the building within its context.

52. The scale of the development on the site would overdevelop this parcel of land which is contrary to the density of development in the locality and further exacerbates the inappropriateness of the development resulting in an alien and incongruous form of development.
53. The communal gardens along the eastern boundary would be domestic in character and limited in extent. It is not considered that any amendments to the layout could be sought which would overcome the concerns outlined above given the limited size of the site.
54. There would be limited opportunities given the scale of the development proposed to transition to the open countryside to the west, south and east of the application site in a sensitive manner. The proposed development would, as a result, fail to respect the character and appearance of the locality and the green buffer zone immediately to the south under policy S4. The proposed backland development, to the rear of the existing dwellings fronting Church Hill would likely appear as an alien and incongruous form of development to the detriment of the character and appearance of the locality.

Residential Amenity

55. The plans provided have limited communal gardens and private garden areas. The latter of which would only serve ground floor units. There are concerns that the proposed development would fail to provide sufficient external amenity space in accordance with policy HOU15.
56. At reserved matters stage, compliance with policy HOU12 with respect to living accommodation against the Nationally Described Space Standards would need to be demonstrated. At least 20% of the dwellings would also need to comply with policy HOU14 with respect to accessibility standards under M4 (2) of the building regulations, this can be secured through condition.
57. Whilst the generally accepted distance of 21 metres between windows of the proposed development and the neighbouring dwellings to the north as set out in the Council's Residential Space and Layout SPD could be met, the proposed development would significantly alter the outlook of the existing dwellings along Church Hill. As a result, the proposed development would result in an overbearing form of development to the detriment of the amenity of the occupiers of these dwellings. The associated car parking in particular would result in noise and disturbance through comings and goings which would be detrimental to the amenity of occupiers of the neighbouring dwellings given the proximity of the parking areas to serve the development and the gardens of the dwellings fronting onto Church Hill.
58. The proposed lack of on-site parking, as detailed in the section which follows below would result in additional on-road parking within the vicinity where there is limited opportunity to do so, especially during peak times. As a result, it is likely that the resultant on-road parking would be to the detriment of the existing residents who currently utilise on-road parking in the absence of off-road parking to serve some of the dwellings on Church Hill. This would result in significant nuisance and loss of amenity for existing residents.

Highway Safety & Parking

59. The plans provided show that the only possible vehicular access to the site would be over land currently occupied by the dwelling known as The Briars.
60. The highway authority have commented on the application and confirmed that the development would result in insufficient visibility splays over land which is within the control of either the applicant or the highway authority. Following the receipt of additional information, the required visibility splays of 2.4 metres by 43 metres in both directions, not 2 metres by 43 metres in either direction, as provided by the plans, have not confirmed the extent of the publicly maintainable highway through the provision of a highway boundary plan from KCC Highways and Transportation. The details provided are based on OS mapping data, the accuracy of this is questioned by the Highway Authority as not suitable for the intended purpose.
61. The Highway Authority consider that the OS mapping, when compared against the actual alignment on site indicates that the carriageway edge is closer to the property front boundaries than has been shown. The extent of the third party land included within the sightlines is therefore greater than submitted.
62. Following the receipt of additional information, the Highway Authority have provided additional comments regarding the proposed access and the methodology and additional information provided, which does not overcome or alter the original comments provided by the Highway Authority. The key issues raised are as follows:
63. The additional supporting information selectively quotes references from the Manual for Streets 2 (MfS2) and Kent Design and is done out of context and ignores caveats that accompany some of the quotes with some quotes misinterpreted as they apply to different circumstances as set out below:
 - The measurements for visibility are for when there is no splitter island, there is no such island in existence or proposed.
 - Does not take account of parked vehicles.
 - Measurements based on forward visibility rather than sightlines at accesses and junctions.
 - Measurements for slow speed locations not applicable in this instance as this is a junction/access.
 - The MfS2 state approach should only be considered in some very lightly trafficked and slow-speed situations.
 - Ability to manoeuvre around any protruding vehicle without undue difficulty need to be considered.

- Church Hill is a classified C-road, the traffic associated with the nearby school.
 - There is limited availability for vehicles to take evasive manoeuvres around a vehicle protruding from the access, given on-street parking or other vehicles approaching from the opposite direction.
 - Over generous visibility encouraging higher speeds is not relevant in this particular circumstance. This has been taken out of context.
 - The personal injury crash data to justify the acceptability of the access relates to the whole road.
 - Whilst no crashes are recorded with the current access to the site the current situation is a single dwelling not a more intensively used access which would be by people who are less familiar than a single family occupying the site.
64. A footway connection would still be required as a result of this development up to the junction with Church Hill and Pond Court in order that any pedestrian could access the bus stop on the eastern side of Ashford Road. Pedestrians would otherwise have to walk on the carriageway on Church Hill.
65. Concern has also been raised regarding the proposed traffic calming measures, where the applicant has proposed a puffin crossing to the west of the proposed vehicular access to the site. As outlined by the Highway Authority in their comments, such a crossing would not constitute a traffic calming measure as these are solely for a pedestrian crossing facility. In any event, the crossing, whilst shown in figure 4, is not being considered as part of this proposal given that it is not represented on any of the other submitted drawings submitted or referred to in the Transport Assessment which was submitted following this plan. The Highway Authority also consider the proposed crossing is unacceptable as demand would be low in this location and not worthy of the Highway Authority implementing here. The lack of demand is as a result of the lack of any footway provision on the southern side of Church Hill.

Parking

66. The indicative plans show parking on site for up to 23 cars on site, 1 space per 1 bedroom apartment and 2 spaces per 2 bedroom apartment with 1 space for staff parking. It is concluded in the Transport Statement that whilst the proposed parking standards do not meet the standards set out in the current Local Plan, the parking levels are aligned to the previous standards and are more appropriate given the nature of the development, i.e. retirement apartments. The applicant also states that whilst the Local Plan outlines for proposals not falling within the C3 use class, including sui generis uses, should provide a level of parking proportionate to its activity.
67. The site has been put forward as C3 use without any supporting documentation to confirm that the proposed level of care would enable it to be

considered as a C2 residential institution, therefore requiring a lower level of on-site parking provision or any other TRICs data. The requirement to comply with TRA3a or the previous Residential Parking Standards SPD, which has now been superseded is the requirement for such developments and this approach is consistent with similar developments in the Borough.

68. The development would result in 20x1 bed and 24x2 bed residential units. Policy TRA3a would require a total 68 parking spaces for residents, notwithstanding 0.2 spaces per dwelling for visitors, an additional 8 parking spaces and 1 parking space for the 1 full-time member of staff on site at any one time, resulting in a requirement for a total of 77 parking spaces. It could be concluded that a lower number of spaces may be required given the intention is for the occupancy to be for retired persons. However, the shortfall of 53 spaces could not be viewed as an insignificant shortfall in on-site parking proportionate to the use. Therefore, the potential for a greater level of car ownership to that outlined in the Transport Assessment submitted is highly likely to result in an insufficient level of on-site parking, resulting in significant additional on street parking along Church Hill to the detriment of highway safety and harm to the amenity of local residents as identified in the residential amenity section above.

Refuse/Fire appliances

69. It has not been demonstrated on the plans submitted that the site would be able to accommodate an 11.4 metre refuse vehicle and allow for it to turn and leave the site in a forward gear. Therefore, in the absence of a swept path analysis to show this, it has not been demonstrated that the site could be serviced by refuse vehicles or fire appliances. In the absence of such turning on site, these vehicles would be required to reverse out of the site onto the highway to the detriment of highway safety of other road users.

Cycle Parking

70. Details of cycle parking in accordance with TRA6 could be secured by condition.

Conclusion

71. In light of the above, it is considered that the proposed development would be detrimental to highway safety by virtue of the inability to provide sufficient visibility over land within the control of the applicant or the Highway Authority. As a result, the visibility splays shown could not be relied upon as it would cross third party land. The pedestrian traffic generated by the proposed development and the lack of footway on the southern side of Church Hill would result in harm to pedestrian and highway safety. The site could not be safely serviced by refuse vehicles or fire appliances to the detriment of the amenity of the future occupiers and fire safety. As a result such vehicles would be required to reverse out of the site onto the highway to the detriment of highway safety. Insufficient on-site parking has been shown on the indicative plans to prevent on-road parking to the detriment of other road users resulting in harm to highways safety.

Ecology

72. No ecological information has been submitted with the application and whilst the site does not have any hedgerow along its boundaries with the open countryside beyond and there are no ponds within the site, no evidence has been submitted to demonstrate that protected and notable species are not present within or on land adjoining the site. The site itself is well maintained lawn and is likely to be of low ecological value. However, it remains that the proposed development has the potential to result in harm to protected and notable species.
73. Ecological enhancements could be secured through condition in accordance with ENV1. However, in light of the above, the proposed development, in the absence of information to the contrary, is potentially detrimental the favourable conservation status of protected and notable species. This in itself represents grounds for refusal in line with paragraph 170 of the NPPF and development plan policy ENV1.

Flooding and Surface Water Drainage

74. The site constitutes a major development site and would result in the existing undeveloped greenfield site currently utilised as residential garden with a very large proportion of built development including hardstanding. The application includes very limited information regarding how surface water will be managed on site.
75. Additional information was requested by KCC as the LLFA as outlined in the consultation responses set out earlier in this report. This information was not forthcoming during the course of the application.
76. KCC raise objection on the basis of insufficient information and the proposed use of individual soakaways given the underlying geology of the site. Given the scale of the development proposed and the underlying geology of the site which is Weald clay, which has limited permeability, the proposed use of soakaways, as detailed in the limited supporting evidence submitted with the application, is unlikely to be adequate to serve a development of this scale. The principles of surface water drainage should comply with ENV9, which seeks to avoid any increase in flood risk or adverse impact on water quality and to mimic drainage from the pre-developed site.
77. In the absence of this information, it is considered the proposed development would fail to adhere to this policy and the guidance contained within the NPPF. KCC as the LLFA and ABC's Drainage Engineer concur with this view and object to the scheme. The development would therefore fail to comply with ENV9 of the Local Plan.

Affordable Housing and Housing Mix

78. Policy HOU1 of the Local Plan requires on-site provision of affordable housing. The site is within the Ashford Hinterlands zone (B) as defined by the preceding Affordable Housing Viabilities Areas map. Therefore, in this location, the total affordable housing requirement is 30% of the total number

of dwellings comprised of 10% affordable/social rented and 20% of affordable home ownership products (including a minimum of 10% shared ownership). No confirmation has been received regarding the provision of any such affordable housing on-site or confirmation that a financial contribution would be provided off-site as outlined in the exception criteria of the policy or that the provision of affordable housing either on-site or off-site would result in the proposed development not being viable. However, this can be secured by S106 agreement.

79. No details have been submitted to demonstrate how the composition of 1 and 2 bed apartments have been reached. Policy HOU18 requires a range of mix of dwellings which should be informed by proportionate evidence that is robust and up to date. The Council's Development Partnership Manager has commented on the application and welcomes the proposal for 1 and 2 bed units as this would free up existing larger family homes. In conclusion, the proposed mix would be acceptable.

Other issues

80. There are a number of trees within the site and on adjoining land which could be impacted by the development. No information relating to the development and the potential impact on trees has been provided within the application. The health and stability of several trees, including a large oak tree on land to the south of the site would, in the absence of information to the contrary, be impacted by the development to the detriment of the amenity of the locality, to which the trees make a positive contribution.
81. Policy HOU6 would apply in this instance as it is on a site for more than 40 units, however, given that the units are to remain as sheltered housing apartments in perpetuity, self-build plots on the site would not be sought on this site, which would be a departure from the development plan policy but given the context of the development, would be acceptable.
82. Policy HOU14 (criterion a) applies in this instance and this can be secured through S106 agreement and is outlined in Table 1 as required by the policy.

Planning Obligations

83. 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
84. I recommend the planning obligations in Table 1 be required had the Committee been in a position to 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.

85. However, no confirmation has been received from the appellant regarding their agreement to the contributions sought at this stage. Given this, this would be a reason for refusal on the basis that the needs generated by the development which are directly related to it and fairly and reasonably related in scale and kind have not been met to mitigate the harm caused by the development.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><u>Informal/Natural Green Space</u></p> <p>Project: TBC by Parish Council.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the</p>

				facilities to be provided and maintained and the maintenance period is limited to 10 years.
2.	<p><u>Affordable Housing</u></p> <p>Ashford Hinterlands</p> <p>30% affordable housing</p>	<p>13 affordable housing units overall comprising:</p> <p>4 affordable rent units</p> <p>9 shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider prior to occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1, HOU12, HOU15, HOU18 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
3.	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>Provide on-site 9 dwellings.</p>	<p>Prior to the first occupation of any dwelling to be built in accordance with the standard.</p>	<p>Necessary as would provide accessible housing pursuant to SP1 and HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as accessible homes for those with</p>

	<p>In accordance with policy HOU14 Part a)</p>			<p>reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
<p>4.</p>	<p><u>Allotments</u></p> <p>Project: Towards the provision of a new allotment site at Bridgefield (TBC by Parish Council)</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Prior to occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained</p>

				and the maintenance period is limited to 10 years.
5.	<p><u>Cemeteries</u></p> <p>Project: TBC by Parish Council</p>	£176 per dwelling for maintenance	Prior to occupation of 75% of the dwellings	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM4, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be maintained and the maintenance period is limited to 10 years.</p>

6.	<p><u>Libraries</u></p> <p>Contribution for additional bookstock and enhanced library service facilities at Stanhope Library</p>	£48.02 per dwelling	Half the contribution prior to the occupation of 25% of the dwellings and balance prior to the occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
7.	<p><u>Outdoor Sports Pitches</u></p> <p>Project: Park Farm Rangers, Kingsnorth (TBC by Parish Council)</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Prior to the occupation of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and</p>

				<p>guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8.	<p><u>Strategic Parks</u></p> <p>Project: Seating provision in play area (supply and installation) at Conningbrook Park</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Prior to the occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

				<p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
9.				

Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.

[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 legal costs in connection with the deed must be paid.

If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.

Human Rights Issues

86. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

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

Conclusion

88. The proposed development would result in an additional 44 residential units for the over 55s which would result in a scale of development which would lead to overdevelopment of the site. The bulk and massing could not be overcome given the physical constraints of the site. A suitable transition to the open countryside and the buffer for site allocation S4 could not be achieved given the quantum of development and the physical constraints of the site. As a result, as shown on the plans, a two storey building with accommodation within the roof space would result in a scale and form of development which would appear as an alien and incongruous form of back-land development contrary to the character and pattern of development in the locality with a failure to sensitively transition to the open countryside to the detriment of the character and appearance of the locality.
89. The proposed development, in the absence of a footway on the southern side of Church Hill would give rise to an unsustainably located development with respect to easy access to day-to-day services required by criterion b) of HOU5.
90. There would be insufficient on-site external amenity space for the number of units proposed. Whilst there is open space at the nearby recreation ground, this would not off-set the non-compliance with policy HOU15 given its distance from the site and the lack of footway to safely access it. Furthermore, by virtue of the siting and location of the proposed development, there would be an overbearing impact upon the occupiers of the existing dwellings along Church Hill as a result of the scale, bulk and massing of the proposed building. The associated car parking would also give rise to noise and disturbance which would have an adverse impact on the amenity of the occupiers of neighbouring dwellings.

91. The proposed vehicular access arrangements by virtue of the inability to provide sufficient visibility splays within land within the control of the applicant or the Highway Authority would be insufficient to serve the development. As a result, the proposed development would result in harm to highway safety to the detriment of the future occupiers and other road users. The lack of footway along the southern side of Church Hill would result in future occupiers and visitors to the site having to cross Church Hill without a safe crossing point to their detriment and that of highway safety. Whilst a puffin crossing was shown on one of the visibility splay plans, the Highway Authority have confirmed that a crossing of this nature would be unacceptable for the reasons outlined and in any event, the crossing would not constitute a traffic calming measure.
92. There would be an insufficient provision of on-site parking and as a result future occupiers and visitors to the site would have to park on the highway within the vicinity. As a result the development is likely to give rise to on-road parking to the detriment of highway safety and the amenity of local residents through the loss of parking on the highway. Tracking for refuse and fire appliances would be insufficient to allow for on-site turning to enable them to leave the site in a forward gear. As a result refuse vehicles and fire appliances would have to reverse onto Church Hill to the detriment of highways safety.
93. In the absence of agreement to the provision of on-site affordable housing and financial contributions towards public services and local facilities, the development would fail to mitigate its impact and to meet the demand for services and facilities that would be generated.
94. Insufficient information has been provided to demonstrate that the proposed development would not give rise to harm to the favourable conservation status of protected and notable species. Where harm may arise as a result of the development, it has not been demonstrated that this could be suitably mitigated against. As a result, the proposed development would be detrimental to matters of ecological importance.
95. Insufficient information has been provided to demonstrate that the proposed development would not give rise to harm to the health and stability of trees within and adjoining the site to the detriment of the amenity of the locality.
96. There has been limited information to not demonstrate that the proposed development would not give rise to a significant increase in surface water run-off from the site which would increase flooding elsewhere.
97. In light of the above I recommend that had the Planning Committee been able to make a decision on this application then the recommendation would have been to refuse.

Recommendation

(A) If the Local Planning Authority had been able to determine the application the committee would have refused permission on the following grounds:

The proposal is contrary to policies SP1, SP2, SP6, HOU1, HOU5, HOU15, ENV1, ENV3a, ENV9, TRA3a, TRA5, TRA7, COM1, COM2 and IMP1 of the Ashford Local Plan 2030 (February 2019) and Central Government guidance contained in the National Planning Policy Framework (February 2019) and would therefore be contrary to interests of acknowledged planning importance for the following reasons

1. The proposed development by virtue of its scale, form and layout would constitute an overdevelopment and over-dominant backland form of development which would fail to respect the scale and linear development along Church Hill and fail to address the landscape buffer zone of site allocation S4 to the south. As a result, the character and appearance of the open countryside would be harmed due to the failure to sensitively transition to the open countryside.
2. By virtue of the lack of pedestrian footway to the southern side of Church Hill, the future occupiers of the site would not be within easy walking distance of day-to-day shops and services and therefore be unsustainably located.
3. The proposed development would result in insufficient external amenity space to the detriment of the residential amenity of future occupiers.
4. By virtue of the siting, scale, bulk and massing of the proposed building, there would be an overbearing impact upon the occupiers of neighbouring dwellings to the detriment of the residential amenity.
5. The associated parking to serve the development, by virtue of its proximity to the neighbouring dwellings, would give rise to noise and disturbance to the detriment of the amenity of the occupiers of neighbouring dwellings.
6. The visibility splays available within the applicant's and/or highway authority's control would be insufficient for the development proposed, resulting in inadequate visibility for vehicles leaving the site, to the detriment of highway safety.
7. The proposed development is likely to generate an increase in pedestrian traffic on the highway and in the absence of adequate footways on the southern side of Church Hill with consequential additional hazards to all users of the highway to their detriment.
8. The proposed development would result in a significant under provision of on-site parking to the detriment of the future occupiers, visitors and staff at the site. As a result vehicles would park on the public highway to the detriment of highway safety and the amenity of local residents.

9. In the absence of information to the contrary, the development would likely to result in an adverse impact upon the favourable conservation status of protected and notable species within and adjacent to the application site detrimental to matters of ecological importance.
10. In the absence of sufficient information to demonstrate otherwise, the development would result in an increase in surface water run-off from the site and increase the risk of flooding elsewhere.
11. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:
 - i. Affordable housing
 - ii. Libraries
 - iii. Sports – outdoors
 - iv. Informal/natural
 - v. Allotments
 - vi. Strategic Parks
 - vii. Cemeteries

Note to Applicant

1. S106
2. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,

- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant was provided the opportunity to submit amendments to the scheme/address issues.

- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01268/AS)

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