

Recommendation Sheet Application Number: 19/01544/AS

Location: The Nursery, The Street, Hothfield, Ashford, Kent, TN26 1EH
Proposal: Construction of a new 1.5 storey dwelling, with integral garage and associated access, parking and landscaping (revision to the design on planning permission 18/00295/AS)

Decision Level: **DEL** Decision Code: **PERM** Date cleared by officer:
(a) 10/1R (b) Parish Council S (c) **KCC Ecology +**

RECOMMENDATION

Permit

Conditions on grant

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 3 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above ground level and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- 4 Demolition or construction works shall take place only between 07.30 and 18.00 on Mondays to Fridays and between 07.30 and 13.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interest of residential amenity.

- 5 Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: In the interest of highways safety.

- 6 Prior to the commencement of development above ground level, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective

working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: In the interest of residential amenity.

- 7 The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. P500147 P126-PL14 Rev E for cars to be parked, for bicycles to be stored and for refuse and recycling containers to be stored and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

Reason: In the interest of highways safety.

- 8 No site clearance, preparatory work or development shall take place other than in accordance with the following provisions to protect the trees shown on drawing number P500147 P126-PL14 Rev D;

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;

(b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;

(d) No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

(f) No trenches for underground services shall be undertaken within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

- 9 The approved landscaping/tree planting scheme shown on drawing number P500147 P126-PL14 Rev E shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to protect and enhance the amenity of the area.

- 10 Within 6 months of the commencement of development the design of all boundary walls and fences within the development not annotated as existing on drawing number P500147 P126-PL14 Rev E shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and these approved boundaries shall be retained and maintained thereafter.

Reason: In the interest of visual amenity and residential amenity.

- 11 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

- 12 No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity.

- 13 Prior to any works commencing in the area of reptile habita (Figure 4 of Preliminary Ecological Appraisal; KB Ecology; June 2017) a reptile mitigation strategy must be submitted to the Local Planning Authority for written approval. The report must include the following:

- Methodology to clear the habitat;
- Timings of the works;
- Area to be enhanced to provide long term suitable habitat.

The works must be implemented as detailed within the approved mitigation strategy.

Reason: In the interest of the protection of biodiversity.

- 14 Prior to development commencing above ground level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future.

- 15 The proposed new oak frame car port shown on drawing no. P126-PL11 Rev D shall be carried out in accordance with the previously approved drawing no. P5000147 PL15 Rev A under application 18/00295/AS as granted at appeal.

Reason: In the interest of visual amenity.

- 16 The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Notes

Plans/Documents approved

Application form, drawing nos. P126-PL11 Rev D, P126-PL12 Rev B, P126-PL13 Rev B and P126-PL14 Rev E

AGREED	
SPO	
JDCM	

Officer's Assessment Sheet

Policy Monitoring Required

Application Number:19/01544/AS

Stat. Class: MIND

Application Date: 30 October 2019
Registration Date: 04 November 2019

Case Officer: Georgina Galley
8/13 week Date: 30 December 2019

Applicant: **Mr R Blake** Beulah Harris Lane High Halden, Ashford, Kent, TN26 3HN
Correspondent: BTL Design Sidelands Farm Little Olantigh Road Wye, Ashford, Kent, TN25 5DQ

Location: The Nursery, The Street, Hothfield, Ashford, Kent, TN26 1EH
Proposal: Construction of a new 1.5 storey dwelling, with integral garage and associated access, parking and landscaping (revision to the design on planning permission 18/00295/AS)

MATERIAL CONSIDERATIONS

Ashford Local Plan 2030	SP1, SP6, HOU3a, HOU12, HOU15, TRA3a, TRA6, ENV1, ENV3a, ENV7, ENV8, ENV9, ENV13, ENV14
Government Guidance	NPPF NPPG
SPG/SPD/VDS/Neighbourhood Plans	Residential Space & Layout (External space standards) Residential Parking SPD Sustainable Drainage SPD Landscape Character SPD
Other	-

SAFEGUARDING

Conservation Area	Hothfield Conservation Area
Listed Building	Not a listed building • The Kings Head is grade II listed and is located approximately 87m from the proposed development; • The houses at Nos. 25 and 26 The Street are grade II listed and are located approximately 100m from the proposed development.

Monitoring Information

Existing units	Lost units	New units	NET UNITS	Affordable Hsg units	P D L Y/N?
0	0	1	0	N/A	N

HOUSING TYPE: (1) Private Sector (2) Registered Social Landlord (3) Local Authority	Amount of Houses/bungalow	Amount of Flats/ Apartment	1 bed	2 bed	3 bed	4 or more bed	Total units
(1)	1					1	1

ENVIRONMENTAL IMPACT ASSESSMENT

Is an E/A required?	Reason for Decision:
YES / NO	Not Schedule 2 development
Is formal screening opinion required? Y/N	No
Has screening opinion been issued? Y/N	No

ASSESSMENT

Site and Surroundings

The application site comprises land to the rear of Nos. 1 to 4 Thanet Terrace on the western side of The Street in the built confines of Hothfield. The site is located in the parish of Hothfield.

There are a number of protected trees within the red line boundary of the site (NB: T1 to T4 - TPO 3, 2017).

The site is in an area of major groundwater vulnerability.

The land to the rear of the site is located in the Hothfield Heathy Farmlands landscape character area.

Proposal

Planning permission is sought for construction of a new 1.5 storey dwelling and associated access, parking and landscaping. The description of development originally included "integral garage"; however this has now been omitted as it is not the case.

The current application is a revision to the design allowed at appeal under application 18/00295/AS and the proposed amendments consist of the provision of 2 front dormers only in place of the previous roof lights.

Relevant History

DC	FA	18/00295/AS	Construction of a new 1.5 RR storey dwelling, with integral garage and associated access, parking and landscaping	19/04/2018
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This application was refused on the following grounds:

"The proposed development would constitute an inappropriate back land development that goes against the established urban grain of this part of the conservation area. The development would appear visually prominent and incongruous in its context, in a manner that would result in demonstrable harm to the character or appearance of the Hothfield conservation area contrary to the National Planning Policy Framework which affords the highest status of protection in relation to the built environment. The benefits associated with the development would not outweigh this harm".

AP	REF	18/00295/AS	Construction of a new 1.5 ALL storey dwelling, with integral garage and associated access, parking and landscaping	03/06/2019
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Other Relevant History

Land rear of 25 The Street

DC	FA	16/00458/AS	Construction of a new single dwelling, garage and associated landscaping	PERM	08/11/2016
DC	FA	17/00898/AS	Construction of a new single dwelling, garage and associated landscaping (revision to relocation of dwelling by 1.5m as approved under 16/00458/AS)	PERM	23/08/2017

Representations

Ward Member

HAS WARD MEMBER REQUESTED APPLICATION GO TO COMMITTEE NO

Hothfield Parish Council: Supports.

KCC Ecological Advice Service: The attached comments were provided for planning applications 17/00299/AS and 18/00295/AS. The ecological survey referred to in our comments is now 2 years old therefore may not be valid. Please can you provide current photos of the site to enable us to consider if the conclusions of the survey are likely still to be valid or if an updated Preliminary Ecological Appraisal is required.

[OFFICER COMMENT: The Ecology Report submitted under application 18/00295/AS was dated 8/6/2017. Whilst it is acknowledged that this report is a few years old, given the extent of the proposed amendments under the current application compared to the previous appeal decision, it is considered unreasonable to request for an updated report]

Neighbours: 10 neighbours consulted; 1 representations received with the following comments:

- The site is in a Conservation and AONB [OFFICER COMMENT: The site is not in the AONB];
- Applications 18/00295/AS, 17/00299/AS, 04/01011/AS and 82/00788/AS all were refused for the same build [OFFICER COMMENT: Application 18/00295/AS was allowed at appeal];
- If the same build was refused in the past, why has it now been approved? [OFFICER COMMENT: Application 18/00295/AS was allowed at appeal]
- The dormers and car port are of poor taste and an eye sore [OFFICER COMMENT: The plans for application 18/00295/AS, which was allowed at appeal, included an identical oak framed car port];
- Loss of privacy as the dormers would allow a clear view into 1-6 Thanet Terrace;
- Surely a more eco-friendly build should be considered?
- Impact on property values of 1-6 Thanet Terrace [OFFICER COMMENT: This is not a material planning consideration];
- Loss of views to the back of 1-6 Thanet Terrace sore [OFFICER COMMENT: This is not a material planning consideration];
- This will set a precedent for other unacceptable back land development;
- The chalet style is out of keeping with the village terraces;
- There is no need for this kind of 3/4 bedroom house in the village;
- Hothfield has since had 3 new build properties similar to these plans and none of these

- have sold;
- The only identified need is for affordable housing for residents;
- 2 windows on the side of the proposed dwelling overlook the neighbouring terraces sore [OFFICER COMMENT: The plans for application 18/00295/AS, which was allowed at appeal, included identical window arrangements, with the exception of the 2 proposed front dormers];
- Even though there are trees on site they are spare and offer no privacy;
- The new tree on the proposed plans offers no added screening;
- New build would alter the character and appearance of the Conservation Area and cause visual harm;
- The proposal would generate higher levels of traffic along the access;
- Increased noise and disturbance due to higher levels of traffic along the access;
- Unsafe access;
- Damage to existing trees at the site;
- Nos. 1 and 2 have ponds with newts in, metres from the site. This has not been highlighted in any of the paperwork;
- The site is too small to comfortably fit a new dwelling without overshadowing from the trees;
- The site is 2m higher than the surrounding gardens;

The application was also advertised in the press and via a site notice.

Government Guidance

NPPF
NPPG

Development Plan Policy/SPG/Other

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), The Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).

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).

See the policy sheet for relevant policies.

Assessment

Given that planning permission has already been granted at the site at appeal for a detached chalet bungalow and detached car port under application ref. 18/00295/AS, the only issues for consideration under the current proposal relate to visual amenity and residential amenity.

• **Visual Amenity**

I am of the opinion that the proposed amendments would have a limited impact on the visual amenity of the street scene and surrounding area over and above what has already been approved at the site. This is due to the siting of the proposed dwelling towards the rear of a narrow access between No. 1 Thanet Terrace and No. 15 The Street and the fact that the proposed dwelling faces side wards towards the nearest properties at Nos. 1 to 4 Thanet Terrace.

The proposed amendments would result in a design that is similar to the dwelling approved to the rear of No. 25 The Street, which is located to the north of the site. The dormer windows are not an inappropriate in terms of the appearance of the dwelling, and they are proportionate to the roofslope and would not be dominant.

I am satisfied that the proposed amendments would not result in any further unacceptable harm to the character and appearance of the nearby listed buildings or the Hothfield Conservation Area.

- **Residential Amenity**

Given the orientation of the proposed dwelling in relation to the nearest neighbouring properties and the proposed siting of the 2 front dormers, it is my opinion that the main impact would be on the residents at Nos. 12 to 15 The Street. However, due to the overall separation distance to the back of these properties, I am satisfied there would not be any further unacceptable harm, particularly in terms of loss of privacy. Although there might be some overlooking of the far end of the rear gardens of these properties, I am of the opinion that the proposed dwelling is set back sufficiently into the site and a grounds of refusal on this basis could not be substantiated.

- **Other Matters:**

- **Trees**

A Pre-development Tree Survey and Report (dated 17/10/2017) and associated Tree Plan was submitted under application 18/00295/AS. The officer report for this application stated: *"A total of 4 large trees have been removed from the site to facilitate the development. These trees were protected by virtue of being in the Conservation Area. There is a live contravention case CO/17/00055. A further 4 trees have recently been protected by way of a Tree Preservation Order; 3 within the site and 1 just outside the northern site boundary. The applicant has provided a Tree Survey and Report which demonstrates that these trees would not be affected by the development and the Council's Tree Officer is satisfied that there will be no harm to trees arising from the development"*. A condition was attached to the appeal decision for application 18/00295/AS to ensure adequate protection of the existing trees. This condition would be appropriate again for the current application.

- **Ecology**

An Ecology Report (dated 8/6/2017) was submitted under application 18/00295/AS. The officer report for this application stated: *"KCC Ecology is satisfied with the survey information that has been submitted subject to a condition requiring a reptile survey mitigation strategy. In terms of ecological enhancement, it notes the landscape plan has confirmed that native species hedgerows will be erected within the site and the ecological survey has made a number of recommendations for ecological enhancements"*. No conditions were attached to the appeal decision for application 18/00295/AS relating to a reptile survey or ecological enhancements.

KCC Ecology has stated that the previously submitted ecological survey is now 2 years old and may not be valid. However, in this instance, given the extent of the proposed amendments under the current application compared to the previous appeal decision, it is considered unreasonable to request for an updated report.

I am of the opinion that the previously suggested conditions by KCC Ecology are still relevant and should be attached to the current proposal as they may have been previously left out in error.

Conclusion

In the light of the above the proposal is considered to be acceptable and consistent with the NPPF and the Development Plan as a whole. With no overriding matters which would otherwise indicate refusal, it is recommended that the application is permitted subject to conditions.

Human Rights

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 represents an appropriate balance between the interests and rights of the applicant (to enjoy his 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) and the wider public interest.

Dated:

Signed

C a s e
Officer