

Officer's Assessment Sheet

Policy Monitoring NOT Required

Application Number:21/01567/AS

Stat. Class: MIND

Application Date: 26 August 2021

Case Officer: Paul Howson

Registration Date: 26 August 2021

8/13 week Date: 21 October 2021

Applicant: Canterbury Diocesan Enterprises Ltd Diocesan Hose Lady Woottons
Green Canterbury, Kent, CT1 1NQ

Correspondent: John Bishop and Associates Zealds House 39 Church Street Wye,
Ashford, Kent, TN25 5BL

Location: The Rectory, Ashford Road, Great Chart, Ashford, Kent, TN23 3AY

Proposal: Erection of 3 detached dwellings

MATERIAL CONSIDERATIONS

Ashford Local Plan 2030	SP6 ENV1 ENV3a ENV4 ENV13 ENV14 HOU5 HOU10 HOU12 HOU15 TRA3a
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Government Guidance	NPPF NPPG
SPG/SPD/VDS/Neighbour hood Plans	Sustainable drainage Residential Parking Residential space & layout (External space standards) Dark Skies SPD
Other	-

SAFEGUARDING

Conservation Area	Great Chart
Listed Building	Not a listed Building

ENVIRONMENTAL IMPACT ASSESSMENT

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

ASSESSMENT

Site and Surroundings

The application site features a large detached traditional dwelling situated centrally in a large plot on the northern side of Ashford Road, outside of the Great Chart settlement boundary.

The site is outside of the Great Chart conservation area, but abuts it on the north east perimeter of the site. The immediately adjacent part of the conservation area contains the curtilage of the Grade II listed Court Lodge, and Grade I listed Church of St Mary.

To the north is a complex of farm buildings and tanks, and to the West (with green gap between) is the Ashford Prep School (which is also a listed building).

The site is on the edge of the Stour Catchment zone as defined by Natural England.

Site Constraints -

- **Listed Building / Conservation Area**
- **Stodmarsh**

Proposal – As description

Relevant History -

DC	FA	20/00516/AS	Erection of 3 detached dwellings	WITH	25/11/2020
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Representations –

Ward Member

HAS WARD MEMBER REQUESTED APPLICATION GO TO COMMITTEE ? NO

Parish Council – objecting on the grounds: The slurry pit is too close to the proposed dwellings and the buffer zone between the proposed and existing neighbouring sites is not sufficient enough. The proposed allocated parking is not sufficient. The additional dwellings would also increase the traffic through The Street, traffic is already a major concern.

Neighbours – 3/3 objecting on the grounds:

- Unnecessary given the amount of development nearby (Chilmington)
- Local infrastructure (water supply) cannot support the development
- Noise/odour nuisance from neighbouring dairy farm (10m from slurry pit)
- Set a precedent for further development on green spaces outside settlement
- Safeguarding concerns regarding overlooking of school buildings

KCC Heritage – recommend archaeology conditions

KCC Ecology - have not commented

KCC Highways – have not commented

Government Guidance/Development Plan Policy/SPG/Other

The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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).

Government Guidance

NPPF

NPPG

Technical Housing Standards - nationally described standards.

DP Policy

See the policy sheet for relevant policies.

SPD- (These were all subject to public consultation prior to being adopted by the Council)

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Dark Skies SPD

Assessment

- **Principle**

The site is just 100m from the south western edge of the defined Great Chart settlement boundary, and 500m easy walking distance from the village centre pubs/restaurants. Great Chart is an eligible service centre under the provisions of policy HOU5. As such, it is considered the site passes the sustainability test of part one of the policy to warrant being considered 'close to' the settlement and qualify as sustainable development. As such, the principle of residential development on the site is acceptable subject to meeting the other criteria of policy HOU5 and other relevant policy criteria, such as policies HOU10 and ENV14.

- **Heritage / Archaeology**

The site is immediately adjacent to the Great Chart conservation area which has a rich architectural heritage. The site has an historic connection to the historic buildings within it, being the church rectory. The Rectory enjoys a fairly central position in a large plot, and the spacious landscaped gardens contribute to the edge of village setting of the conservation area. The proposed cluster of three large dwellings and expansive areas of associated hardstanding

between the existing dwelling and the conservation area, is considered to erode the gap between the Rectory and the conservation area and its important listed buildings, diluting the relationship between them. Whilst the historic barn adjacent to the site boundary and perimeter hedging provides some screening, concerns about the over-development of the site in close proximity to the conservation area remain. The height of the proposed dwellings would be visible from important viewpoints in the public domain, interrupting the visual relationship between the site and the church. As such, it is considered the proposed development would be harmful to the setting of the conservation area and the Grade II listed church, contrary to Policy ENV14 - Conservation Areas (a) which states "The scale and detailed design of all new development and alterations should respect the historical and architectural character, proportion and massing, including roofscapes, of the area, the relationship between buildings, the spaces between them and with their setting". Whilst the submitted Heritage Statement makes reference to the impact of the proposed development on the setting of the conservation area and listed buildings within, there is no submitted 'views analysis' to back this up. Without evidence to the contrary it is considered the development would be visible from the public highway, which would have a perceivable impact on the setting of historic assets, contrary to Policy HOU5 e) which seeks to ensure development must [] preserve or enhance any heritage assets in the locality.

Further to the above, in terms of the design the proposed dwellings would comprise of two to three storeys with a mix of materials including cladding, brickwork and clay tiles which is in keeping with the materiality of the area, however, the amount of glazing on the front elevation is not appropriate, and the cladding beneath the windows would appear incongruous. As such, the design style would not relate well to the adjacent conservation area and the historic buildings within it, and as such compounds the visual harm to the setting and significance of the heritage assets. Furthermore, the driveway / courtyard area has limited landscaping and substantial hard surfacing, which is not a betterment in terms of the loss of the existing soft landscaping and the current relief it provides for the 'soft' edge to the conservation area.

The application is accompanied by a detailed heritage impact statement. This acknowledges the site may contain important archaeological deposits, and recommends a watching brief in advance of any development. From an archaeological perspective this historical assessment is sufficient and KCC have recommended this can be secured by appropriate conditions.

- **Visual Amenity**

The application site is a large plot with significant landscaping around a single dwelling. This reflects the loose arrangement of built form on the edge of village confines. Whilst acknowledging the site benefits from well-established boundary vegetation, and a large barn to the rear of the adjacent farm yard, there are clear views through to the site from the vicinity of the village sign. These views would be even clearer in winter months, when the large cluster of incongruous dwellings would be very apparent due to their height and cumulative bulk and would dominate the site. As such, the development would be considered to be visually harmful to the appearance of the edge of village, as a result of the over-intensive nature of the proposed development. Consequently the over development of the site and poor design is; contrary to policy HOU5 f) iv) and, HOU10 b) which seeks (amongst other things) to ensure development of residential gardens does not result in significant harm to the character of the area.

- **Residential Amenity**

It is considered there would be sufficient separation from the proposed development from the existing dwelling to ensure future occupants would benefit from acceptable levels of privacy, light and outlook.

The development would meet external and internal space standards, however there are concerns regarding the impact on future occupiers of the proximity to a working farm and the

adjacent slurry pits in particular. It is likely the slurry pit would produce unpleasant odours at times, which in turn the introduction of housing could trigger complaints that may adversely impact on the established farm operations.

It is considered given the distance involved, the impact on the school operations would be negligible.

- **Highway Safety / Parking**

The proposal would provide 2/3 parking spaces as required by the vehicle parking standards set out in Policy TRA3a for 3 / 4 bedroom houses. Furthermore, the development would utilise the existing well established access onto Ashford Road. As such, whilst the development does not warrant input from County Highways officers, it is considered the proposed development would not impact adversely on the safety of the local road network.

- **Ecology**

The application is accompanied by an Ecological Impact Assessment. KCC have not provided comments on the current application. However, based on the comments on the previous application, had the proposal been acceptable in other regards, a Great Crested Newt District Level Licence signed by Natural England would need to be provided. Furthermore, a lighting plan for diversity following the Bat Conservation Trust's Guidance; precautionary mitigation measures for badgers and hedgehogs; and, ecological enhancements, would need to be secured by condition.

- **Landscaping/Trees**

The removal of the one Category B tree is deemed acceptable. Due to the aforementioned overdevelopment of the site, there is little opportunity to provide sufficient landscaping to soften the impact of the development on the adjacent conservation area. Furthermore, any meaningful landscaping that could be provided would take years to get established and provide any benefit.

- **Stodmarsh**

Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh lakes, east of Canterbury. This relates to an increased level of nitrates and phosphates within the protected sites which is adversely affecting the integrity of the habitat of the lakes.

In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, the undertaking of an Appropriate Assessment prior to any decision to grant planning permission.

The site falls just beyond the 'Stour Upper' Operational Catchment (being 20m from it). As such, potentially the applicant would be required to carry out a Habitats Regulations Assessment (HRA), which generally includes an Appropriate Assessment (AA) (NB: the second, more detailed stage of an HRA). The findings of the HRA need to be referred to Natural England and there is a duty to consider their response.

In the absence of details of the how the foul water from the site would be disposed of, the Local Planning Authority has no assurance there would be not be any harm to the nationally and internationally designated protected sites at Stodmarsh lakes. As such, an objection is raised in terms of potential environmental impact.

Working with the applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

Conclusion

In the light of this assessment, the proposal would be contrary to local development plan policies and national planning guidance. With no material considerations to outweigh the harm, the application is recommended for refusal.

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

Case Officer

Recommendation Sheet Application Number: 21/01567/AS

Location: The Rectory, Ashford Road, Great Chart, Ashford, Kent, TN23 3AY
Proposal: Erection of 3 detached dwellings

Decision Level: **DEL** Decision Code: **RR** Date cleared by officer: **27/01/2022**

RECOMMENDATION

Refuse Permission

Reasons for refusal

- 1 The proposal is contrary to policies SP2, SP6, HOU5, HOU10, ENV13 and ENV14 of the Ashford Local Plan 2030 and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:
 1. The proposed dwellings by virtue of their poor design, siting and cumulative bulk and massing, would create a visually intrusive form of development, resulting in less than substantial harm to the character and appearance of the setting of the conservation area, and the setting of the listed buildings without public benefit to outweigh this harm.
 2. The proposed erection of three large dwellings and infrastructure on part of the garden of The Rectory would result in the erosion of the 'soft' edge to the conservation area, resulting in less than substantial harm to the character and appearance of its setting without public benefit to outweigh this harm.
 3. The proposed dwellings by virtue of their incongruous poor design, together with the size, scale, bulk, massing and siting would create a visually intrusive form of development which would appear out of character and detrimental to the visual amenity of the streetscene.
 4. Insufficient information has been submitted to allow a full assessment of the implications of the proposed development upon the Stodmarsh water environment, a European Designated Nature Conservation Habitat. In the absence of this information the Local Planning Authority is unable to determine the impact of the development upon the water quality and its impact upon the Stodmarsh designated site's protected habitats and species, as required by the Conservation of Habitats and Species Regulations (2017 as amended). The proposal would therefore be harmful to matters of national and international ecological importance.

Notes

1 Working with the Applicant

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

In this instance the proposal did not accord with the development plan, and no material considerations are apparent to outweigh these matters.

Plans/Documents refused

A1583_01 Rev 2 - Site Location Plan
 A1583_10 Rev P4 - Site Plan
 A1583_101 Rev 2 - Proposed Dwelling No.1
 A1583_102 Rev 2 - Proposed Dwelling No.2
 A1583_103 Rev 2 - Proposed Dwelling No.3
 A1583_20 Rev 2 - South Street Elevation
 A1583_200 Rev 2 - Garden Shed Layout
 Archaeological Desk-Based Assessment
 Ecological Impact Assessment
 Heritage Impact Assessment
 Planning Design & Access Statement
 Tree Report

AGREED	
SPO	
TL	