

Officer's Assessment Sheet

Application Number PA/2025/0996
Type Full planning permission
Location Parker Farm, Ashford
Proposal Erection of 8 dwellings together with all necessary infrastructure.
Case Officer Katy Magnall
Registration Date 27/05/2025 **Consultation Ends** 01/08/2025
Valid Date 02/06/2025 **Deadline Date** 21/08/2025
Applicant Mr Chris Dickens
Agent Mr Ian Bull

Environmental Impact Assessment ...

Is EIA Required: No Reason:

RECOMMENDATION

Refuse

Site and Surroundings

The site constitutes the majority of an allocated site under Policy S32 (Hamstreet - Land at Parker Farm) of the adopted Ashford Local Plan 2030, except for a narrow strip of land along the full length of the eastern boundary. The site has been allocated for residential development with an indicative capacity for 10 units. It lies to the south west of Hamstreet, and is adjacent to the recent development at Orlestone View. The site is outside the Hamstreet Conservation Area and is not located near a listed building. It is not within Ancient Woodland or a National Landscape Area.

The site lies approximately 235 metres distance from the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC), Wetland of International Importance under the Ramsar Convention (Ramsar Site) (together the 'Dungeness Complex') and Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI).

The site is in agricultural use with the metal frames and some of the metal cladding of the large agricultural buildings along the eastern boundary still in situ. The Speringbrook sewer and 2 pumping stations are adjacent to the site boundaries. The southern boundary of the site abuts open countryside but the typography of the land - the land slopes upwards from north to south - means that long views to the south are restricted. The site is accessible via a single private vehicular track from Warehorne Road. This track also provides access to 6 or so existing nearby properties.

Proposal

The proposal is to erect 8 two-storey detached dwellings. In line with the provisions under policy S32 of the adopted Local Plan, vehicular access would re-use the existing track

which would in turn lead into a cul-de-sac layout. All dwellings would have two allocated parking spaces, with three visitor spaces provided behind plots 1 and 2. All the units would be large 4 bed units (1 x 5-bed) with a proposal to provide an off-site contribution towards affordable housing.

Relevant Planning History

None

Adjacent site

PA/2023/1134 - Erection of a detached four bedroom dwelling and garage. APPROVE WITH CONDITIONS

Planning Policy

The Development Plan for Ashford borough comprises:

- i. the Ashford Local Plan 2030 (adopted February 2019),
- ii. the Chilmington Green AAP (adopted July 2013),
- iii. the Wye Neighbourhood Plan (adopted March 2016),
- iv. the Rolvenden Neighbourhood Plan (adopted December 2019),
- v. the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
- vi. the Egerton Neighbourhood Plan (adopted March 2022)
- vii. the Charing Neighbourhood Plan (adopted July 2023)
- viii. the Pluckley Neighbourhood Plan Review 2023 (adopted July 2024)
- ix. the Aldington & Bonnington Neighbourhood Plan (adopted October 2024)
- x. the Tenterden Neighbourhood Plan (adopted October 2024)
- xi. the Kent Minerals and Waste Local Plan 2024 to 2039 (2025) & the Kent Minerals Sites Plan (2020)

The draft Local Plan 2042 (Regulation 18) is out for consultation. The draft Local Plan should be afforded limited weight as a material consideration.

Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:

None at present.

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

Ashford Local Plan 2030:

- SP1 – Strategic Objectives
- SP2 – The Strategic Approach to Housing Delivery
- SP6 – Promoting High Quality Design
- S32 - Hamstreet - Land at Parker Farm

HOU1 – Affordable Housing
HOU3a – Residential Windfall Development Within Settlements
HOU12- Residential Space Standards Internal
HOU15 - Private External Open Space
TRA3a - Parking Standards for Residential Development
TRA6 - Provision for Cycling
TRA7 – The Road Network and Development
ENV1 - Biodiversity
ENV3a – Landscape Character and Design
ENV4 – Light Pollution and Promoting Dark Skies
ENV5 – Protecting Important Rural Features
ENV7 – Water Efficiency
ENV8 – Water Quality, Supply and Treatment
ENV9 – Sustainable Drainage
COM1 – Meeting The Community’s Needs
COM2 - Recreation, Sport, Play and Open Spaces
IMP1 – Infrastructure Provision
IMP2 – Flexibility, Viability and Deferred Contribution

Supplementary Planning Documents

Affordable Housing SPD 2009
Landscape Character SPD 2011
Residential Parking SPD 2010
Sustainable Drainage (SuDs) SPD 2010
Residential Space & Layout SPD 2011 (external space only)
Public Green Spaces and Water Environment SPD 2012
Dark Skies SPD 2014

Supplementary Planning Guidance

None

Informal Design Guidance Notes

Climate Change Guidance for Development Management 2022
Design Guidance Note 1: Residential layouts & wheeled-bins
Design Guidance Note 2: Screening containers at homes
Design Guidance Note 3: Moving wheeled-bins through covered parking facilities to the collection point
Design Guidance Note 4: Non-Mains Drainage for Local Planning Authorities and Developers

Conservation & Listed Buildings

N/A

Village/Parish Design Statements

Hamstreet Village Design Statement

Government Guidance

National Planning Policy Framework December 2024
Planning Practice Guidance
National Design Guide 2021
Technical Housing Standards - nationally described standards.

Consultations

Orlestone Parish Council - has raised concerns about the access point which is from a narrow road where site lines are hindered, making the access point to the proposed development dangerous. Any construction traffic would find it nearly impossible to access the site. There is simply not sufficient road space to accommodate this proposal. Those living next to the site would experience extreme disturbance from noise and dirt if this proposal was approved.

KCC Highways - has commented that this proposal was subject to pre-planning advice between the applicant and KCC Highways and Transportation. No objection but advice given on internal layout (of private cul-de-sac) in terms of lack of parking / poorly integrated visitor parking.

KCC PROW - Public footpath AE587 runs adjacent to the proposed development. No objection to the development but recommend the inclusion of a standard informative for sites that adjoin a PROW. This includes that no trees or shrubs should be planted within 1.5m of the PROW.

KCC Flood and Water Management - Has raised some queries about the drainage proposals and sought clarification on aspects of the scheme.

KCC Biodiversity - Has requested that further information is submitted prior to determination so that the scheme can be fully assessed.

KCC Strategic Development and Place - Request for S106 contributions.

ABC Housing - Has confirmed that onsite provision of affordable housing is preferred on this site (unless a good, policy based, reason has been provided for why this is not possible). Housing would like to see some 1 and 2 beds provided if possible. Currently, the housing register has 11 people that are currently looking for 1 or 2 bed houses that already live in Hamstreet and would like to stay in the village and a further 219 people with a 1 or 2 bed need that have highlighted Hamstreet as a preferred area due to local connection. For this reason, Housing would like to see 1 and 2 bed properties delivered in the area.

Neighbour Consultations

There were 13 neighbours consulted on this case. A total of 8 representations have been received; all OBJECTING to the proposals, for the following reasons

- The proposed 4/5 bed homes will not benefit villagers on local rates of pay or ease the housing crisis. Smaller homes are needed, including homes for rent.
- Traffic safety and access concerns relating to narrow width of access road, lack of a footpath, hazardous junction and traffic speeds on Warehorne Road.
- Pressure on existing infrastructure; flooding - due to the inadequate pumping station and drainage.
- Hamstreet faces long-standing surface water management issues. Rising levels in Spring Brook could result in backflow or pollution in the drainage system if pressure on local infrastructure increases.
- Insufficient on-site parking provision resulting in overspill.
- Development should focus on completing already approved projects within the village that are better positioned in terms of infrastructure, public services, and accessibility.
- The development should bring about the upgrade of this footpath to a high standard as part of a section 106 agreement as this was not provided during the first stage of development at Orlestone View.
- At present, the access road is unadopted, and the four existing households are understood to be jointly responsible for its maintenance. The extension of the road to serve a larger number of homes will inevitably increase wear and tear. It is unclear how maintenance responsibilities and cost-sharing arrangements would be managed going forward. This lack of clarity is a significant concern and must be addressed before any development proceeds.

Assessment

The main considerations in the assessment of this application are considered to be:

- Principle
- Affordable Housing
- Character and appearance
- Neighbour amenity
- Highway safety and parking
- Flooding and drainage
- Ecology/Biodiversity Net Gain
- S106

Principle

The site forms a housing site allocation for up to 10 units and therefore this 8-unit development is acceptable in principle subject to compliance with the other relevant Local Plan policies, particularly policy S32 which states:

- Retain and, wherever possible, enhance the existing hedge and tree boundary around the site to screen the development from the open countryside and create soft landscaping along site boundaries. The Hamstreet Village Design Statement should be taken into account when considering design and layout; (I am not convinced that this has been achieved - See section on Character and Appearance).

- Provide a dedicated vehicular access directly onto Warehorne Road via the existing private access lane, creating appropriate vehicle passing places along its length and re-surfaced to accommodate new traffic; (I am satisfied that this is the case - See section on Highway Safety and Parking)
- Remove the existing agricultural structures; (The agricultural sheds would be removed.)
- Create a pedestrian link to the public right of way that runs alongside the southern boundary of the site; (This is achieved with a footpath link to the PROW provided along north eastern boundary of the site.)
- Provide a Flood Risk Assessment in consultation with the Environment Agency; (See section on Flooding and Drainage)
- Provide an Environmental Assessment Study to address any potential adverse impacts of the proposals on the biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar site and how they can be avoided or adequately mitigated; (See section on Biodiversity) and,
- Provide contributions towards the enhancement or maintenance of public open space at Pound Leas recreation ground (See Section on S106).

The Development Plan seeks to maximise housing provision on allocated sites that make a valuable contribution to housing supply. It also seeks to provide a mix of housing types and sizes to meet the challenging housing needs of the borough's population, including affordable homes (Policy SP1g). The Hamstreet Village Design Statement has as one of its aims for future development: *"Any new housing development should have a range of house sizes, including a significant proportion of one, two and three bedroom properties."*

The policy requirement is for up to 10 dwellings. This proposal is for just 8 units but on a smaller site as a narrow strip of land along the eastern boundary of the site has been excluded. This raises the issue of whether housing provision has been maximised on this allocated site. The proposed 8 new homes are all large 4 bed (1 x 5-bed) detached units which in turn raises the issue of whether a wider mix of dwelling types could have been achieved that better reflects the needs of the local community, particularly if the entire site had been brought forward for development.

The developer has correctly pointed out that the policy requiring a range and mix of dwellings (Policy HOU18) refers to development proposals of 10 or more dwellings. But this site under the allocated policy could accommodate up to 10 dwellings and as I have already pointed out, the proposal for 8 large dwellings is on a smaller site, and is all large dwellings leading me to believe that the proposal is not the best use of the allocated site. Further, this is a village site where a range of properties are needed to support local needs, including smaller units for private sale, to support people starting on the housing ladder and downsizers, as well as affordable housing.

Whilst the proposal under consideration is for 8 dwellings, it would nonetheless, be expected to make an affordable housing contribution on a pro-rata basis and in accordance with the provisions under policy HOU1 which states - *The Council will require the provision of affordable housing on all schemes promoting 10 dwellings or more (and on sites of 0.5 hectares or more)*. Under Policy HOU1, affordable housing should normally be provided on site unless a good case can be made to the contrary. The Policy states that the Council will consider on a case by case basis flexibility in the provision of affordable

housing including provision of an off-site financial contribution in lieu of affordable housing provision on site, to secure the equivalent provision of affordable housing off-site. The developer is proposing such an off-site contribution - its case rests on it approaching 2 RSLs that are not willing to take on such small numbers of housing units. Whilst some RSLs do take this position, in such circumstances the Council's Housing department has started stepping in to take on small numbers of homes in areas like Hamstreet where there is significant demand for AH/smaller units. No approach was made to the Council's Planning or Housing departments to discuss taking on an affordable housing. The Council's Housing department has confirmed that had such an approach been made then it is very likely that they would have taken on the affordable housing units, subject to them being able to make a deal with the developer.

In view of the above reasons (and also further reasons identified below), I cannot support this proposal as I do not consider it to be an efficient and appropriate development of an allocated site in terms of the range and tenure of accommodation proposed.

Character and appearance

Policy HOU3a is applicable as the site is within the extended confines of the settlement. This policy requires amongst other things that new development is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area. Policy SP6 requires development proposals to be of a high quality of design and demonstrate a careful consideration of and a positive response to a number of criteria which includes character, distinctiveness and sense of place. This accords with the NPPF that sees the creation of high quality, beautiful and sustainable buildings and places as fundamental to what the planning and development process should achieve.

NPPF para 135 states that planning policies and decisions should ensure that developments add to the overall quality of the area. They should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should also be sympathetic to local character, including the surrounding built environment and landscape setting. In addition, the Hamstreet village Design Statement sets out more detailed design criteria for new development, including form and materiality.

The adjoining townscape to the north is mostly relatively recent and includes Orlestone View - a sizeable rather intensive development with a varied mix of properties - and a row of large detached properties accessed from the existing track, which also leads to the application site. It is not considered that the existing adjacent development sets a strong steer for future development, although Parker Farm (to the immediate north) and the adjacent residential plot (approved under application PA/2023/1134) provide a looser 'edge of village' feel. It is in my view that the size of the application site (larger in the site allocation) and its edge of village location lends itself to an attractive edge of village development with a mix of homes and strong landscaping. The proposal by contrast would result in the erection of 8 large detached dwellings arranged rather uniformly around a cul-de-sac. The dwellings do not provide variety in terms of size or form and the regular layout results in a sub-urban appearance that is considered inappropriate on this edge of village site. No landscaping scheme has been provided which given the edge of village location and policy requirement under S32 is lacking. The layout appears cramped in this edge of village context due to the significant size of all of the units and their regular configuration

on the site. I do not consider that the proposal represents an attractive addition the village that contributes to sense of place.

Therefore, I consider that the proposed development is in conflict with the adopted Local Plan policies HOU3(a), SP6 and S32.

**Policy S32 requires "development proposals on the site to retain and, wherever possible, enhance the existing hedge and tree boundary around the site to screen the development from the open countryside and create soft landscaping along site boundaries. The Hamstreet Village Design Statement should be taken into account when considering design and layout."* I do not feel this has been addressed. No Tree Survey has been submitted with the application and no landscaping scheme. There is an existing deep and established Blackthorne and Wild Rose hedge in the SE corner of the site that needs to be retained, although this is not shown on the submitted plans. The hedge needs to be extended along the boundary with open countryside.

I do not object to the design of the units themselves, rather that they are all large units that provide no variety of scale and form across the development. The materials palette includes a mix blend of red stock brick, brown multi plain tile hanging and roof tiles, and white timber cladding to some of the units, which is considered acceptable in this context and accords with the Hamstreet Design Guide.

As part of climate mitigation and to address the Council's Climate SPD, each property would be provided with solar panels and a drawing has been provided to show the amount and position of panels. It is stated in the D&A that the properties will benefit from an air source heat pump which will compliment underfloor heating and is supported.

Neighbour amenity

Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 130(f) states among other things that planning policies and decisions should ensure that developments: "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."

I consider there is a sufficient separation distance from the neighbouring dwellings to the north-west, so as to ensure there would be no harmful impact upon residential amenity.

Residential Standards

Policy HOU12 requires new residential development to comply with Nationally Described Space Standards. Policy HOU15 requires that each unit has private external open space, typically the width of the dwelling x 10m. I consider that these large 4-bed units are acceptable in both these respects.

I am satisfied that the proposals are acceptable in terms of residential amenity.

Highway safety and parking

KCC has confirmed that traffic generated from a site of this size is very low in number and would have a negligible impact on the wider highway network. Residents can safely access the village facilities on foot via the existing footway network on Warehorne Road. The private access that serves the existing dwellings off Orlestone View is approximately 100m long and is not wide enough for vehicles to pass. This said, where it joins Orlestone View it does allow passing opportunity and the access road width on entry to the proposed layout is a minimum of 4.8m in width. This allows passing in this location and clear line of sight between those two points. As such KCC has confirmed access is not considered a problem. With the above in mind, no objections are raised from the local highway authority.

Whilst the proposed development would be private in ownership, KCC has further commented on aspects of the scheme: Vehicle track drawings have been supplied to demonstrate that a refuse vehicle, fire tender and delivery vehicle can all access the site, turn safely, and exit in a forward gear. On parking, Local Plan policy TRA3a sets out that the requisite off-street car spaces for a 4+ bedroom unit is 3 spaces where garages do not count towards this allocation. As such the parking provision only meets policy requirements for units 1, 4 and 5. Units 2, 3, 6, 7 and 8 are all substandard by 1 parking space each, leaving the development as a whole 5 car parking spaces short. Lastly, KCC have commented on the Visitor parking which has been provided in a slightly higher number than required by policy, but is located remote from the entrance to all of the proposed units and out of sight. There is some uncertainty as to how well used this would be in practice.

In view of the above, whilst I consider the access to be acceptable, the proposal is substandard in parking / inconvenient parking and is unacceptable on this basis.

Flooding and drainage

Policy S32 requires the provision of a Flood Risk Assessment in consultation with the Environment Agency as whilst the site is largely in Flood Zone 1, a small section of the site at the north eastern boundary is within flood Zones 2 and 3.

Policy ENV 9 requires that all development should include appropriate sustainable drainage system (SUDS) for the disposal of surface water.

The applicants have submitted a Flood Risk Assessment and Drainage Strategy.

Two options have been proposed to manage surface water on the site: Option A (labelled Option 2 in the drainage design drawings) proposes the use of individual soakaways for each property, allowing infiltration into the ground. This is combined with a permeable paved access road and car parking area, with a controlled discharge to the existing ditch network to the east of the site. A Vortex flow control device (Hydro-Brake or similar) is proposed to restrict flow to 0.96 l/s.

Option A is contingent upon soakage testing in accordance with BRE Digest 365, to determine infiltration rates and the suitability of the drainage design. In line with the drainage hierarchy, KCC expect this option to be fully explored.

Option B (labelled Option 1 in the drainage design drawings) is considered a fallback drainage strategy, incorporating permeable paving over a sub-base and an attenuation tank (22.4m³). Flow will be controlled using a Hydro-Brake or similar device before discharging into the drainage ditch at a restricted flow rate of 0.96 l/s.

KCC has raised some queries of a technical nature regarding the proposals:

1. Rainfall Data: It is noted that the FSR rainfall model data has been used rather than FEH data. KCC expect the drainage system to be modelled using 2022 FEH rainfall data in appropriate modelling or simulation software. Where 2022 FEH data is unavailable, 26.25 mm should be manually input for the M5-60 value, in accordance with KCC latest Drainage and Planning Policy Statement (November 2019).

2. Maximum Rainfall: The maximum rainfall figure within the hydraulic model should be increased to the highest possible input value, to avoid truncating the peak of high-intensity synthetic rainfall events. This adjustment ensures the model does not falsely indicate adequate system performance during events that may, in reality, result in localised flooding.

3. CV Values: KCC expect the hydraulic calculations to demonstrate a CV value of 1.0 for both summer and winter simulations when modelling only the impermeable area of the development.

4. Climate Change Allowances: As of 10 May 2022, the Environment Agency's climate change allowances have been updated. This includes revisions to the Peak Rainfall Intensity Allowances used in applying climate change percentages to new drainage schemes. The LLFA now requires that the 'upper end' allowance be designed for both the 30-year (3.3%) and 100-year (1%) storm scenarios. The latest information and mapping can be found at the following link: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowance>.

This analysis must determine whether the increased allowance significantly impacts or exacerbates flood risk. The design may require minor modifications or additional mitigation measures, such as attenuation features or provision of exceedance routes. This aligns with existing principles for designing for exceedance.

5. Urban Creep: An impermeable areas plan, including confirmation of the allowance for urban creep within the calculations, should be provided to support the review. This has not yet been submitted.

6. KCC require confirmation of the area used in the hydraulic calculations to determine the allowable run-off rate. The area used in the greenfield runoff calculations should be consistent with that used in the hydraulic modelling.

7. The outfall for surface water to the ditch would be outside of the redline boundary. KCC would request information to confirm the deliverability of the proposals as it is not clear if this would be across third party land.

The above matters were brought to the attention of the applicant but at the time of writing this report no clarification has been received.

As it is the intention to refuse this application, further information has not been requested from the applicant to address the concerns raised by KCC. Whilst it is anticipated that the issues around the drainage strategy can be resolved, it remains a reason for refusal at the current time.

As part of climate mitigation, it is proposed that rainwater harvesting will occur through the use of a 200 litre water butt. Drawings have been provided to show the position and type of water butt.

Ecology/ Biodiversity Net Gain (BNG)

Policy ENV1 states that proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats. Policy ENV3a states that all proposals for development in the borough shall demonstrate particular regard to landscape characteristics, including the pattern and composition of trees and woodlands, and wildlife habitats. NPPF para. 187 states that planning policies and decisions should contribute to and enhance the natural and local environment. Para. 193 states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

Policy S32(f) requires that an Environmental Study is provided to address any potential adverse impacts of the proposals on the biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar site and how they can be avoided or adequately mitigated.

The applicants have provided a Preliminary Ecological Assessment (PEA) and various documents to support the provision of 10% BNG on site. KCC Biodiversity has advised that insufficient ecological information has been provided to determine the application and requested the following information prior to determination:

- Detailed reptile mitigation / compensation strategy
- Identified reptile receptor area
- HSI survey of the three waterbodies noted as WB1, WB2, WB3
- Consideration of mitigation hierarchy for reptiles and in BNG assessment

GCN

The PEA has outlined that the proposed development has the potential to have detrimental effects on great crested newts (GCN). To adequately address the potential effects on GCN, KCC Biodiversity has advised that a HS1 survey is carried out on three waterbodies in the vicinity of the site. If the waterbodies provide suitable habitat for GCN, one of two approaches will need to be taken. Either surveys will need to be undertaken (or reference made to available current data) on the waterbodies to ascertain the presence/likely absence of great crested newt, or district level licensing is available (and avoids the requirement for further survey/data).

If undertaking further survey, these will need to be undertaken in accordance with best practice and by a suitably qualified and experienced ecologist. Following further

survey, the survey results, along with any necessary mitigation/ compensation, will need to be submitted prior to determination of any planning application.

District Level Licensing (DLL) is a strategic mitigation scheme which requires a conservation payment to remove the need for on-site survey, mitigation and compensation. The use of DLL is restricted to areas defined as green or amber risk zones for GCN presence.

If DLL is chosen by the applicant, the following is required prior to determination: A countersigned and dated DLL impact assessment and conservation payment certificate (IACPC). The IACPC would need to show the site address matches that of the planning application, and that the boundaries of the IACPC are the same. Once a suitable IACPC has been received, evidence of the full conservation payment can be conditioned if planning permission is granted.

At the time of finalising this report, the applicant has submitted an IACPC but no further consultation has taken place.

Reptiles

The proposed development offers suitable reptile habitat in the form of grassland and the understorey of scrub and hedgerow which are connected through tussocky field margins and ditches.

The Ecological Assessment indicates that reptiles are present on-site with:

- a small to moderate population of slow worm;
- a small population of common lizard;
- a small population of grass snake.

Following the Froglife advice sheet 10 Reptile Survey¹¹, the development site qualifies as a Key Reptile Site which is a mechanism designed to promote the safeguard of important reptile sites. However the majority of the grassland will be lost to facilitate the development. As such, a suitable detailed mitigation / compensation strategy shall be provided prior to determination. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005¹², which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”

KCC Biodiversity has set out in its consultation response what will need to be provided within the the detailed mitigation/compensation strategy. At the time of writing this report, such a strategy has not been provided.

KCC has pointed out that within the current site plan, it is not achievable to retain the population on site. KCC have seen no details of any actual identified on site or off site receptor site where reptiles could be translocated to and as such KCC has advised that the LPA cannot fully assess the impact the proposed development will have on this protected species.

KCC adds that before exploring off-site options, attempts should be made to retain reptiles on-site, pointing out that development must follow the mitigation hierarchy and that translocating reptiles off-site should be considered as a last resort. Information has been provided on moving reptiles into a receptor site (whether it be on or off site) and how the proposal should include evidence that translocation would benefit reptile conservation.

Bats

KCC has commented that there are no suitable features for roosting bats within the buildings. Nocturnal animals such as bats may use the unmanaged ruderal and ephemeral vegetation, grassland, and bramble scrub present on site and the surrounding area for foraging and commuting and any lighting associated with the proposal may have a negative impact.

Breeding birds

The site contains suitable habitat (buildings, hedgerows and bramble scrub) for breeding birds and all nesting birds are protected under the wildlife and countryside act 1981 (as amended).

Precautionary mitigation strategy

KCC Biodiversity are satisfied with the proposed mitigation measures submitted in the ecological report for foraging and commuting bats, hazel dormouse, badger, hedgehog and birds.

Dungeness Additional Recreational Pressure

Proposals for new dwellings lie approximately 235 metres distance from the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC), Wetland of International Importance under the Ramsar Convention (Ramsar Site) (together the 'Dungeness Complex') and Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI).

The SSSI Impact Risk Zone for the application site indicates that for this application type, Natural England should be consulted on the application by the Local Planning Authority.

Additional developments close to the Dungeness complex of protected sites may result in additional recreational pressures on these sites. Recreational pressures have been identified as having a negative effect on the interest features of these sites. The following is stated in the Ashford Local Plan 2030 Section 9.11 that 'where likely significant effects cannot be excluded, then an Appropriate Assessment prepared in accordance with the Habitats Regulations will be required. Where adverse effects on the site cannot be ruled out, and no alternative solutions can be identified, then the project can only then proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured'.

As such, the Dungeness Complex Sustainable Access and Recreation Management Strategy (SARMS) may apply and a Habitat Regulations Assessment (HRA) may be required for any recreational effects to the Dungeness complex.

Biodiversity Net Gain (BNG)

A ditch lies approximately 6m north east of the development site. BNG rules state that for canals, ditches and culverts, the Watercourse Unit Module is applied where it is located within 5m of the red line boundary, 5 metres from the top of each bank. KCC Biodiversity point out that the red line boundary is going through the previous buildings and as such it is their opinion that it has been amended to avoid undertaking a BNG assessment on the present ditch. Although KCC acknowledge that no watercourse unit module needs to be included in this case (as the ditch being 6m away from the red line boundary), the LPA needs to be satisfied that no works will be undertaken within the riparian zone.

A BNG assessment has been completed, which demonstrates a net loss of -66.45% of habitat units, and a net gain of 169.77% of hedgerow units. Although KCC are satisfied with the baseline, proposals will result in the removal of all onsite habitats, including but not limited to other neutral grassland and trees, and KCC stress that this is not compliant with the BNG mitigation hierarchy as below.

The applicant is required by law to deliver biodiversity gains in accordance with the biodiversity gain hierarchy, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 Section 37A. The hierarchy is summarised as:

- Avoid: Avoiding adverse effects of the development on onsite habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than four (i.e. medium or higher);
- Mitigate: So far as those adverse effects cannot be avoided, mitigating those effects;
- Onsite habitat enhancements: So far as those adverse effects cannot be mitigated, habitat enhancement of onsite habitat;
- Onsite habitat creation: So far as there cannot be that enhancement, creation of on-site habitat;
- Offsite: So far as there cannot be that creation, the availability of registered offsite biodiversity gain;
- Statutory credits: so far as that offsite habitat enhancement cannot be secured, purchasing biodiversity credits.

It does not appear that proposals have sought to avoid the loss of habitats of higher value for biodiversity, and the loss of these habitats has potential to vastly decrease opportunities onsite for protected species.

The Biodiversity net gain assessment: Feasibility stage has made good recommendations for BNG and KCC would advise the developer to take those into account into the final design of the proposed development.

As it is the intention to refuse this application, further information has not been requested from the applicant to address the concerns raised by KCC. At this stage the lack of information is a reason for refusing this application.

S106

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.

In accordance with the requirements of policy IMP1 I recommend that the planning obligations set out in Table 1 be secured in the event that planning permission is granted. For the reasons I have set out 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.

KCC have made a number of requests for S106 money, however the Council are currently reviewing these requests to make sure they are aligned with Regulations and that the evidence is available to justify the amounts. Until that has been determined, the Council continue to rely on the pre 2020 requests from KCC as those are judged to be robust and based on evidence that was in the public domain.

Table 1 - Planning Obligations

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1.	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>	<p>40% affordable housing provision on site (3 dwellings)</p> <p>Such a provision would comprise of a mix of 20% affordable/social rent (1 dwelling) and 80% Affordable Home Ownership Products – including first homes (2 dwellings)</p>	<p>To be constructed and transferred to Registered Provider before occupation of 75% of the general market units</p>
2.	<p><u>Accessible and Adaptable Dwellings</u> Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% [total of 2 dwellings] of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>M4(2): 2 dwellings across the whole site.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>
3.	<p><u>Management Company</u> Agree details of the operational methodology and membership of the management company.</p>		<p>Management company to be set up in accordance with agreed details prior to</p>

	Agree details of management of the open spaces at the site (including communal/public areas of landscaping, landscape buffer, ecological areas and amenity open space on site)	A scheme detailing how the open spaces within the site will be laid out, constructed, phased and delivered and thereafter maintained and managed	first occupation of any dwellings. The approved open spaces shall be laid out and provided in accordance with the approved details no later than occupation of 50% of the dwellings and transferred to approved resident-led management body no later than occupation of 75% of the dwellings. Thereafter, the approved open space shall be maintained in accordance with the approved details.
4.	<u>Informal Natural Green Space</u> Project detail (off site): Contribution towards the enhancement or maintenance of Pound Leas Recreation Ground.	£434.00 per dwelling for capital costs £325.00 per dwelling for maintenance Indexation: BCIS General Building Cost index 2012	Upon occupation of 75% of the dwellings.
Kent County Council Planning Obligations			
5.	<u>Adult Social Care</u> Project detail:		
	Contributions requested towards Specialist Housing Provision in the borough, adaptation of community facilities, technology to promote independence, multisensory facilities and changing place facilities in the vicinity of the development within the Borough All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)	£146.88 per dwelling Indexation: BCIS General Building Cost Index from April 2020	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings
6.	<u>Community Learning</u> Project detail: Contributions requested towards additional equipment and resources for Adult Education Centres (Ashford Gateway and Homewood) and outreach provision serving the development.	£16.42 per dwelling Indexation: BCIS General Building Cost Index from April 2020	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings
7.	<u>Libraries</u> Project detail: Contributions requested towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Tenterden Library.	£55.45 per dwelling Indexation: BCIS General Building Cost Index from April 2020	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.
8.	<u>Secondary Schools</u> Project detail: Contributions requested towards the provision of additional secondary school places within the Borough including Norton Knatchbull to meet the need generated by this development	Per Dwelling £4687.00 (New Build) Indexation: BCIS General Building Cost Index from Oct 2016	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings

9.	Youth Services Project detail: Contributions requested towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development	£65.50 per dwelling Indexation: BCIS General Building Cost Index from April 2020	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.
Monitoring			
10.	Monitoring Fee Contribution towards the Council's costs of monitoring and reporting.	£1000 per annum until development is completed Indexation: Indexation applied from the date of the resolution to grant permission.	First payment before commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p><u>Notices</u> must be given to the Council at various stages <u>in order to</u> aid monitoring. All contributions are index linked <u>in order to</u> maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE:</p> <ul style="list-style-type: none"> • If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused. • Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change. 			

As the applicant has not entered into a S106 Agreement with the Council then the above required obligations cannot be secured and this would be contrary to both local plan policy and the NPPF, and would constitute a reason for refusal in this case.

5-Year Housing Land supply

Ashford Borough Council has a small shortfall in its Housing land Supply at 4.39 years. Nevertheless, its lack of a 5-year housing land supply means that paragraph 11 (d) of the National Planning Policy Framework 2021 (NPPF) is engaged in this instance and the presumption in favour of sustainable development - 'the tilted balance' - is applicable. This being the case, I am required under 11d(ii) to assess whether the harm of the proposal outweighs the benefits. In this case, I consider that the limited range and mix of house-types proposed, its suburban character and lack of good placemaking qualities, together with the unresolved impacts on highway safety, drainage and ecology would result in significant and demonstrable harm. The proposal would result in some benefits including the the addition of 8 new homes to the Council's housing stock and the economic benefits during and after construction. I consider that the local plan policies most relevant to this proposal are consistent with the aim of the NPPF to create sustainable well designed places which are sympathetic to the local character, including the surrounding built environment and landscape setting. I therefore conclude that the limited benefits of the scheme are significantly and demonstrably outweighed by the harm the development would cause and the conflict with the development plan and NPPF.

Conclusion

The principle of a new sympathetic and well designed residential development on this allocated site is accepted. However, this particular proposal would be unacceptable, due to the limited range and mix of properties proposed and the lack of on-site affordable housing together with the uniformity of building forms and regularity of layout, poorly articulated landscaping that leads to a suburban design and a lack of sense of place on this edge of village site. The lack of resident parking and well integrated visitor parking is also a concern.

Insufficient information has been provided to address the concerns raised by KCC Biodiversity and KCC Flood and Water Management.

Lastly, the applicant has not entered into a S106 Agreement with the Council in order to secure the necessary obligations highlighted within Table 1 within the report. The failure to be able to secure the required contributions to address the additional demands the proposal would place on community infrastructure and services is unacceptable and would be contrary to both local plan policy and the NPPF.

I note that there would be some benefit of redeveloping an allocated site and the provision of some housing would contribute to the Council's housing land supply and provide a limited economic benefit. However, for the reasons highlighted within this report, I consider that the identified disbenefits / harms of this scheme, would outweigh the limited benefits identified.

Overall, it is not considered that this development meets the relevant local plan criteria and the requirements of the NPPF, for development in this location and the proposal is therefore recommended for refusal.

Working with the applicant

In accordance with paragraph 39 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.

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.

Refusal Reasons:

The proposal is contrary to Policies SP1, SP2, SP6, S32, HOU1, HOU3a, HOU18, TRA3(a), ENV1, ENV5, ENV9, COM1, COM2 and IMP1 of the Ashford Local Plan 2030, Residential Parking and Design Guidance SPD, Landscape Character SPD, Affordable Housing and the Hamstreet Village Design Statement and Central Government guidance contained in the NPPF and would therefore be contrary to interests of acknowledged planning importance for the following reasons: -

(a) The proposed residential development, by virtue of its suburban layout, scale, mass, bulk, failure to provide a suitable range and mix of dwelling types and sizes, would appear as an intrusive, incongruous and overdeveloped scheme and have a significant adverse visual impact that would be unacceptably incongruous and harmful to the character and appearance and built form of the locality and the village setting and its distinctiveness and sense of place.

(b) The proposal would fail to provide sufficient off street parking for units 2, 3, 6, 7 and 8 or sufficiently integrated visitor parking. In the absence of this, the proposal would not support its own parking needs with a potential knock-on effect for parking in neighbouring streets which

would be harmful to highway safety.

(c) Insufficient information has been submitted to allow a full assessment of the implications of the development on the ecology and wildlife within and around the site. In the absence of this information the proposal would be harmful to matters of ecological importance.

(d) Insufficient information has been submitted to allow a full assessment of the implications of the development on site drainage. In the absence of this information, the proposal would be harmful to matters of site safety/drainage.

(e) In the absence of any completed legal agreement the proposal fails to secure the necessary infrastructure contributions provision generated by the proposal. Therefore the proposal 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.

Informatives:

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The following drawings and documents have been marked as refused as part of this determination

Description	Date
Plots 2, 3, 6 Proposed Plans & Elevations BDS-PF-P05A	27 May 2025
Plots 7 & 8 Proposed Plans & Elevations BDS-PF-P08	27 May 2025
Proposed Site Plan BDS-PF-P02H	27 May 2025
Location & Block plan BDS-PF-P01B E	27 May 2025
Proposed Site Sections BDS-PF-P03A	27 May 2025
Plot 4 Proposed plans & elevations BDS-PF-P06	27 May 2025
Plot 5 Plans & elevations BDS-PF-P07 P	27 May 2025
Plot 1 Proposed plans & Elevations BDS-PF-P04	27 May 2025
Proposed site plan BDS-PF-P02H	27 May 2025
Plans and elevations car ports BDS-PF-P09B	6 August 2025

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

In this instance the applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters.