

TENTERDEN TOWN COUNCIL

Planning Committee

Agenda item ____ at the meeting on 01 October 2018

Main modifications to the Ashford Borough Council draft Local Plan to 2030 that affect Tenterden

The following are what I believe to be the “main modifications” to the draft Local Plan that I think have (or could have) a direct impact on Tenterden parish, and which the town council should consider whether to support, oppose or comment on.

Each item below has a hyperlink to the detailed wording and proposed amendments.

- Cllr Justin Nelson: 19 September 2018

Please Note:

ABC consultation is focused only on the Main Modifications. The consultation is not an opportunity to repeat or raise further representations about other parts of the Local Plan or to seek wider changes. All previous comments have already been considered by the Inspectors.

Comments must be received by ABC Council by 5pm on Friday 26th October 2018.

- Cllr John Crawford: 19 September 2018

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Policy COM1 – Meeting community's needs (MM95)

Amend paragraph 5.424 as follows:

5.424 5.424 Broadly, this approach will continue, with the Council consulting the local education authority to determine where an education contribution should be sought. The Council will seek contributions through S106, where it would accord with the CIL regulations and national guidance. In most circumstances the Borough Council will only seek contributions from the larger schemes, in light of the S106 pooling restrictions. CIL receipts are may also likely to be required in the future.

Insert additional paragraph following 5.428:

The Council's current approach is to require developer contributions through S106 on behalf of the local health authority for new or improved healthcare facilities, and this will continue. In order to meet the needs for new healthcare facilities resulting from development set out in this Plan, the Council will seek contributions through S106 where it would accord with the CIL regulations and national guidance. CIL receipts may also be required in the future.

Amend Policy COM1 as follows:

Infrastructure and facilities required to meet the needs generated by new development, including sports, arts, community (including youth) and voluntary sector space, education and health provision, open space and play areas shall be provided as the community is established.

Infrastructure or facilities designed to meet localised needs should normally be provided on-site. Other needs will be delivered in liaison with the relevant stakeholders and service providers to ensure that the provision is supplied in a way that meets their requirements and supports sustainability.

Development monies will be secured via S106 where provision relates to a localised need or as identified through the site allocations in this Local Plan. Otherwise, CIL receipts will be used to deliver strategic provision. Provision shall be secured through S106 and/or CIL as set out in policies IMP1 and IMP2, and have regard to any relevant supplementary planning documents.

Where the need for developments to contribute to, or provide, particular infrastructure or facilities is dependent on their size, floorspace, traffic generation or any other attribute or impact exceeding a specified threshold and any site is brought forward as two or more separate schemes of which one or more falls below the relevant threshold, the Council will seek from each scheme a proportionate contribution of the level of provision so as to match in total the requirement that would apply if the site came forward as a whole. If a site comes forward as two or more separate schemes, of which one or more falls below any appropriate threshold, the Council will seek an appropriate level of contribution on each part to match in total the provision that would have been required on the site as a whole.

In the Borough as a whole, the loss of existing community infrastructure will be resisted unless sufficient evidence has been submitted to demonstrate that they are no longer required or are obsolete and that suitable replacement provision is being provided or is located nearby.

Policy COM2 – Recreation, Sport, Play and Open Spaces (MM96)

Amend title and supporting text as follows:

Sport, Recreation and Play Recreation, Sport, Play and Open Spaces

5.431 Recreation, sport, open space and play areas can enrich the quality of our lives and contribute towards healthy living. The Borough currently enjoys a wide range of such space and this provision will be added to when current planning applications are implemented, most notably Chilmington Green which will deliver significant recreational and leisure areas.

For the avoidance of doubt this policy covers the following:

- indoor sports/community facilities,
- outdoor sports pitches,
- children’s play areas,
- public open space/ green space areas,
- informal open space,
- natural open space,
- strategic parks.

5.432 The following total quanta of recreational, play, sport and open space are required to meet the needs of the new development proposed in this Local Plan that do not already have planning permission (circa 7,000 new dwellings). These figures are derived from evidence including the Council’s recently approved Indoor Sports Facilities and Playing Pitch Strategy ~~emerging~~ Ashford Borough Playing Pitch Strategy, alongside the standards set out in the current Public Green Spaces and Water Environment SPD. The figures do not take into account the role which could be played by provision at schools. This provision should be treated as supplementary as in most cases it tends to have limited public access at key times.

Delete table 4 and replace with:

Table 4: Total targets for recreation, sport, play and open space

<u>Informal Space*</u>	<u>33.6 ha</u>
<u>Children’s Play*</u>	<u>8.4 ha</u>
<u>Strategic Parks*</u>	<u>5.0 ha</u>
<u>Allotments*</u>	<u>3.4 ha</u>
<u>Sports Halls (1 badminton hall or equivalent)**</u>	<u>4</u>
<u>3G Artificial Pitch**</u>	<u>1</u>
<u>Football Pitches**</u>	<u>7 adult, 3 junior</u>
<u>Hockey 2G pitch**</u>	<u>1 adult</u>

Rugby**

2 senior pitches

Cricket square and outfield**

1

*figures derived from Public Green Spaces and Water Environment SPD

**figures derived from Indoor Sports Facilities and Playing Pitch Strategy

5.433 These figures are established as a 'target' as only major development (as defined in the NPPF) not all residential development coming forward will be required to deliver a proportion of these provisions. ~~For example, some development will be excluded on viability grounds such as most some proposals coming forward in the town centre, and a number of developments will fall below the threshold that trigger a requirement for provision.~~ However, in due course, smaller developments may also contribute via this is somewhat countered as CIL receipts can be used to deliver recreation, sport, play and open space, where it is strategic in nature. This type of provision effectively meets a need for all new developments in the Borough. In addition, alternative funding to that supplied from development will also be sought by the Council as a means of achieving the targets set out in table 4 above, such as funding grants from Sports England. Therefore the identification of a target figure is considered to be a robust starting point for the policy below.

5.434 In order to determine the quantum and type of provision required for each qualifying proposal, applicants will be expected to have regard to the following:

For the provision of public open space, natural greenspace, informal greenspace, children's play, strategic parks, allotments and cemeteries, proposals shall be consistent with the standards set out in the Public Green Spaces and Water Environment SPD. In due course, the Council will update these standards as part of a development contributions SPD that will have its viability implications assessed.

For the provision of indoor sports facilities and outdoor sports pitches, proposals shall utilise the Sports England Calculator to ascertain the level and type of facilities and pitches needed as a starting point.

This initial assessment shall then be supplemented by a more detailed assessment that applies the outcomes of the Council's Indoor Sports Facilities and Playing Pitch Strategy. This may necessitate that the base requirements, identified through the Calculator, need to be refined and/or altered to reflect local circumstances and complement the Council's preferred delivery strategy, as expressed below. Where refinements are required, any alternative provision should be of an equivalent scale or value to that identified by the initial assessment.

A number of specific projects have already been identified as a means of achieving the Council's preferred delivery strategy to meet the targets in Table 4. These projects are expressed in the Infrastructure Delivery Schedule that supports the Local Plan and will be updated annually. In addition, a working group will be established shortly with the remit to assist in the delivery of these projects. The working group will include the Council, the National Governing Bodies for a variety of sports and Sports England.

The Council's expectation is that all qualifying proposals will meet the needs generated by the development and will be delivered through a combination of on-site measures and/or off-site financial contributions secured via Section 106 Agreements.

In many cases the application of this policy will result in the delivery of new facilities. However, where appropriate, developer contributions may also be used to enhance existing facilities in order to improve their qualitative characteristics so as to encourage more use and generate greater capacity.

~~5.434 In order to determine the quantum and type of provision required for each qualifying proposal, applicants will be expected to use the Sports England Calculator and the relevant standards in the Green Spaces and Water Environment SPD. Aside from informal space—which will normally be delivered on-site and form part of the wider landscaping/ SUDs strategy, with incidental space around buildings—discussions with the Council shall take place as to what exact provision will be sought from any S106 monies to be collected, using the projects identified within the supporting Infrastructure Delivery Plan schedule as the starting point. The Sports England Calculator may also identify additional off-site requirements that need to be considered as well. Where appropriate, these will be added to the Infrastructure Delivery Plan as they are identified.~~

Paras 5.435 – 5.447 remain unchanged

Policy COM2 - Recreation, Sport, Play and Open Spaces deleted and replaced with:

As a borough-wide target, the Council shall seek to deliver the overall quantum of new recreation, sport, play and open space provision, as set out in table 4 of this Local Plan, by 2030.

To assist in achieving these targets, qualifying development proposals shall meet the need it generates, through the delivery of either new facilities or through the enhancement of existing facilities that improves their quality, availability and/or accessibility. New provision will be delivered via a combination of on-site measures and/or through off-site financial contributions, secured via Section 106 Agreements.

Proposals on qualifying sites will be expected to have regard to the following:

For the provision of public open space, natural greenspace, informal greenspace, children's play, strategic parks, allotments and cemeteries, proposals shall be consistent with the standards established in the Public Green Spaces and Water Environment SPD.

For the provision of indoor sports facilities and outdoor playing pitches, proposals will be expected to use the Sports England Calculator to ascertain the level and type of provision needed. A more detailed assessment will then be required in order to take account of the outcomes of the Council's Indoor Sports Facilities and Playing Pitch Strategy so that provision can be appropriately altered or refined to take account of local circumstances and the need to complement the Council's preferred delivery strategy.

In Ashford, the provision of children's play, strategic parks and sports facilities will normally be targeted towards the sports and recreation hubs identified in this Local Plan and as shown on the Ashford Urban Area diagram. Proposals which undermine the ability of a hub to play a role in delivering this provision shall not be supported.

In the rural area, provision should normally be delivered in a way that helps maintain, enhance and potentially expand existing facilities at the settlement where the development is proposed, or at the nearest settlement that has existing similar facilities.

Unless otherwise stated in site-specific policies, on-site provision shall normally be limited to informal/natural green space, and space or facilities which have been identified to meet a local need generated by the development itself. This provision shall be phased in a way that supports the local community as it grows.

Exceptions to the approach outlined above could be justified, should the following circumstances arise in that:

a) there is suitable public open/ green space provision nearby and this provision can be accessed by green routes,

b) there is a suitable sports facility nearby which has the capacity to be used by the public at key times and this access can be secured over the long term at determination of the application,

c) delivering such facilities would render a scheme unviable,

d) not delivering the required provision is supported by the Council or in agreement with, where relevant, the Parish Council.

Existing open space, sports and recreational buildings and land should not be redeveloped or used for other purposes, unless:

- An assessment has been undertaken which clearly shows the provision is surplus to requirements, or

- Any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location,

- The development is for an alternative sport and recreational provision, the needs for which clearly outweigh the loss.

Policy EMP1 – New employment uses (MM72)

Amend Policy EMP1 as follows:

Provision of new employment premises, and the redevelopment, enhancement and reconfiguration of existing employment premises will be permitted within ~~or adjoining~~ the built-up confines of Ashford, Tenterden and the rural settlements listed in policy HOU3a, or adjoining settlements listed in policy HOU5 provided that:

- a. the character and appearance of the settlement or surrounding landscape is not damaged significantly by the form of development proposed by virtue of its layout, building design and scale, the level or type of activity it generates, and the functional and visual relationship it has with adjoining uses;**
- b. there would be no significant impact on the amenities of any neighbouring residential occupiers;**
- c. appropriate provision can be made for parking and access; and**
- d. ~~any~~ The impact upon the local road network as assessed in terms of policy TRA7, can be mitigated. In the rural settlements, it must be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.**

Policy EMP2 – Loss or redevelopment of employment sites and premises (MM73)

Amend paragraph. 5.141 as follows:-

Otherwise, for proposals involving the loss of employment floorspace, either an equivalent amount of floorspace must be provided at a suitable site elsewhere in the Ashford urban area, or it will be necessary for developers to provide robust evidence that the premises have been marketed unsuccessfully for a substantial period of time on reasonable terms. Whilst each proposal will need to be treated on its own merits with the context of the prevailing market conditions, as a guide, appropriate marketing of at least for less than one year 6 months is unlikely to be considered ~~sufficient~~ necessary. Evidence should be provided that the terms compare with other similar premises and locations being let or sold for B-class employment uses within the local area. The extent of the marketing carried out will be an important factor in the weight given to the evidence. Marketing should also extend to the potential use for other suitable employment generating uses for which the particular location and premises may be suitable. These uses might include, for example, trade counter uses, motor dealerships, education and training facilities, or small scale leisure facilities not suitable for town centre locations.

Amend paragraph. 5.142 as follows:-

~~In addition to marketing the site, developers will need to have carried out a viability assessment of the redevelopment potential of the site for any other types of suitable employment generating uses. These uses might include, for example, trade counter uses, motor dealerships, education and training facilities, or small scale leisure facilities not suitable for town centre locations. The viability assessment should consider not only the redevelopment of the site in the current market conditions, but also redevelopment of the site within the timescale of this Plan.~~

Amend paragraph. 5.147 as follows:-

When considering an application for the loss of an employment site, an assessment will need to be made as to the viability of the existing use or an alternative employment use. In order to demonstrate that a site is no longer viable for an employment use, the application must be supported by robust evidence that the premises have been marketed unsuccessfully for both the existing use and any alternative suitable B-class employment use for a period of at least 6 months on terms that should compare with other similar premises and locations being sold or let for employment purposes. The extent of any marketing carried out and the prevailing market conditions will also be material considerations in the Council's assessment of viability evidence. Marketing should also extend to the potential use for other suitable employment generating uses for which the particular location and premises may be suitable.

Amend Policy EMP2 as follows:-

In the Ashford urban area:

Proposals for the loss or redevelopment of existing employment sites or premises (outside the town centre) will not be permitted unless at least one of the following criteria applies:

- a. The site is no longer appropriate for the continuation of the previous or any other employment use in terms of its serious impact on the neighbouring occupiers or environment;**
or,
- b. It has been shown that the unit has remained unlet or for sale for a substantial period for all appropriate types of B class employment uses or other suitable employment generating uses, despite genuine and sustained attempts to let or sell it on reasonable terms, and**

~~furthermore, that it will not be viable to redevelop the site for any appropriate types of alternative employment use within the Plan period; or,~~

c. The premises are replaced with similar facilities within the existing site or elsewhere in the Ashford's urban area, providing at least the overall amount of developable B class employment floorspace that would be lost to redevelopment.

Within Tenterden ~~and the HOU3a~~ listed villages:

Proposals for the loss or redevelopment of existing employment sites or premises within the confines of Tenterden or the villages listed in policy HOU3a, or adjoining/close to a settlement listed in policy HOU5 will not be permitted, unless one of the following criteria apply;

a) The site is no longer appropriate for the continuation of the previous or any other employment use in terms of its serious impact on the neighbouring occupiers or environment;

a b) they The premises are replaced with the same sized or larger sites or premises within or adjoining the same rural settlement, or at the nearest rural service centre, or

b. c It has been shown that the unit has remained unlet or for sale for a substantial period for all appropriate types of B class employment uses or other suitable employment generating uses, despite genuine and sustained attempts to let or sell it on reasonable terms, ~~and furthermore, that it will not be viable to redevelop the site for any appropriate types of alternative employment use within the Plan period.~~

Policy EMP8 – Primary Shopping frontage in Tenterden Town Centre (MM76)

Amend supporting text as follows:

~~5.192 Previous policies for Tenterden Town Centre, have aimed to maintain a high concentration of A1 uses, by restricting proposals that would result in more than 35% of the length of particular primary frontages becoming non-A1 uses. Whilst the current mix of uses within the centre makes for a well functioning and vibrant centre, given the recent extensions to permitted development rights, as with Ashford town centre, it is not considered appropriate to restrict uses by such a threshold, and in any event, this would have no practical effect.~~

The current mix of uses within the centre makes for a well-functioning and vibrant centre, and it is therefore important that the policy framework protects and enhances this. As with Ashford Town Centre, it is recognised that permitted development rights provides more flexibility without the need for planning permission, but in cases where planning permission is required, it is important that the Council can consider the impact of proposals on the vitality and viability of the centre. Previous policies for Tenterden Town Centre have aimed to maintain a high concentration of A1 uses, by restricting proposals that would result in more than 35% of the length of particular primary frontages becoming non-A1 uses. However it is considered that, as with Ashford, a more flexible and pragmatic policy approach is appropriate, given the changing role of town centres. The policy identifies the primary shopping frontage for Tenterden Town Centre and is supportive of all main town centre uses, subject to the proposal maintaining or enhancing the centre’s vitality and viability, taking into account a range of factors. In addition to those factors identified above in relation to Ashford Town Centre, for Tenterden, the impact of the proposal on the character and function of the Tenterden Town Centre, as the Borough’s main rural service centre and tourism destination, will also be taken into account.

Delete Policy EMP8 and replace with the following:

Policy EMP8 - Primary Shopping Frontage in Tenterden Town Centre

Primary Shopping Frontages and the Primary Shopping Area are defined for Tenterden Town Centre as set out on the Policies Map and extract above.

Within the Primary Shopping Frontages, permission will be granted for development falling within Use Class A1. All other main town centre uses will be permitted, subject to the proposal maintaining or enhancing the centre’s vitality and viability, taking into account the following factors where relevant:

- a) **the impact the proposal will have on long term and persistent vacancy and the continued suitability and viability of the unit for A1 retail use**
- b) **the ability of the proposal to attract vibrancy, activity and pedestrian footfall to the town centre during the daytime;**
- c) **whether the proposal is compatible with a retail area in that it includes an active shopfront and is immediately accessible by the public from the front;**
- d) **the accumulation of non-A1 uses in parts of the frontage, which would significantly erode the retail function of the frontage;**
- e) **the loss of a large or anchor A1 retail unit**
- f) **the impact of the proposal on the character and function of the Tenterden Town Centre as the Borough’s main rural service centre and tourism destination**

The Council will support proposals to bring underused upper floors back into beneficial use, including residential and office use.

Changes of use to residential will not be permitted on the ground floor of any unit.

Policy ENV1 – Biodiversity (MM82)

5.298 The Borough is also home to 83 Local Wildlife Sites (LWS), formerly known as Sites of Nature Conservation Interest, identification of which is overseen by the Kent Nature Partnership. In addition, there are 3 Local Nature Reserves, the Ashford Green Corridor, Hothfield Common and Poulton Wood, Aldington. These sites are important elements of the borough's biodiversity assets and contribute to the promotion, ~~preservation~~ conservation, restoration and re-creation of ecological networks. The Council therefore expects that they will be ~~protected~~ conserved and enhanced in new development that arises during the lifetime of this Plan. All the national and locally important biodiversity sites are listed in Appendix 4 of this Plan.

5.299 Recent years have seen a recognition that the planning system should, in addition to the ~~protection~~ conservation of individual sites and species, move towards a more integrated landscape scale approach to improving biodiversity. In this regard, this Local Plan supports the aims and objectives of the Kent Biodiversity Strategy as they relate specifically to the Biodiversity Opportunity Areas (BOAs) of this Borough, to ensure that the priority habitats and species of each BOA are ~~protected~~ conserved and enhanced in new development. Ashford Borough encompasses parts of 8 of Kent's BOAs, a reflection of its particularly diverse natural environment. A map of these BOAs can be located in Chapter 7 of this Local Plan.

Amend policy wording as follows:

Proposals that conserve and enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity should be identified. In particular, development should take opportunities to help connect and improve the wider ecological networks.

Proposals should safeguard features of nature conservation interest and should include measures to retain, ~~protect~~ conserve and enhance habitats, including BAP (Priority) habitats, and networks of ecological interest, including ancient woodland, water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife.

...

Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. A financial contribution - in lieu of on-site mitigation - will only be considered in very exceptional circumstances and where it is demonstrated that the proposed mitigation is deliverable and effective.

Policy ENV3b – Landscape character in the AONBs (MM85)

Policy ENV3b – Landscape Character and Design in the AONBs

The Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs, should be conserved, and where appropriate enhanced or restored, in accordance with their landscape significance.

Major development proposals within the AONBs will only be permitted in exceptional circumstances and where **it is demonstrated** they are in the public interest.

~~Other~~ **All** ~~P~~proposals within ~~and~~ affecting the **setting of** AONBs will **also only** be permitted under the following circumstances:

- The location, form, scale, materials and design would conserve and enhance **and where appropriate enhance or restore** the character of the landscape.
- The development would enhance the special qualities, distinctive character and tranquillity of the AONB.
- The development ~~conforms with~~ **has regard to** the relevant AONB management plan and any associated guidance.
- The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.

Policy ENV13 – Conservation and enhancement of Heritage assets (MM92)

Amend policy wording as follows:

Proposals which ~~protect, conserve~~ preserve and or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

All applications which will with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.

Policy ENV14 – Conservation Areas (MM93)

Amend supporting text as follows:

5.403 The variety of building styles dating from different periods frequently adds character and interest to Conservation Areas. Innovative design can be appropriate, provided that it is of the highest quality and is sensitive to the context of the site and its setting within the Conservation Area. Therefore, development proposals coming forward within Conservation Areas should have regard to the layout and grain of buildings, streets and spaces and should reflect and wherever possible, enhance local distinctiveness through the retention of building lines, and attention to boundary treatments, open spaces and footpaths.

Amend the policy to read as follows:-

Policy ENV14 - Conservation Areas

Development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the area and its setting.

Proposals should fulfil each of the following:

- a) 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;**
- b) the materials proposed should be appropriate to the locality and ~~in sympathy with~~ complement the those of existing buildings;**
- c) buildings and streets of townscape character, trees, open spaces, walls, fences or any other features should be retained where they contribute positively to the character and appearance of the area;**
- d) the development should not generate levels of traffic, parking or other environmental problems which would damage result in substantial harm to the character, or appearance or significance of the area; and**
- e) the use should be appropriate to and compatible with the character, appearance and historic function of the area.**
- f) the development would not prejudice important views into or out of the conservation area.**

~~**Proposals for inappropriate demolition, alteration or extension of buildings in Conservation Areas or which could prejudice important views into or out of a Conservation Area, will be resisted where such proposals would be detrimental to their character or setting**~~

Policy HOU2 - Local Needs/Specialist Housing (MM59)

Addition of word in paras 5.17 and 5.19:

5.17 This policy applies to the delivery of local needs housing and subsidised specialist housing schemes. These are defined as:

5.19 **Subsidised Specialist housing schemes**: *A specific type of subsidised housing accommodation (self-contained or communal) to cater for more vulnerable local residents who have a genuine need and local connection to the area. It allows certain residents to live a higher quality of life near to where they have support or are where they are familiar with their surrounding area.*

Deletion of final bullet point from para 5.23:

5.23 In order to qualify as a local needs housing scheme, a proposal will need to meet all of the following criteria in that:

- it meets an identified housing need in the particular parish that cater for people who have a genuine local connection, in line with the Council's Rural Local Needs Housing Guidance Note,
- it provides local needs housing that is appropriate in terms of its tenure, type, size and cost to meet the needs identified,
- the local need housing element is conditioned so that subsequent occupancy of the dwelling will be controlled by a binding agreement to ensure the property remains available to meet local needs in the future and does not only benefit the first occupier.
- ~~has the support of the relevant Parish Council.~~

Deletion of first sentence and replacement with new text to para 5.24:

5.24 ~~Proposals may provide for one or more groups of people, although it should be noted that decisions on exception sites and the specific needs to be catered for are essentially local issues and the views of the local Parish Council will be taken into consideration. In practice this type of development is normally brought forward by a Housing Association working in close liaison with the relevant Parish Council and Ashford Borough Council. Given that the specific need to be catered for is a local issue, the Parish Council should be well placed to provide a robust view on the need for the development. The Council therefore considers the Parish Council's views in relation to the need for the development particularly important in determining the acceptability of the proposal. It is expected that the Parish Council will play an integral role in the development of such proposals prior to it being submitted as a planning application; including involvement with the local needs survey.~~ The requirements of a variety of groups of people that will be considered when assessing local needs is set out under the Council's Affordable Rural Local Needs Housing Guidance note.

Addition of word to title following para 5.25:

Subsidised specialist housing

Changes to Policy HOU2 as follows:

Policy HOU2 - Local needs / subsidised specialist housing

Planning permission will be granted for proposals for local needs / subsidised specialist housing within or adjoining rural settlements identified under policy HOU3a as 'exceptions' to policies restraining housing development provided that all the following criteria are met:

- a) the local need or requirement for specialist housing is clearly evidenced,**
- ~~b) the scheme has the support of the relevant Parish Council/s,~~

⇒ **b)** the development is well designed, would not result in a significant adverse impact on the character of the area or the surrounding landscape and is appropriate to the scale and character of the village,

⇒ **c)** there would be no significant impact on the amenities of any neighbouring residential occupiers.

It is expected that all local needs/ specialist housing schemes will be delivered without the need for any cross market subsidy.

Where this is not the case a proposal will need to be supported by robust and transparent viability evidence that will be independently verified by the Council. Should a viability case be proven, the Council will accept an enabling amount of starter homes and /or custom build/ self-build plots as a means of providing the necessary subsidy to allow the identified need to be delivered, providing the proposal remains in accordance with criteria b) – d) c) above.

Proposals which promote general market housing as a means of enabling the identified need element of a scheme will not normally be supported unless it can be demonstrated that there is an overriding planning benefit from its delivery and that there is no other cross subsidy solution.

Policy HOU3a - Residential windfall Development within Settlements (MM60)

Amend Paragraphs 5.44 to 5.45 as follows:

5.44 In addition to Ashford, across the borough there are a number of rural settlements which play a service centre role in that they contain a number of services such as a primary school; a GP service; a community venue (such as a pub or a village hall); shops which are able to meet a range of daily needs and a commuter-friendly bus or train service. These locations are considered suitable for infilling and edge of settlement growth which is of an appropriate scale in relationship to the settlement size and availability of services and are included in both HOU3a and HOU5 below.

Move to new paragraph:

There are also a number of rural settlements which are smaller and play a more 'secondary' role, yet they still have a limited number of community facilities and services. These settlements often rely on the services of the nearby primary settlements or the town of Ashford and are therefore relatively 'accessible' in a rural context. Within these settlements, appropriate smaller scale development is acceptable in principle although this should also take account of the cumulative effects of any allocated sites and any other developments with extant planning permission in the area. Due to the more limited access to services and settlement patterns, some of these smaller settlements are not considered suitable for edge of settlement growth and are only included in policy HOU3a as suitable locations for growth within the built up confines.

5.45 The Borough's remaining rural settlements not mentioned in policy HOU3a or HOU5 below are not considered to play a service centre or secondary role on account of their small size and their lack of services and facilities (or proximity to these services/facilities). The built form of the settlement is also an important factor when determining whether they are suitable for growth as many are smaller hamlets or linear settlements and do not have opportunity for infilling within their settlement pattern. Residents of these settlements are typically reliant on the private car to meet all of their everyday needs. These settlements are considered to be countryside for the purposes of determining planning applications.

Amend Settlements listed in Policy HOU3a as follows:

Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built up confines of the following settlements:

Ashford, Aldington, Appledore, Appledore Heath, Bethersden, Biddenden, ~~Bilsington~~, Boughton Lees/~~Eastwell~~, Brabourne Lees/~~Smeeth~~, Brook, Challock, Charing, Charing Heath, Chilham, ~~Crundale~~, Egerton, Egerton Forstal, ~~Gødmersham~~, Great Chart, Hamstreet, Hastingleigh, High Halden, Hothfield, Kenardington, Kingsnorth*, Little Chart, Mersham, ~~Molash~~, Newenden, Old Wives Lees, Pluckley, Pluckley Thorne, Pluckley Station, Rolvenden, Rolvenden Layne, Ruckinge, ~~Sevington~~, Shadoxhurst, ~~Shottenden~~, Smarden, Stone in Oxney, Tenterden (including St Michaels), Warehorne, Westwell, Wittersham, Woodchurch and Wye.

** Existing Kingsnorth village*

Amend criterion h) of Policy HOU3a as follows:

h) It would not displace an active use such as an employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.

Add sentence to end of Policy as follows:

Policy HOU10 will also be applied to relevant garden land applications.

Policy HOU8 - Residential Extensions (MM64)

Minor change to supporting text as follows:

5.78 Where an extension requires permission, the Council requires that the scale and visual impact of such development is appropriate in relation to both the existing dwelling and the surrounding area and that the living conditions of neighbours are not adversely affected. To this end, alterations and extensions should be designed to complement the scale, massing and materials of the existing building, preserve and features of architectural interest, provide a satisfactory relationship between the old and new fabric and not lead to overlooking, overpowering or overshadowing of neighbouring properties....

Amend Policy as follows:

Proposals for extensions to dwellings will be permitted if each of the following criteria is met:

- a) the existing dwelling² enjoys a lawful residential use; and**
- b) the proposed extension would not materially harm any neighbouring uses including the living conditions of adjoining residents; and,**
- c) the proposed extension is suitable in size, scale and materials built form to the existing dwelling to which it should be physically linked, also taking into account the existing standard of accommodation for extensions to smaller rural properties; and**
- d) the proposed extension is designed ~~sensitively to avoid~~ to ensure it does not result in significant harm to the overall character and appearance of the area taking into account the surrounding built form and /or street scene of the surrounding area and the landscape and the distinct features of the landscape character area in which it is located.**

Where an extension is proposed in a Conservation Area or a visually prominent position in the landscape, or within or in the setting of an AONB, proposals will be required to address the specific sensitivities that are prevalent in these areas. Particular consideration will be given to the scale and wider impact in these locations.

Policy HOU9 - Stand- alone annexes (MM65)

Amend supporting text and policy as follows:

Annexes

5.80 Annexes which are physically linked to the main dwelling will be determined against Policy HOU8, including in schemes where they contain all the facilities essential for independent residential occupation.

~~5.81 For all annexe schemes (attached or standalone) a planning permission is likely to be conditioned to ensure that the annexe in question remains used for its intended purpose. This is to avoid an annexe becoming an independent and separate residential unit at some point in the future without planning permission, particularly as the ‘need’ can only ever be for a temporary period (for example the need is lost once a relative dies or requires greater care than can be provided at home).~~

5.82 Standalone annexes can serve a number of functions ~~will be supported where it can be demonstrated that there is a need for such a facility~~ - for example to provide a home for elderly or infirm relatives unable to live independently, or for staff accommodation and ~~that the standalone will be supported where the~~ annexe is sited appropriately and that it has a real and functional relationship between the occupation of the main dwelling and the annexe. It is unlikely that a standalone annexe located outside the curtilage of the main dwelling, or without a demonstrable functional relationship with the main dwelling, will be supported in principle.

5.83 Annexes within the curtilage of listed buildings or buildings that are a historical asset or are located within a Conservation Area, which have particular character are likely to be difficult to achieve in terms of satisfactory design. Where these proposals cannot be sited in an acceptable way beyond the curtilage of these buildings, such proposals will not be supported.

5.81 For all annexe schemes (attached or standalone) a planning permission is likely to be conditioned to ensure that the annexe in question remains used for its intended purpose. This is to avoid an annexe becoming an independent and separate residential unit at some point in the future without planning permission.

Policy HOU9 - Standalone Annexes

Proposals for detached annexe accommodation to residential property will be permitted where:

- a) the existing dwelling* ~~residential property~~ enjoys a lawful residential use; and**
- b) the proposed annexe would not materially harm any neighbouring uses; ~~and~~, including the living conditions of nearby residents; and**
- c) the proposed annexe is suitable in size, scale and materials ~~the scale and appearance of the proposed annexe is sympathetic and modest in proportion~~ and clearly ancillary and visually subordinate to the principal dwelling; and ~~site~~;**
- d) sited to achieve a clear dependency is retained between the annexe and the main building at all times; and**

~~e) the proposed annexe is designed sensitively to complement the existing dwelling and is clearly ancillary and visually subordinate to it in design and massing; and~~

~~f) the proposed annexe is designed to ensure it does not result in significant harm to would not have a harmful visual impact on the overall character and appearance of the surrounding area taking into account the surrounding built form and street scene; and/or the street scene or be visually intrusive in the landscape in which it is located.~~

Where an annexe is proposed in a Conservation Area or a visually prominent position in the landscape, or within or in the setting of an AONB, proposals will be required to address the specific sensitivities that are prevalent in these areas. Particular consideration will be given to the scale and wider impact in these locations.

* The term 'existing dwelling' is defined as the property at the time of the planning application

Policy HOU10 – Development of residential gardens (MM66)

Amend policy structure and wording as follows (drop down some of the opening text into criteria, add new criteria, amend numbering and wording, delete original b) c) and e)

Development proposals involving the complete or partial redevelopment of residential garden land will be permitted provided the proposed development complies with: the Council's external space standards as set out in Policy HOU15;

- a) Windfall Housing Policy HOU3a or HOU5 (as relevant);**
- b) Does not result in significant harm to the character of the area including a) the surrounding grain and built pattern of development, including the prevailing building density, line, frontage width, building orientation, distance from the road, existing plot sizes and visual separation between dwellings; and**
- ~~b) The surrounding built form comprising the scale, massing, height, design and materials of construction of the buildings;~~**
- ~~e) The wider landscape and/or the countryside setting;~~**
- d) Does not result in significant harm to wildlife corridors and biodiversity habitats. ; and**
- ~~e) The amenity of adjoining residents.~~**

Policy IMP1 – Infrastructure provision (MM97)

Additional text to be inserted following paragraph 4.353:

Clearly, it is not possible to foresee all potential needs arising from development proposals (including windfalls), and so these will need to be assessed at the time against relevant policies in this Plan. Where specific requirements are known at this stage, these have been identified through the site allocation policies.

Development is expected to meet the additional demand for infrastructure that it creates, and new infrastructure should be required to be delivered at the right time to meet the new demand. In some circumstances, for example where more than one development site is contributing to its delivery, alternative solutions will need to be considered. The Council, working with the relevant service providers, will allow for some flexibility in this regard, taking into account how critical the infrastructure is and the phasing and timing of development. Flexibility will also be considered in response to issues of viability, as set out in Policy IMP2.

Amendments to paragraphs 5.455 and 5.456:

5.455 The introduction of the CIL Regulations in April 2015 ~~now~~ limits the scope of Section 106 Agreements and their ability to act as a pool for developer contributions towards strategic infrastructure, although they still have a role in the provision of site specific facilities. ~~As a consequence~~ The Council proposes to introduce a Community Infrastructure Levy Charging Schedule alongside following the adoption of this Local Plan. ~~This has been~~ will be tailored to take account of the general policy requirements contained within this Plan and reflects the viability position at the time of drafting. ~~It is likely that the CIL Charging Schedule will need to be reviewed on a regular basis to reflect changing market conditions.~~

5.456 Nevertheless, the Council still considers that Section 106 Agreements can provide a more certain means of delivering specific infrastructure and services than the use of CIL receipts. This has benefits for developers, residents and service providers and allows for more transparency about what will be delivered and when. The Council will therefore continue to use S106 to secure the delivery of infrastructure, where it is justified to do so in line with the NPPF and CIL Regulations, in preference to assuming funding will arise from CIL in due course. Consequently, the Council will continue to work with service providers to identify specific projects which meet additional demand arising from the policies of this Plan, allowing for a maximum of five S106 Agreements to provide proportionate contributions to those projects. ~~in preference to assuming funding will arise from CIL in due course.~~

Additional paragraph to be inserted following 5.456 and deletion of paragraph 5.458:

The Council, in liaison with the local highway authority, will also utilise S278 agreements to secure infrastructure and funding for highways related projects.

~~5.458 Clearly, it is not possible to foresee all potential needs arising from development proposals (including windfalls), and so these will need to be assessed at the time against relevant policies in this Plan. Where specific requirements are known at this stage, these have been identified through the site allocation policies.~~

Amend Policy IMP1 as follows:

The Council will continue to work with relevant service providers to identify and deliver the infrastructure that is needed to support the development set out in this Plan.

All Developments shall make provision to meet the additional requirements for infrastructure arising from the development, ~~either through Section 106 agreements and/or Community Infrastructure Levy contributions.~~ where it is justified to do so in line with the NPPF and CIL regulations. The infrastructure should be provided at a time that is required to support the needs generated by the development.

Provision should be made either by delivery of the infrastructure or by financial contributions towards the cost of the delivery. This shall normally be secured through Section 106 Agreements, Section 278 agreements and / or Community Infrastructure Levy contributions.

The Council will take a flexible approach where it is justified to do so for reasons of development viability.

Policy S24 - Tenterden Southern Extension Phase B (MM25)

Amend supporting text to read:

4.267 Phase B needs to be seen and planned as an evolution of the Phase A development, in line with an overall masterplan that creates a clear and coherent framework for this significant extension to the town and ensures that the whole development (Phase A and B) can be successfully linked to the town centre by high quality routes. Therefore ~~the Phase B land should not be occupied before the routes being planned as part of the Phase A development are suitably established so that they can provide connections for Phase B to utilise. as this would produce a separate settlement which would not strengthen the town centre and would leave a fragmented open area between the Phase B land and the existing town centre without clear purpose or structure. Furthermore, the Phase B land could not successfully be linked to the town centre by high quality routes through the Phase A development if these had not been provided and / or Phase A was still under construction.~~

Amend policy wording at opening paragraphs and criteria a) and f) to read:

Policy S24 - Tenterden Southern Extension Phase B

Land to the south of the TENT 1A development is proposed for residential development and the site (known as Phase B) is suitable for an additional indicative capacity of 225 dwellings. The Phase B site shall not be occupied until the TENT1A development has been completed. the high quality routes being planned as part of the Phase A development are suitably established so that they can provide connections for Phase B to utilise.

Development of this site shall be in accordance a masterplan / development brief that has been submitted to and approved by the Borough Council. The masterplan / development brief shall identify the timing of the planting of a substantial woodland (incorporating wetland) belt to the south of the built development area within this site which shall be at least 20m in depth and should provide connectivity between the two parts of the AONB into one integrated whole. Appropriate species and habitat surveys should be carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with policy ENV1.

The masterplan / development brief is also required to and define the extent, location and phasing of community infrastructure and employment land to be delivered both on and off-site.

Acceptable forms of development on this site shall also achieve the following:

a) The retention and, where possible, enhancement of existing hedges and natural watercourses and ponds on the site

f) Be designed and laid out in such a way as to conserve and, where possible, enhance the protect the character and setting of the AONB;

Policy S60 - St Michaels (High Halden) Land at Pope House Farm (MM57)

Amend para. 4.532 to start as follows:-

The primary vehicle access will be provided directly on to the A28, as shown on the policies map. This will need to include a right turn lane for vehicles travelling from the south with a suitably designed pedestrian refuge island.

Add a new paragraph after 4.536 as follows:

Due to the location of this site, which is within High Halden Parish but adjoined to St. Michaels settlement (part of Tenterden Town), it is important that the scheme makes contributions to the appropriate local facilities. The scale of such contributions will be negotiated with the Borough Council in consultation with the two relevant Councils.

Amend criteria a), b) and e) to read as follows:-

a) **Be designed and laid out in such a way as to ~~protect and~~ preserve or enhance the character and setting of the adjoining listed building and associated properties. Particular attention also needs to be given to the eastern area of the site, where it adjoins the open countryside and is visible in the wider landscape. Densities should reflect the surrounding character of these locations and overall the site density should be around 30dph;**

b) **Provide primary access from ~~an~~ Ashford Road, including the provision of a right-turn lane with pedestrian refuge island, as shown on the policies map.**

e) **Ensure appropriate species and habitat surveys are carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with ENV1. ~~Provide appropriate ecological mitigation and~~ Particular regard should be given to the provision of ecological corridors through the site and an area of open recreation space in the northern areas of the site which are not identified for residential development; and**

Policy TRA3a - Parking Standards for Residential Development and TRA3b- Parking Standards for Non Residential Development (MM79)

Amend supporting text and policies as follows:

Residential

5.256 The NPPF allows Local Planning Authorities to set their own parking standards, providing that issues of local car ownership levels, accessibility, the nature and type of the development and the desire to reduce carbon emissions are taken into account.

5.257 Ashford Borough is a large and diverse borough, with extensive rural areas in addition to Ashford town itself which has seen significant expansion over the last decades. A single approach to the provision of car parking is not appropriate for all developments coming forward across the borough during the plan period. This 'zonal' approach to parking standards has been part of the Council's approach for a number of years since the Residential Parking and Design Guidance SPD (2010) was first produced that set out the quantum and design of parking provision in new housing development in the borough.

5.258 The approach taken in this SPD, has proven useful, robust and clear for all parties and has helped to deliver adequate parking spaces to support development in a way that delivers better quality places and environments which is a key aspiration of the Local Plan. As part of the preparation of this Local Plan the Council has revisited the standards in the its Residential Parking and Design Guidance SPD and revised them slightly in the 'suburban' and 'rural' areas by promoting supporting slightly higher minimum parking standards for certain types of residential uses. This is considered to better reflect a more realistic approach market demand and considering car ownership levels (now and future trends).

5.259 For the town centre area (as identified under policy SP4) - and within the central areas of larger developments - a more significant change is now proposed. Here the Local Plan now advocates a minimum parking standard of 1 space per residential unit. This standard takes account of local circumstances including car ownership data (and future assumptions), historic problems of insufficient parking facilities in central areas and ensures that sufficient parking spaces are delivered to support development in this location.

5.260 For the avoidance of doubt, the policy below supersedes the standards set out in the 2010 SPD apart from the standards set out for visitor provision. Here the SPD standards should still be used. In addition, with the key exception of the design and layout guidance contained within the existing SPD which remains valid and should be reflected in proposals coming forward.

Care should be taken to ensure that parking is well designed, easily accessible and is sympathetic to the surrounding environment. Unallocated parking spaces, including those required for visitor parking in residential areas, should be seamlessly integrated into the public realm to reduce the visual impact, and be suitably located so that they do not cause obstructions to the highway.

Policy TRA3 (a) - Parking Standards for Residential Development

Proposals for residential development within the town centre area identified on the Policies Map or within 'central areas' of larger developments shall deliver a minimum parking

standard of 1 space per residential unit on average. It is expected that all of this provision should be delivered on-site.

Proposals for residential development elsewhere shall achieve the following minimum parking standards:

	Suburban and Rural locations
1 bed dwelling	1 space per unit
2-3 bed dwelling	2 spaces per unit
4+ bed dwelling	3 spaces per unit

Visitor parking should be provided primarily off-plot in short stay car parks where available OR on-plot at 0.2 spaces per dwelling in major residential schemes where layout permits.

Parking to support residential development within the Borough shall follow the design, layout and accessibility guidance contained within the Council's Residential Parking SPD.

Amend first sentence of Policy TRA3 (b) as follows:

Policy TRA3 (b) - Parking Standards for Non Residential Development

Proposals for non-residential developments within the Borough shall provide parking facilities to **at least** the following parking standards:

....Use class list of requirements unchanged.....

Insert new sentence:

Proposals not falling within the above use classes, including sui generis uses, should provide a level of parking proportionate to its activity, and be agreed with the Local Highway Authority and the Council.

Amend second part of policy and criteria a) b) and c) as follows:

In exceptional cases, ~~the Council may require proposals~~ **may** ~~to~~ depart from the standards in policies TRA3 (a) or TRA3 (b) if any of the following apply:-

~~a) A bespoke parking standard is included as part of site specific policy within this Local Plan that seeks to take into account specific local circumstances in that area;~~

b) In order to take account of specific local circumstances that may require a higher or lower level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems;

c) Where an operator or potential occupier requires ~~either more or less~~ fewer parking spaces to cater for their specific operational needs, such requirements can be clearly evidenced and where their presence has wider planning benefits;

