

Application Number	16/01704/AS
Location	Land east of Southdown Close and north of, Cheesemans Green Lane, Kingsnorth, Kent
Grid Reference	02109/38602
Parish Council	Kingsnorth
Ward	Weald East
Application Description	Creation of a community park and play area including a community orchard and nature conservation area, a new access, 9 car parking spaces, a pedestrian foot bridge, fencing and footpaths
Applicant	Mr Simon Harris, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL
Agent	Mr M Kirk, Building Design Partnership , 16 Brewhouse Yard, Islington, London, EC1V 4LJ
Site Area	7.55

1st round of consultation

(a) 41/10R	(b) Kingsnorth PC - X Mersham and Sevington PC -	(c) KHS X , Project Office (Drainage) X , KCC Archaeology X , EA X , KWT X , NE X
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2nd round of consultation

(a) 43/1R	(b) Kingsnorth PC -	(c) KHS - + , EA - + , Project Office (Drainage) - X
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Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council and has an interest in the land. The application is also classed as a major development because of the site area. For these reasons under the Council's scheme of delegation the application must be reported to the Planning Committee for a decision.
2. The Council's interest in this application is that the freehold for part of the application site is due to be transferred to the Council by the developers of

Park Farm South and East for the purposes of sport and leisure. The development is proposed to be funded through S106 contributions associated with this development.

Site and Surroundings

3. The site comprises former agricultural land of rough grassland with a few trees and hedges around the periphery. It is located between Rutledge Avenue to the north west and Cheeseman's Green Lane to the south. The site has an area of just over 7 hectares and is relatively flat.
4. The land is located at the edge of the recently constructed Bridgefield residential development and borders low-lying agricultural land, which is crossed by a dyke with seasonal wetland. There are water courses along three boundaries, one of which is the Ruckinge Dyke, a designated 'main river' under the jurisdiction of the Environment Agency. East of the Ruckinge Dyke is a stretch of land (approximately 100m wide) which is managed through the South Willesborough Dykes Management Plan.
5. The site is located within floodzones 2 and 3. Thus a considerable amount of the site is wet from late November through to April/May.

A site plan detailing the location and extent of the site is detailed in figures 1 and 2 below.

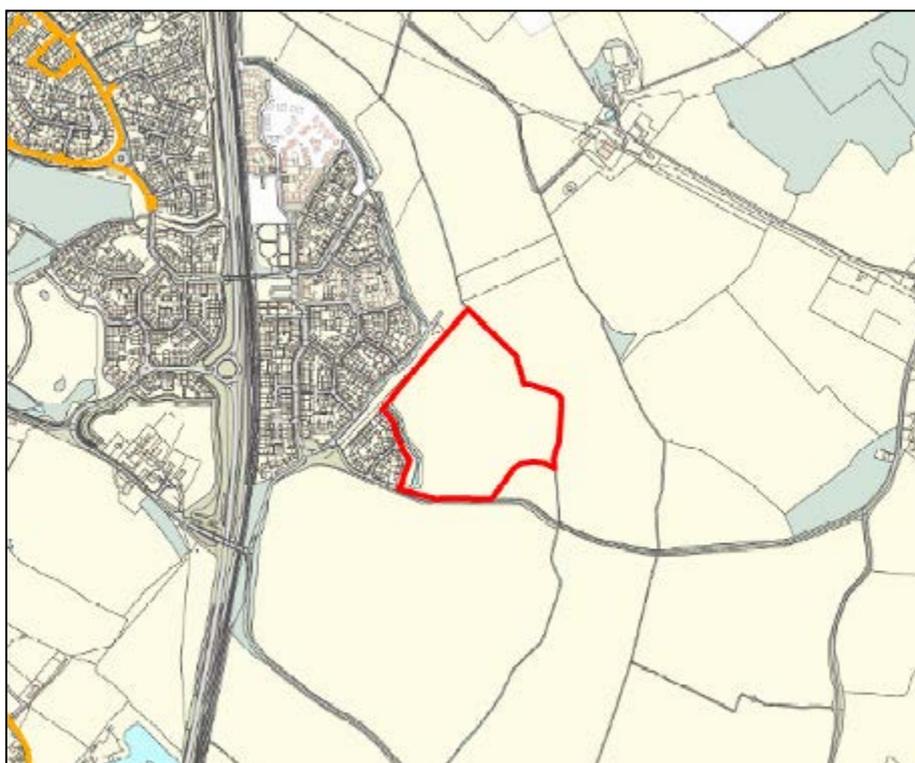


Figure 1: Site location plan



Figure 2: Site plan

Proposal

- Full planning permission is sought for the creation of a local community park, play area and a nature conservation area comprising the following:
- Play area - the play area has been designed to cater for all age groups, providing a play experience different, yet complimentary of what is on offer in the local vicinity. The concept of the play area and designed equipment promotes the three themes of the Iron Age, Nature and Water. The play area will include amongst other play equipment a bespoke tower with two zip wires, trampolines, swings, carved farm animals and small and full size play tractor.
- A publically accessible nature conservation/grazing area.
- Soft and hard landscaped paths (hoggin (clay/gravel and sand mixture), mown grass, asphalt as well as tree planting and an orchard.
- New access to the south of the park with 9 parking spaces, a swing gate and height restrictor.
- New access to the north west including a new pedestrian bridge.

- Creation of a wildlife rich wetland habitat to encourage birds, reptiles, dragonflies and many other associated species.
 - Fencing.
6. The proposed development is in partnership with Kingsnorth Parish Council, with funding through S106. The related S106 agreement requires this local park proposal to be prepared by the Council in consultation with the owners for a sports and leisure scheme. The freehold is subsequently required to be transferred to the Council. The land identified in the legal agreement for the purposes of sport and leisure is detailed in blue in figure 3 below. This shows that additional land adjacent to the Ruckinge Dyke is now proposed to be incorporated into the scheme.



Figure 3: Land identified for a local park

7. Amended plans have been received following consideration of the proposal together with consultation responses and neighbour representations. The proposal has been amended as follows:

- Timber decks were removed from the proposal after residents expressed concerns about the impact they would have upon their privacy
 - Play elements were re-configured and rationalised.
 - Backwaters along Ruckinge Dyke were removed.
 - One of the proposed scrapes was moved into the ecological area.
 - The woodland planting area was rearranged.
 - Areas of impermeable surface were removed to reduce surface water runoff.
 - The parking facilities were moved within the southern area of the site, with an access restricted by a gate and a height restrictor.
8. The proposed development is due to be constructed in a two phased approach. Phase 1 will include the development to the west of the new central footpath. The natural area is proposed to form phase 2.



Figure 4: Illustrative visual



Figure 5: Existing site conditions

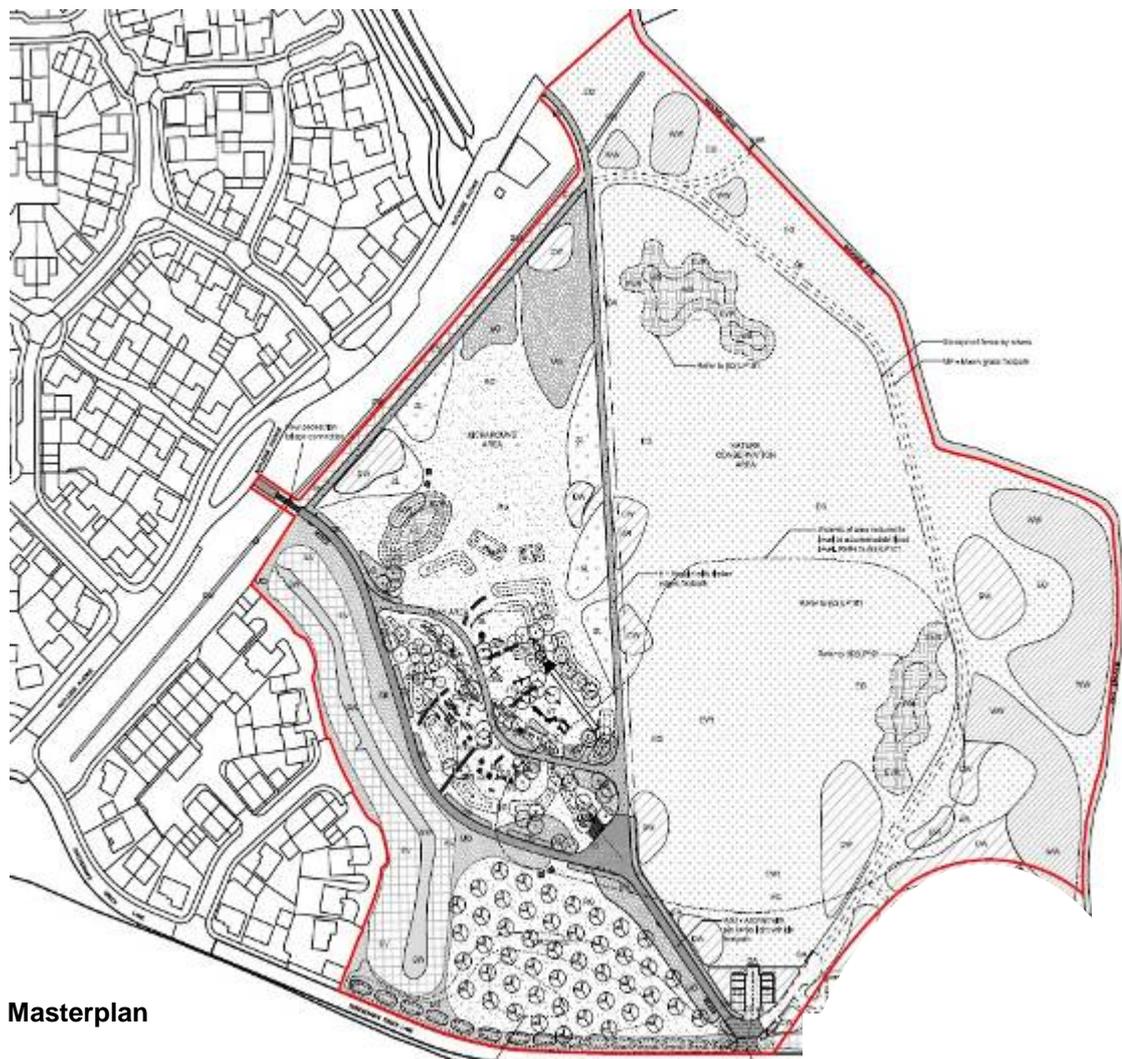


Figure 6: Masterplan

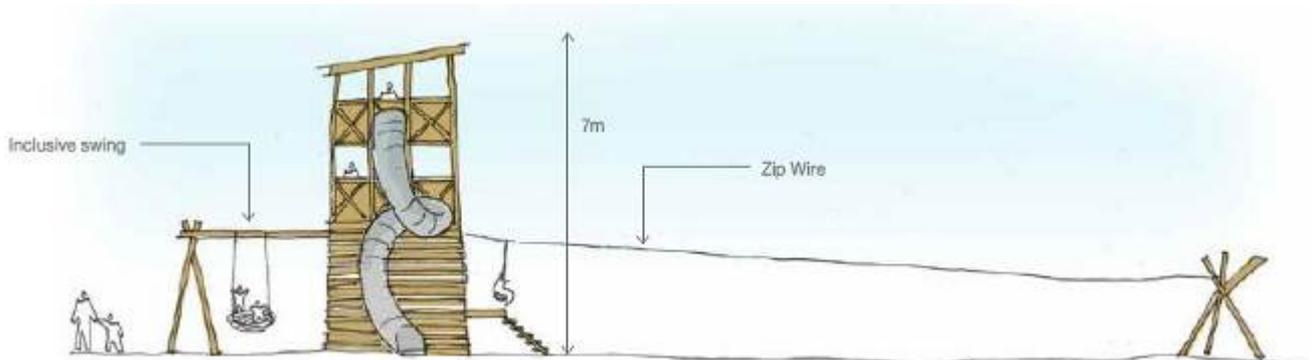


Figure 7: Bespoke tower



Figure 8: Full size tractor

Supporting Documents

9. The documents and reports submitted in support of the planning application are summarised below:

Planning Statement

10. The planning statement explains why this site has been identified as suitable for the development and why the sports and leisure facilities will take this form. It acknowledges that the proposal has changed and evolved from that which was originally envisaged in the Development Brief to meet the sports and open space needs arising from the surrounding residential development at Park Farm South and East. After careful consideration in January 2012 Officers in the Council's Cultural and Project Office Department concluded that the original project brief needed to be amended due to the following factors:
- The ground conditions of the site chosen for the sports area is considered as far from ideal for grass pitches due to the underlying impermeable layer of weald clay and the location in the flood plain.
 - There are potential suitable alternative sites in the vicinity.
 - The capital cost of the mix of play, sports and open space facilities exceed the available S106 budget and therefore needs to be reconsidered.
 - The site is too remote to benefit from passing custom or attract complementary community activity and a café/social meeting area is unlikely to be viable.
11. Bridgefield Park has the ability to create and provide a hugely beneficial open area for public enjoyment and recreation with the additional value of a wildlife area which focuses on the creation of a wetland wildlife reserve.

Design and Access Statement

12. The Design and Access Statement (DAS) states that the masterplan aims to balance nature and people, providing an opportunity to restore and enhance the valuable environment of a wildlife rich wetland habitat on former arable land, creating a park that is a high quality, safe and accessible for the residents of Bridgefield.
13. The DAS reports results from consultation exercises. It states when presented at an event at Furley School the applicant received a positive response from 100% of the people spoken to in support of the scheme with no negative responses to either the layout or scheme components. It specifies that approximately 50% of those spoken to were local to Bridgefield Park with some people living in properties adjacent to the site. There was a mixed response from the consultation event held at the Queen's Head Public House, where some residents vocally opposed the scheme. Generally, those who

supported the scheme were happy with both the layout and scheme components and raised common questions to consider around parking, future maintenance and avoiding antisocial behaviour.

14. The DAS describes the different character zones of the park, the design process and the concepts underpinning the design. It stipulates that the play area will offer a different variety and experience of play, which will complement the existing smaller play offer already installed within the residential development. Due to the location, the play area currently proposed is in a more natural environment being within an environmentally rich site. The result being that this will provide educational and learning benefits. The park will, furthermore, be inclusive for all ages, providing a bigger and varied offer of play.
15. One of the main aims is to enhance the biodiversity of the site. A series of new habitats are proposed within the park, alongside enhancing existing habitats. A mixture of dry and wet woodlands will be positioned around the perimeter of the park. Scrubland, wetland, unmown grass, and wildflower grassland will be integrated throughout the park setting. In addition to scrapes, swales and ponds, it is also suggested to have livestock grazing part of the land as an effective way of managing wildlife conservation.

Ecological Report

16. The ecological report submitted builds upon an earlier report and suggests that conditions were found to be broadly similar to those found in the previous surveys of 2010-11 with a moderate bird population on site that include some species such as skylark and reed bunting (both 'red list' species of conservation concern) and meadow pipit that are breeding in the grassland which is the area most likely to be affected by the proposed development.
17. Bat activity was also similar with the common pipistrelle being the most frequently encountered species on site. With the exception of a single noctule over the grassland, most of the other bat records were confined to areas of scrub and hedgerow, these areas most likely being used as commuting corridors with some incidental feeding on route.
18. The remaining protected species are considered to be mostly absent on site. This includes the great crested newt, of which no evidence was found confirming the presence of the species within the water course surveyed. Furthermore both water vole and badger are also considered to be currently absent however these two species are highly transitory therefore it is quite possible for either species to be found at any time should suitable conditions occur.

19. The report concludes that the grassland habitat was considered to have the potential to support reptile species particularly in those areas of mixed grassland and scrub where foraging and basking opportunities are available, however surprisingly there were no reptiles recorded even though the presence absence survey was extended to provide confidence in the negative result. The previous surveys of 2010-11 identified a single common lizard in the area.
20. The report proposes a set of recommendations to minimise the impact of the development on identified wildlife

Drainage statement

21. The statement reports that the play areas will be located at a suitable level to ensure they are not rendered inaccessible during extended periods of the winter months. If levels need to be increased in order to accommodate this, then flood compensation measures will be introduced elsewhere to balance the flood storage areas.
22. The report states that no significant drainage measures are proposed within the play areas because it is felt that they would not be effective and have a high risk of blockage over a short period of time. This is in part justified by the application which states that the fact that the site is underlain by alluvial deposits, which have a very low permeability, would reduce the effectiveness of any drainage measures installed on-site.
23. Finally the drainage report acknowledges that the proposed asphalt surfaces will generate more surface water on-site. However surface water management and flood compensation measures are proposed to be introduced on-site to ensure this does not increase the flood risk within the area.

Flood Strategy Statement

24. The report specifies that the majority of the site is located within Flood Zone 3, which is considered to have a high risk of flooding (greater than 1% annual probability (1 in 100) of fluvial flooding).
25. To create the proposed ecological areas rich with bio-diversity, it is proposed to excavate certain areas on-site to create 'scrapes'. It is proposed that the spoil generated on site as part of the proposals will remain on-site. In order to ensure there is no loss of functional floodplain storage it is proposed to dispose of the excavated material on areas of the site that are currently above 37.50mAOD.

Planning History

The most recent and relevant planning history is detailed below:

- 01/01155/AS** - Outline planning permission granted for the construction of approximately 780 new houses including up to 60 buildings designed to be capable of accommodating A1, A2, B1 or C3 uses; The construction of a new rail halt on the Ashford to Hastings railway line, together with associated car parking; The construction of a pub restaurant and associated car parking; The provision of public open space, play areas, and associated facilities; The construction of a new roundabout and access on the A2070; The construction of new drainage, roads, footpaths and cycleways and associated highway improvements; The provision of structural landscaping.
- 03/00252/AS** - Planning permission granted for a new roundabout on the A2070 and associated earthworks, noise fence and landscaping.
- 04/01335/AS** - Planning permission granted for a new road linking the southern end of Park Farm South (PFS) with the existing adopted highway network at Finn Farm Road together with associated works in the locality.
- 05/02149/AS** - Reserved matters application approved for 288 dwellings constituting PFS was approved in early 2006. PFS is therefore largely complete with the exception of an area on the Main Square which is retained for a proposed pub/restaurant. To date, the consortium has advised that no operators have expressed any interest in taking forward such a facility.
- 07/00967/AS** - Reserved matters application approved for the southern spine road at PFE, including the layout and landscaping of the associated green space around the eastern 'rural edge'.
- 07/00963/AS** - Reserved matters application approved for the northern and southern link roads linking PFE with the future Cheeseman's Green development.
- 07/01165/AS** - Reserved Matters application approved for the Park Farm South Country Park Landscaping Scheme including a buffer zone.
- 07/02187/AS** - Reserved matters application approved for Phase 2 comprising 202 dwellings at PFE.

- 09/01315/AS** - Reserved Matters application approved for the erection of Phase 3a comprising 79 dwellings at parcels 6 & 7.
- 10/01725/AS** - Reserved matters application approved for the erection of (parcel 9) 21 flats.
- 10/01711/AS** - Outline planning permission granted to renew the original outline permission (01/01155/AS).
- 13/00198/AS** - Reserved matters application approved for the erection of 170 dwellings and retail unit together with associated landscaping, infrastructure and earthworks (phase 3B and phase 4B).
- 14/01070/AS** - Reserved matters application approved for 33 dwellings including 3 affordable units together with access roads, footpaths, cycleways, drainage, car parking, bicycle parking (sheds) and groundworks.

Consultations

First round of consultation responses

Ward Member: The Ward Member Councillor Bartlett who is not a member of the Planning Committee has made no formal representations..

Kingsnorth Parish Council: Raise no objections.

Mersham and Sevington Parish Council: No comments received.

Kent County Council Heritage: No objections subject to a planning condition. Comment that the proposed development has the potential to impact on significant archaeological remains associated with Bronze Age, Iron Age and Romano-British activity. Whilst part of the site has been subject to detailed excavation work (Park Farm East Ashford Wessex Archaeology January 2004) this work revealed the core of a Mid to Late Iron Age settlement and industrial activity. Proposed landscaping works for the park could expose more of the Iron Age settlement and activity around the settlement. A planning condition to secure archaeological work is therefore recommended.

[HDSS&D Comment: It is proposed to secure this detail through a planning condition]

Kent Wildlife Trust: Raise no objections subject to a planning condition to secure the submission of a Conservation Management Plan which shall include intentions and objectives for the proposed conservation area and local biodiversity, a reference

to the adjacent Local Wildlife Site AS19 South Willesborough Dykes and the need for a detailed report on how the proposed development would not negatively impact on that site together with details of measures to be put in place to avoid impact. KWT also request that additional lighting is restricted by condition.

[HDSS&D Comment: It is proposed to secure this detail through a planning condition]

Natural England: No comments received.

KCC Highways and Transportation: Raise objections stating the following:

“Whilst I have objections to the current proposals in respect of highway matters it may be possible to overcome those objections if the following amendments were made: The proposed new access requires adequate visibility splays to be provided. This may require a speed survey to demonstrate that lesser visibility splays are required, as the access falls on the de-restricted road of Cheeseman's Green Lane. The car parking bays fronting Cheeseman's Green Lane are unacceptable. If car parking is desired then I would suggest a car park is provided within the site which will allow vehicles to turn and leave the site in a forward gear. The car parking as proposed will also block visibility from the proposed new access“

[HDSS&D Comment: Amended plans have been requested in accordance with these comments]

Environment Agency: No objections subject to conditions.

River Stour Internal Drainage Board: No objections stating that should any works be proposed which will affect any ordinary watercourse the Board's prior written consent may be required.

[HDSS&D Comment: An informative is proposed to advise the applicant]

Neighbours: 41 neighbours directly consulted, 9 letters of objection received. Issues are summarised below:

- The principle falls far short of the originally proposed infrastructure.
- There is a lack of 'originally proposed infrastructure' (tennis court, football pitch) in the neighbourhood.
- The MUGA cannot be used as a replacement of the original proposal as it is used by the school, not free, needs booking and so on.
- There is no need for allotments and grazing land.

[HDSS&D Comment: The allotments are shown outside of the defined red-line application site and thus do not form part of this application. They are therefore not being considered. Should the applicant decide to pursue this at a later date, any proposal requiring permission will be considered on its merits in the normal manner.]

- Excavation, modification to the gulley/dyke defending Southdown Close which could result in flooding.

[HDSS&D Comment: Technical consultations have taken place with the Environment Agency and the Council's Drainage consultant. No objections have been raised (subject to appropriate planning conditions) in relation to increased flood risk to existing dwellings.]

- The 7m tower proposed as part of the play equipment will directly overlook residential properties resulting in a loss of privacy.
- Noise during daylight because of the playground and from teenagers gathering during night time.

[HDSS&D Comment: There is no evidence to suggest that this would be the case. Should individuals cause a public nuisance that is considered to be unacceptable there are other forms of legislation outside of the planning system that can be used to deal with this.]

- The proposed timber deck close to Southdown Close will be harmful to residential amenity.

[HDSS&D Comment: This timber deck has been removed from the scheme by the applicant in response to neighbours' concerns.]

- It is not considered that this is the right place for a play area.
- Parking problems emerging as a result of the development.

[HDSS&D Comment: Parking provision is considered later in this report.]

- Safety concerns in relation to the dykes and roads for children.
- A food van is not necessary.

[HDSS&D Comment: The permanent siting of a food van would need planning permission in its own right and is not being proposed as part of this application. The temporary sorting of a vehicle such as an ice cream van would however not require permission.

- Parking will also provide opportunity for anti-social, unsavoury and criminal behaviour.

[HDSS&D Comment: There is no evidence to support this.

- Need clarifications on the sum of money involved (£1.7m was available is S106 monies)
- Vehicular access to the park.
- The development could result in a fly-tipping problem.

[HDSS&D Comment: There is no evidence to support this concern. Should fly-tipping occur it will be dealt with by the Council as the landowner.]

Second round of consultation comments following the receipt of amended plans

Parish Council: No comments received.

Environment Agency: No comments received.

KCC Highways and Transportation: No comments received at the time of writing this report.

[HDSS&D Comment: The applicant is preparing further information to demonstrate that adequate visibility splays can be provided. This information had not been submitted at the time of writing this report. Members will be updated in the update report should this information become available.

Ashford Borough Council Project Office (Drainage): Raise no objection subject to a condition requiring full details to be submitted of a sustainable drainage system for the disposal of surface water.

[HDSS&D Comment: It is proposed to secure this detail through a planning condition]

Neighbours: 41 neighbours consulted, 1 letter of objection received. Comments summarised below:

- There is no need for parking facilities as the area is intended for Bridgefield residents.

[HDSS&D Comment: The parking area is proposed to ensure that there is access available for the public although it is anticipated that the majority of the users would

walk to the park. The new access from Cheeseman's Green Lane and the parking facilities will also be used by those maintaining the land.]

- What would be the security measures taken to make sure the place is safe.

[HDSS&D Comment: The site would be managed by the Parish Council who will take responsibility for its management. Any anti-social activity, should it occur, will be dealt with by the police.]

- There is no need for area of mobile catering, as it will generate rubbish and noise.

[HDSS&D Comment: The permanent siting of a food van would need planning permission in its own right and is not being proposed as part of this application. The temporary siting of a vehicle such as an ice cream van would however not require planning permission.]

Planning Policy

26. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.
27. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

S17 - Park Farm Kingsnorth

EN13 - Green Corridors

EN14 - Land Adjoining the Green Corridors

EN30 - Nature Conservation Sites

EN31 - Important Habitats

EN32 - Important Trees and Woodland

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS2 - The Borough Wide Strategy

CS9 - Design Quality

CS11 - Biodiversity and Geological Conservation.

CS19 - Development and Flood Risk

CS20 - Sustainable Drainage

Local Plan to 2030

SP1 - Strategic Objectives

SP6 - Promoting High Quality Design

ENV1 - Biodiversity

ENV2 - The Ashford Green Corridor

ENV4 - Light Pollution and Promoting Dark Skies

ENV6 - Flood Risk

ENV9 - Sustainable Drainage

ENV15 - Archaeology

28. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Park Farm Development Brief 2001

Sustainable Drainage

Public Green Spaces and Water Environment

Dark Skies SPD

SPG1 Green Corridor Action Plan Part 1 [pdf] 3MB

SPG1 Green Corridor Action Plan Part 2 [pdf] 5MB

SPG1 Green Corridor Action Plan Part 3 [pdf] 4MB

Government Advice

29. National Planning Policy Framework (NPPF) 2012. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:
30. The NPPF specifies that high quality open spaces offering opportunities for recreation can make an important contribution to the health and well-being of communities (paragraph 73). It also states that planning decisions should aim to achieve places which promote safe and accessible developments, with clear pedestrian routes and high quality public space.
31. Planning Policy Practice Guidance (NPPG) states that open space can provide health and recreation benefits to people living and working nearby and have an ecological value. They play an essential role in achieving sustainable development.

Assessment

32. The main issues for consideration are:
 - The principle of the development.
 - Visual impact and design quality.
 - Impact upon residential amenity.
 - Highway safety and parking.
 - Flooding /Drainage.
 - Ecology.
 - Others issues: archaeology, landscaping and trees

PRINCIPLE

33. The key consideration is whether the proposals are acceptable under current development plan policies and central government planning guidance. In determining the application due regard should be made to development plan policies and other material considerations which may have changed since the grant of the outline planning permissions in 2001 and 2010.
34. The NPPF emphasises the important role that planning plays in facilitating social interaction and creating healthy, inclusive communities. High quality public spaces are encouraged to ensure the active and continual use of public areas. Policy CS18 refers to meeting the community needs generated by new development.
35. Site specific policy S17 of the Local Plan includes a requirement for facilities to be provided to cater for the impact of and needs arising from the Park Farm south and east residential development. The location of the play area would be in accordance with the location identified in the S106 for such a facility to serve Bridgefield residents. Additional land is also proposed to be provided and whilst this will be largely open space and grazing land, the area will be accessible to the public for leisure use.
36. Furthermore, whilst it is noted that the site was originally anticipated to deliver a greater variety in terms of sports facilities as set out in the Development Brief of 2001 (which proposed 2 sports pitches, a skateboard area and 2 tennis courts), the S106 did not detail exactly that which would be provided but instead provided an extensive list of what could be provided. Matters have ultimately moved on since the Brief was adopted with a move away from facilities being provided on each development site in favour of a 'community hub' approach with certain facilities being centred in other locations still within easy reach. As a result of this, and the Council having assessed current needs, the MUGA (which is available for use by local residents) has already been provided in Kingsnorth village as an alternative to the site subject of this application. A community centre and a 3G pitch is proposed at Finberry which would also be within easy reach of the site. Whilst it is disappointing that the site and budgetary constraints within which the Council must operate do not allow for more facilities to be provided at this specific site I consider that the proposed facilities are reasonable and would help meet the reasonable needs of the Bridgefield development.
37. Whilst planning policy has evolved since the site was secured for the development of sport and leisure facilities, the overall principle of the development is in accordance with established and emerging planning policy and is considered to be acceptable in planning terms.

VISUAL AMENITY

38. The proposed development would not result in the loss of the site for public access and recreational purposes for which it is currently used (albeit very informally). The development would also incorporate good and improved pedestrian links to the new Bridgefield residential development. The proposed play equipment would be located in one of the highest areas of the site Above Ordnance Datum around a central point and the layout and I consider that the design of the equipment would be both coherent and well designed.
39. The proposed additional landscaping and retention of the trees along the site boundaries would be appropriate and would help to provide screening and softening of the development within the landscape, particularly on the approach from the east.
40. The use of hoggin as a surface material for some of the paths and the creation of mown grass footpaths would provide a visually soft appearance that I consider would be appropriate for this semi-rural location in visual terms. The use of asphalt for the main pathway is one that would ensure good maintenance access and could sustain the impact if any flooding events. These areas have been reduced in extent from that originally proposed and would in my opinion sit comfortably within the site without causing visual harm.
41. The new pedestrian bridge to the north west of the site, the proposed swing gate and the height restrictor on the southern eedge (to prevent inappropriate vehicle access) would be appropriate to their function, and as a result of their design would not in my opinion be detrimental to the visual character of the area.
42. The proposed palette of materials for this scheme would echo the natural character of the area and I consider is acceptable.
43. Given all of the above, my conclusion is that the development would not be harmful to the visual amenity of the locality and the character and appearance of the surrounding landscape.

RESIDENTIAL AMENITY

44. The nearest residential dwelling would be located approximately 50 metres away from the play park area. I consider this to be both a sensible and acceptable separation distance. The site has always been allocated for a sport and leisure use since the Development Brief was first adopted. Whilst there will naturally be some noise associated with the use of the area for play this is not unusual and not unreasonable. Play areas are routinely found

adjacent to residential properties so that residents and families can use them and easily access them on foot.

45. I note that some objectors fear that the area will become an area that would see anti-social behaviour occurring. Should this arise it can be dealt with through other legislation outside of the planning system. There is no evidence to suggest that the use of this site would result in anti-social or criminal behaviour. The intention is for the Parish Council to manage the site long term and lock the gate to the car park at night (if this action is deemed to be necessary).
46. The initial plans submitted by the applicant proposed the erection of a timber deck onto a swale located opposite Southdown Close which proved to be a cause for concern. The revised proposal has taken these concerns into account by removing the timber deck from the scheme.
47. Concerns about a loss of privacy through overlooking have also been raised by some of the nearby residents, in particular from use of the 7 metre high tower proposed as part of the play equipment. The tower itself would be approximately 90 metres from the nearest residential dwelling which would not result in an unacceptable relationship and any overlooking would be long distance and of a nature that would not, in my opinion, result in any harm to the amenities of residents.
48. In conclusion, I believe that the development would not be harmful to the residential amenity of the occupiers of the neighbouring dwellings.

HIGHWAY SAFETY AND PARKING

49. The site is located in a sustainable location enabling the majority of visitors to walk to the site. Nine parking spaces are also proposed that would also be used by maintenance vehicles and vehicles bringing grazing animals onto the land. I consider that this amount of parking provision is considered sufficient to serve a park of this size in this specific context. The provision of the parking area would also help to ensure that visitors do not park along Southdown Close and Routledge Way in a manner that might cause problems for local residents.
50. Kent Highways & Transportation initially objected to the proposed parking layout which would have involved vehicles having to reverse out onto Cheeseman's Green Lane. The amended plans have subsequently rearranged vehicular access to the site by allowing vehicles to both enter and exit the site in a forward gear. Whilst in itself this goes some way to address the objection received, the applicant has yet to demonstrate that acceptable visibility splays can be provided. The applicant is in the process of carrying

out speed survey work in consultation with KCC Highways. Should the results of the speed survey show that achievable visibility splays are acceptable with the access in its proposed location then the access could be adjusted /amended or removed in order to overcome KCC highways concerns. My Recommendation proposes that resolution of this matter is delegated to me to agree through continued liaison with Kent Highways & Transportation once the outcome of the speed surveys on visibility splays and related position becomes clear.

51. Subject to an appropriate solution being agreed in consultation with KCC Highways and Transportation, I am satisfied that the development would not result in an adverse impact on highway safety .

FLOODING

52. The development would be located within Floodzones 2 and 3, which means that the land is at high risk of flooding. However, the proposed use of the site as public open space and play areas would represent a low risk to health and safety (and related burdens on the emergency services in the event of a flooding event).
53. The amount of impermeable surfaces that were originally proposed would have resulted in an undesirable increase in surface water run off. The applicant has amended the scheme to reduce these areas and to increase the amount of permeable surfacing. I consider the revised proposals are now acceptable.
54. The Environment Agency has been consulted and has raised no objection in relation to flood risk at the site or neighbouring properties provided that a condition is imposed upon any grant of permission requiring the works to be carried out in accordance with the submitted Flood Risk Assessment. The Agency also require that further details of the compensatory flood storage requirements are submitted and approved prior to the commencement of any works. It is proposed to secure this detail through planning conditions in accordance with this advice.
55. It is therefore considered that flooding will not be increased at the site and that surface water can be appropriately dealt with.

ECOLOGY

56. The development will take place in an ecologically sensitive location. The eastern part of the site is part of the South Willesborough Dykes, which is subject to a management plan in accordance with the provisions of the S106

which accompanies the permission for the development at Park Farm South and East.

57. The applicant's ecological surveys found conditions to be broadly similar to surveys that were conducted in 2010-11. The surveys reported a moderate population of birds including skylark, reed bunting (both red list species of conservation concern) and meadow pipit breeding in the grassland. Bat activities (common pipistrelle) are also recorded on the site.
58. The ecological submissions conclude that most other protected species appear to be absent from the site, but caveat this by identifying that badgers and water voles are transitory species and therefore could be found on site if suitable conditions occurred. No reptiles were identified on site.
59. Although the development will potentially disturb existing wildlife, the proposed natural environment that covers half of the application site (to include wetland, scrapes, a pond, dry and wet woodlands, as well as a grazing area) will provide an environment which will enhance biodiversity and support wildlife.
60. Kent Wildlife Trust has been consulted on this application and do not raise any objections as long as planning conditions are attached to it in order to ensure that the development adheres to the recommendations set out within the submitted survey report and that the mitigation measures proposed within the survey report are implemented.
61. A new Management Plan will need to be submitted incorporating the existing provisions of the South Willesborough Dykes Management Plan to ensure that appropriate ecological conditions are maintained in the future. I propose that this detail is also proposed to be secured by condition.

OTHER ISSUES

62. KCC Archaeology has advised of the archaeological potential of the site but is satisfied that any potential harm can be safeguarded through the use of planning conditions that would ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of any adverse impacts through appropriate preservation and/or recording. I therefore consider that this can be appropriately dealt with by planning condition.

LANDSCAPING/TREES

63. The existing site is mainly clear with some scrubland. The development would not result in the loss of important or significant trees or hedgerows. The

proposal would see the landscaping within the site being enhanced and maintained. Careful thought has also been given to the species and location of new trees to ensure that they are appropriate to the ecological objectives and so the approach is supported.

Human Rights Issues

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

Working with the applicant

65. In accordance with paragraphs 186 and 187 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

66. The proposed works would be located on land allocated for sport and leisure uses, which is in accordance with the aims and objectives of policy S17 of the Ashford Borough Local Plan and the adopted Park Farm Development Brief.
67. The NPPF emphasises the important role that planning plays in facilitating social interaction and creating healthy, inclusive communities. High quality public spaces are encouraged to ensure the active and continual use of public areas. The site will provide a good quality accessible leisure and play space to serve the residents of the newly constructed Bridgefield development.
68. The development would comply with the requirements of the Development Plan as a whole and would not represent a departure from it (policies S17, EN13, EN14, EN30, EN31 and EN32 of the Ashford Borough Local Plan, policies CS1, CS2, CS9, CS11, CS19 and CS20 of the Local Development Core Strategy and policies SP1, SP6, ENV1, ENV2, ENV4, ENV6, ENV9 and ENV15 of the Local Plan to 2030 (Reg 19 Version)).
69. I acknowledge that the proposal does depart from the type of facilities that were originally envisaged as being possible for the site in the adopted Park Farm Development Brief (2001). However, during the time that has elapsed

since its adoption it has been necessary to reconsider the facilities that would best serve the needs of the Bridgefield development at the present time in the light of the site constraints and budget restrictions.

70. I consider that the objections of KCC Highways and Transportation can be reasonably overcome through the provision of speed survey data and any consequential minor changes to the proposal arising therefrom.
71. No significant harm to the visual amenity of the surrounding area would be caused by the proposed development.
72. The impact of the proposal upon residential amenity is acceptable.

Recommendation

Recommendation

- (a) **Subject to the applicant submitting the results of a speed survey to the Local Planning Authority that demonstrates to the satisfaction of Kent Highways and Transportation that acceptable visibility splays from the proposed new access to Cheeseman's Green Lane can be provided from the access position either as currently identified or to be adjusted through a minor position change to be shown on an amended site layout plan to be submitted to the Local Planning Authority by the applicant**

with delegated authority to the Head of Development Strategic Sites and Design to approve any minor site layout change regarding the access to Cheeseman's Green Lane and to make changes to planning conditions including amending conditions, adding additional conditions (including those that might be necessary to deal with the outcome of the speed survey and access position) or deleting conditions, as she sees fit.

- (b) **Permit**

Subject to the following conditions and notes:

Time limit for implementation

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

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

Detailed Design to be submitted

2. No development shall take place until detailed plans and information regarding the following aspects of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details
 - a) Full details including materials and colour of all gates, fencing, the height restrictor and footbridge
 - b) Full details of the following proposed play equipment: Large Tractor, Bespoke Tower, Bespoke Trail.

Reason: In the interests of visual amenity

Landscaping

3. Within 6 months of the date of this permission full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the next planting season. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the visual protection and enhancement of the area.

Archaeology

4. No development relating to the construction of the play park, car park and footpaths shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with NPPF.

Drainage

5. No development shall commence until plans and particulars for a sustainable drainage system for the disposal of the site's surface water has been submitted and approved in writing by Local Planning Authority.

The drainage plan for the scheme shall ensure that surface water runoff from the site is being dealt with appropriately and in line with the Council's adopted Sustainable Drainage SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

Written consent should be provided by either Kent County Council, or the local Internal Drainage Board where any works proposed will have the potential to affect any ordinary watercourse. This includes any works which could impede flow, block / narrow a watercourse, blocking drainage routes or pipes.

Reason: In order to reduce the impact of the development on flooding, manage runoff flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

Flood Risk

6. The development hereby approved shall be carried out in accordance with the approved Flood Strategy Statement by BDP dated 14 November 2016 with further details of the provision of compensatory flood storage requirements to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any works.

Reason: To prevent the increase in flood risk.

Biodiversity

7. Development shall be carried out in accordance with the mitigation recommendations of the Approved Update to Ecological Surveys Bridgefields Sport Site South Ashford document by Marsh Environmental dated August 2015 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance biodiversity and to protect the existing populations of protected species and improve their habitat on the site.

Management plan

8. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and agreed in writing by the Local Planning Authority following consultation with Kent Wildlife Trust. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. shall include the following elements:

- details of any new habitat created on site
- details of extent and type of new planting (NB planting to be of native species)
- details of design and maintenance regimes, particularly for the backwaters, scrapes and other water bodies being created.
- details of an 8m buffer zone adjacent to the Ruckinge Dyke and proposed backwaters
- details of management responsibilities

Reasons: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of this site, adjacent to the South Willesborough Dykes Local Wildlife Site, in line with national planning policy.

Lighting

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

Reason: To preserve the habitat of protected species and in accordance with the Dark Skies SPD

Parking

10. The area shown on the drawing number (90)LP00 as vehicle parking space, shall be provided, before the new access is brought into use and shall be retained for the use of the occupiers of, and visitors to, the development, and

no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: In the interests of highway safety.

Development in accordance with approved plans

11. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

Monitoring and enforcement

12. The development shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

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

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 186 and 187 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/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Internal Drainage Board Informative

The site of this application is within the River Stour IDB's district. Therefore, should any works be proposed which will affect any ordinary watercourse the Board's prior written consent may be required. A copy of the Board's byelaws is available to view within the IDB's consultation response to the Council in respect of this application dated 04th January 2017.

3. Signage

This permission does not grant advertisement consent for any signage which may require the benefit of separate application for advertisement consent.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01704/AS.

Contact Officer: Paolo Lesbordes

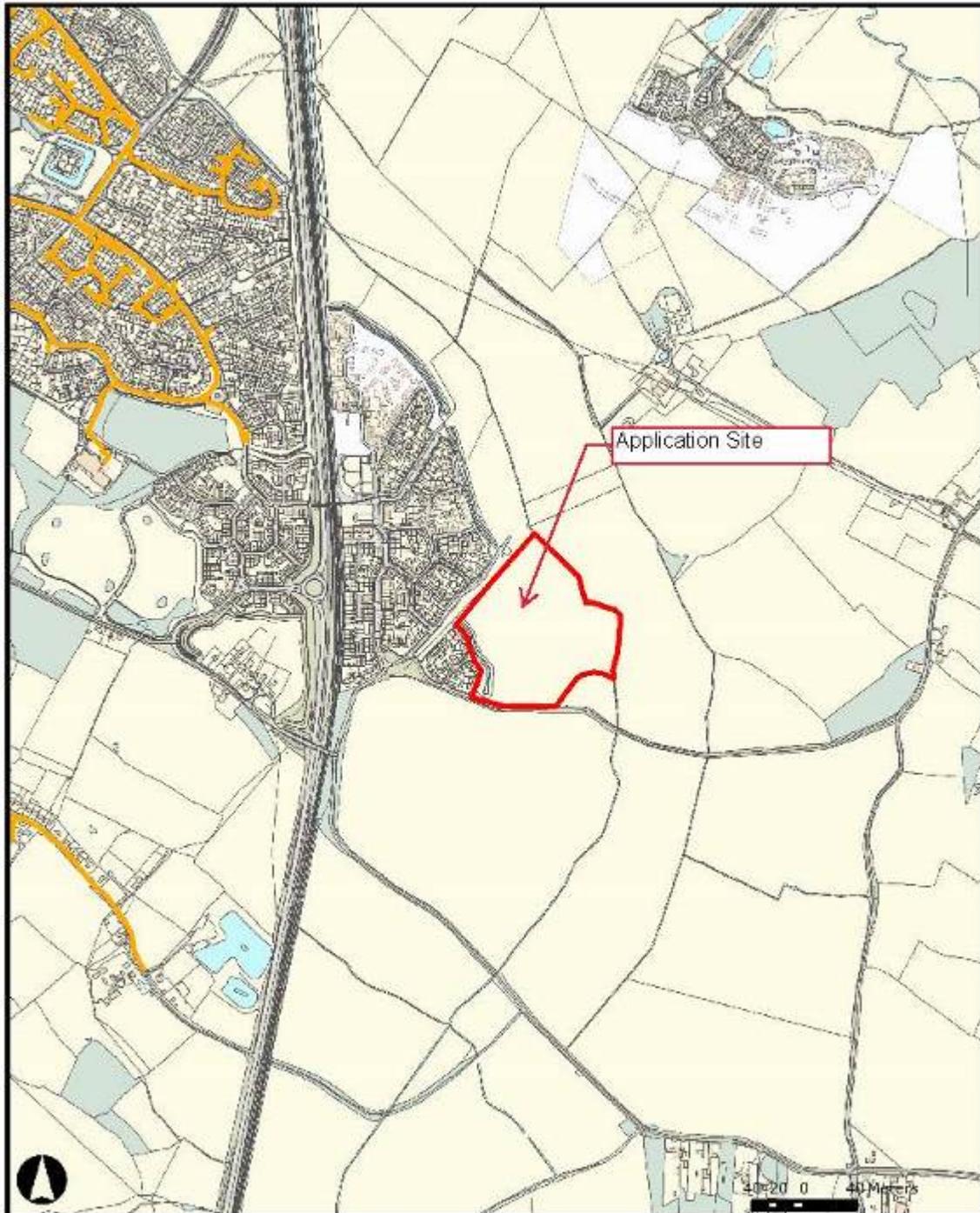
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Annex 1



Ashford Borough Council



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