

Application Number	16/1722/AS
Location	Land between Hinxhill Road and Hythe Road, Willesborough, Kent
Grid Reference	04251/41740
Ward	North Willesborough (Ashford)
Application Description	Full planning application for a new link road to the rear of the William Harvey Hospital from the A20 and 192 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks
Applicant	Bellway Homes, Thames Gateway, The Observatory, 1st Floor, Osprey House, Crayfields Business Park Orpington, Kent. BR5 3QJ
Agent	Barton Willmore, The Observatory, Osprey House Southfleet Road, Ebsfleet, Dartford, Kent. DA10 0DF
Site Area	9.78 hectares

(a) 204/12R 2X	(b) Wye R,	(c) KHS R, HE X, HPCS X, KCC (DCU) X, SSOT R, EA X, KCC (PROW) X SE R, KFA X, EHM (EP) X, ES (contacts) X, HE X, HM X, KWT X, NE X, PCT X, PO (drainage) R, , SW X, KCC (Flooding) X, KCC (Heritage) X, AONB X, EH X
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Amends

204/

Amends

KHS R, SSOT R, ES (Protection) R, EH X

Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a “major” development that requires determination by the Planning Committee under the Council’s scheme of delegation.

2. The application site (9.78 hectares) is identified for residential development in policy U14 of the adopted Urban Sites and Infrastructure DPD for an indicative capacity of 200 dwellings in order to facilitate a secondary access to the William Harvey Hospital. The site allocation is carried forward in policy S17 of the Ashford Local Plan 2030 Regulation 19 Version June 2016 (as amended in July 2017) (Draft) which now states a development capacity for up to 200 dwellings. The application site covers only part of the policy U14 allocation which includes the smaller Highmead House site (1.75 hectares) that is in different ownership. This site was subject to a separate outline application ref 15/01550/AS for the construction of 28 dwellings. Members' resolved to grant planning permission for this development in March 2017 subject to the completion of a section 106 planning obligation agreement. That agreement has yet to be signed. The U14 site allocation is shown in Figure 1 below. Breeches Wood is part of the allocation site but is not part of the planning application site.

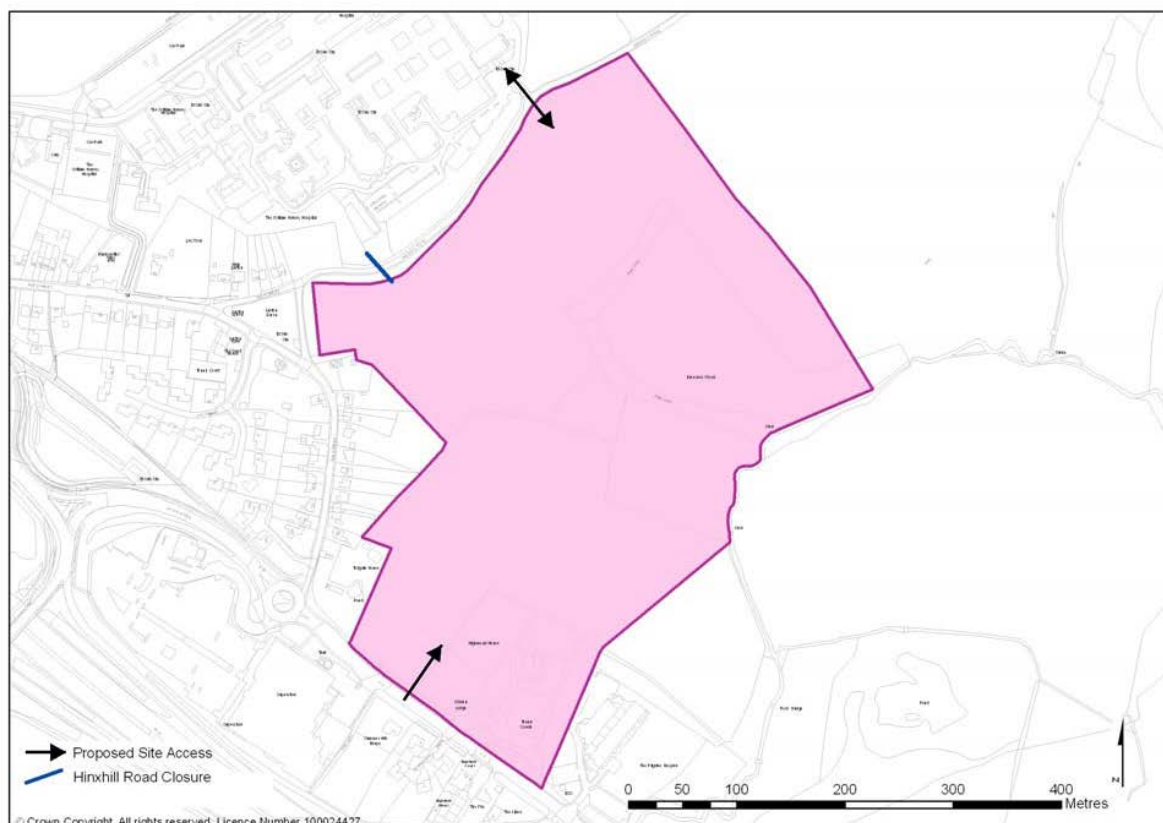


Figure 1 Policy U14 - Land at Willesborough Lees

3. This full application was submitted in November 2016 and followed on from pre-application discussions. The original proposal was for 207 dwellings but this has been amended to the current scheme for 192 dwellings. The amendments were submitted in August 2017 and have been subject to full consultation.
4. The applicant also submitted in October 2016 a separate outline application ref 16/01512/AS on the same site for up to 207 dwellings. This was reported to the 19 July 2017 Planning Committee. The Council had requested details of some of the reserved matters in order to determine the outline application. The applicant decided not to provide these and had instead appealed on grounds of non-determination of the application by the Council within the statutory time period. The purpose of the report was to agree the Council's case to be presented at appeal.
5. I advised Members that as the outline application was for an up to number with all matters reserved (apart from access) that many of the design aspirations for the site could be dealt with through planning conditions. The final details (apart from access) and numbers therefore would be fixed at the detailed reserved matters application stage. The applicant had agreed to a condition restricting the number of dwellings up to a maximum of 192 dwellings based on negotiations that had been undertaken on this full application where details were provided. The Council's original objection to the appeal was the unacceptable level of affordable housing (the applicant proposing 10% affordable, based on a submitted viability appraisal) compared to the adopted development plan policy compliant requirement of 30%. This proposition had been assessed by the Council's expert viability consultant who disagreed that such a level of reduced affordable housing provision was justified. Further information and negotiations resulted in a revised offer of 20% affordable housing made by the applicant and this was considered to be reasonable by the Council's consultant. Members' agreed to this as part of a set of planning obligations and planning conditions that the Council would seek at the appeal.
6. The appeal was dealt with by way of a hearing on 25 July 2017. The Inspector allowed the appeal and changed the description of the outline permission to up to 192 dwellings rather than accepting a planning condition to achieve the same objective. The decision was subject to planning conditions and a section 106 planning agreement signed by the Council and applicant providing for infrastructure contributions including 20% affordable housing.
7. This full application for 192 dwellings has continued with the applicant submitting amended plans in August and requesting a determination at the September committee. I have outlined in my analysis further below that I considered the scheme detail is now generally acceptable. There are however

9. The site area is irregularly shaped comprising of two fields which narrows towards the centre where a seasonal watercourse separates the northern and southern parts of the site. The northern part of the site is relatively flat with a gradual slope upwards from the central watercourse until it reaches Hinxhill Road. The southern section has a more significant change in levels sloping upwards more steeply from the watercourse to the Highmead House/A20 boundary before sloping down to the south east boundary near to the Pilgrims Hospice. There is a significant change in levels on the A20 southern boundary where there is a steep embankment that drops some 3m to the A20. This boundary contains substantial vegetation and trees.
10. The northern boundary of the site to Hinxhill Road is characterised by a highway boundary hedgerow and an area of more substantial trees and vegetation around the Lacton Green junction to the west. On the opposite side of Hinxhill Road is the William Harvey Hospital which is significantly screened by its own boundary vegetation. It is also the location of the current emergency access from the hospital to Hinxhill Road sited opposite the north east corner of the application site. Adjacent and east of the Hospital's emergency access is the Willesborough Lees and Flowergarden Wood Local Wildlife site.
11. On the eastern boundary is Breeches Wood which contains substantial trees and has no public access. The woodland does not cover the whole of the eastern boundary as the areas between Breeches Wood and Hinxhill Road and between Breeches Wood and Pilgrims Hospice are open fields with no boundary demarcation with views of open countryside beyond.
12. To the south is the A20 Hythe Road characterised by sporadic ribbon development (mainly housing) on either side of the road. This include Highmead House a substantial Edwardian house within large grounds and the Pilgrims Hospice. The Tesco Crooksfoot store lies to the south west close to the Crooksfoot roundabout.
13. Immediately to the west of the site are the rear garden boundaries of houses along The Street and further to the north-west is Lacton Green a small triangular green space. The Lacton Green Conservation Area adjoins the western boundary of the site and runs through a small portion of the site on its north western boundary. There are a number listed buildings along The Street in particular two prominent ones at either end: 124/126 The Street by Lacton Green and 154 The Street at the southern end located close to the Crooksfoot roundabout. The other Grade II listed buildings nearby along The Street are as follows;-
 - Eastern side - 130/132/134 and 146/148 The Street

- Western side - 121/123 the street and 105 The street (little 107 The street forms a group which is of local interest)
14. Further towards Lacton Green there is Lacton Farmhouse, Oast house and Barn which all form a group. The grade II listed Blacksmith's Arms lies just beyond this group.
15. There are no TPO trees within the site. There is a TPO tree within the grounds of Highmead House near to the southern boundary. The main tree/hedgerow features of the site are a substantial belt of tall trees around Lacton Green Junction which lie partly in the conservation area. There is a mainly continuous hedgerow along Hinxhill Road and trees and a hedgerow along the A20 boundary. Breeches Wood also lies adjacent to part of the eastern boundary.

Proposal

16. The application is for full planning permission for 192 dwellings with new accesses point to Hinxhill Road and A20. The proposed layout including open space area is show in Figure 3 below.



Figure 3 site layout

17. The proposals will involve a new signalised junction to the A20 located in the field adjacent to the Highmead House curtilage. The access will involve significant engineering work going through a steep embankment that raises some 3m from the A20 boundary. The A20 access is the start of the new link road (with cycleway) that will travel through the site to a new access point onto Hinxhill Road, located opposite the current emergency access point serving the William Harvey Hospital. Hinxhill Road will be closed off to through vehicular traffic immediately to the west of the new access and further down around 90 m from the Lacton Green Junction. A series of secondary streets and home zone areas will access off the main route around the site. This includes access to the closed off section of Hinxhill Road that will serve a number of dwellings along this frontage.
18. The layout includes two main areas of public open space. The first is the area adjacent to Lacton Green and the significant listed building 124/126 The Street. The space gradually narrows from Lacton Green creating a 'green wedge' from Lacton Green to Breeches Wood. The second area is adjacent to Breeches Wood near the central watercourse and will contain an informal kick around area and play area. This is on sloped ground and it is proposed to regrade the informal kick around area to allow level use of the facility. The play area, at present, is shown on land with a slope.
19. The dwellings are two storey in height with a mix of detached, semi-detached and terraced houses and one apartment block which is also two storeys. The breakdown of dwellings is as follows:
 - 22 x 2 bed Houses.
 - 83 x 3 bed Houses.
 - 70 x 4 bed houses.
 - 11 5 bed houses.
 - 2 x 1 bed apartment.
 - 4 x 2 bed apartment.
20. The dwellings would have a mix of roof forms, with hips, gables and some chimneys and features such as bays and entrance canopies. They would be finished in a mix of clay roof tiles, tile hanging, multi red brick and some white weatherboarding. A selection of streetscenes is shown in Figure 4 below.

Ashford Borough Council - Report of Head of Development, Strategic Sites and Design Planning Committee 20 September 2017





Figure 4 street scene sections

21. The main impacts on existing trees and hedgerow will be from the two access points to A20 and Hinxhill Road along with the frontage dwellings along Hinxhill Road. The A20 access will go through an existing embankment area containing existing trees and vegetation. Its construction will involve the removal of 8no. category C trees and 1no category C group to facilitate the construction. The Hinxhill access and frontage development along Hinxhill Road will result in the removal of most of the existing category C hedgerow on this boundary removing a length of 27 m to the east and 113 m to the west. Two further category C trees further to the west will also be removed along the Hinxhill road boundary. The central main access road will involve removal of 11m of a category C blackthorn hedgerow. Some boundary trees will be pruned including to allow access of two footpath links through the substantial ornamental belt of trees bounding the Lacton Green/ north west corner of the site which otherwise is retained.
22. Further planting is proposed around the site including a planting buffer around 10m in depth located between Breeches Wood and Hinxhill Road which currently is an open field with no boundary demarcation. A new hedgerow and

planting is also shown on the exposed south east corner as the site allocation ends in the middle of a field with no current boundary demarcation.

23. Drainage attenuation is proposed via a series of swales/ attenuation basins located around the site in the green spaces including the main open space areas. Other attenuation methods are through permeable paving and oversize pipes. The opens space layout and location of basins is shown in Figure 5 below.

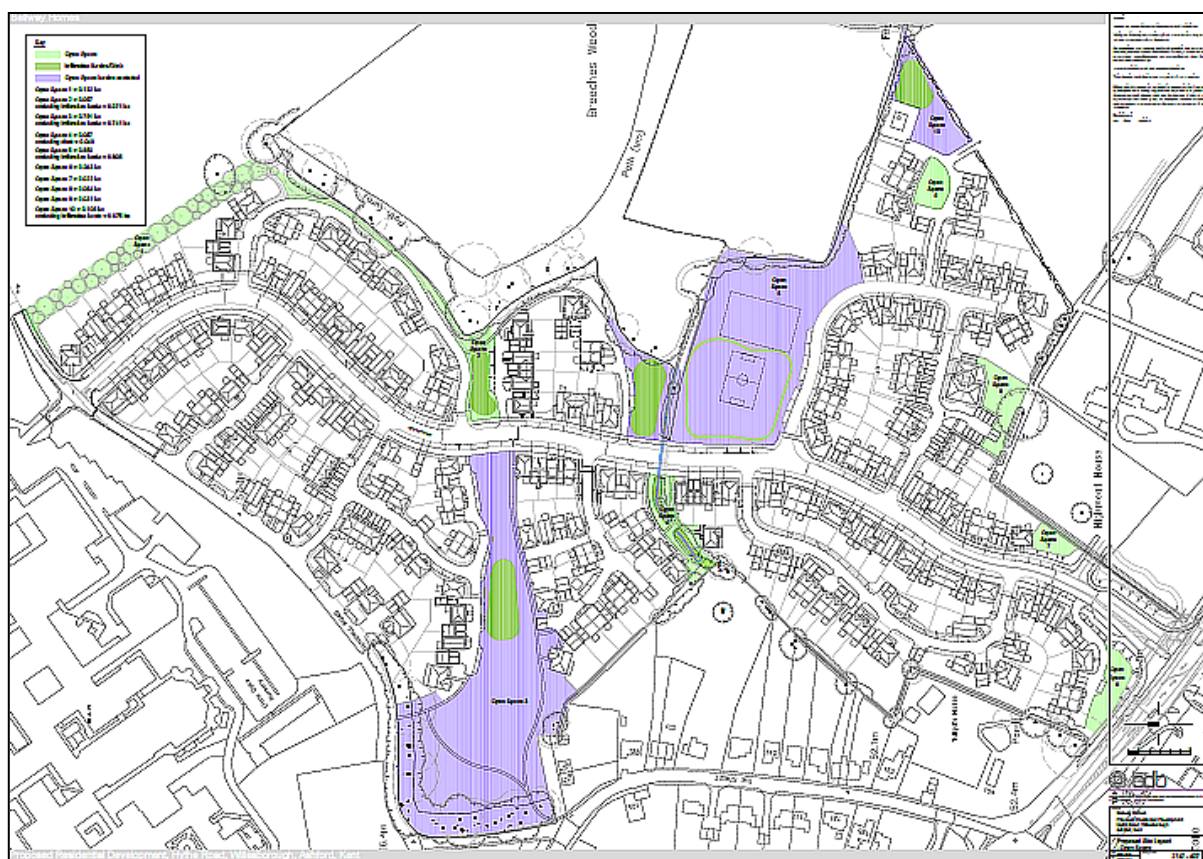


Figure 5 open space layout and basin locations

24. The application is supported by a number of documents and plans as follows:-

Planning Statement (November 2016)

- This planning statement is submitted in respect of a Full application for the development of the Site for 207 dwellings and new Link Road along with associated landscaping, open space, play equipment, drainage, infrastructure and earthworks.

- The Site is allocated by Policy U14 of the USIDPD for a residential development with an indicative capacity of 200 dwellings including the neighbouring site at Highmead House. The principle of the development is therefore established through this policy allocation. Further, the Site is located in a sustainable location, with good access for future residents to local services via a range of transport options other than the private car. The delivery of this sustainable development should be given significant weight, where the Borough Council is currently unable to demonstrate a 5 year housing land supply, which this development makes a valuable contribution towards.
- The Site is not constrained by any landscape or ecological designations. A very small part of the Site lies within the Lacton Green Conservation Area and within an area of flood risk, but development is located outside these areas and will not adversely impact on them. The planning application is supported by a comprehensive suite of technical reports, which demonstrate that the proposed development does not give rise to any harmful environmental impacts. The submitted layout plan includes features such as the creation of a garden buffer zone and the installation of new native boundary hedging, along with the retention of important hedgerows within and on the boundary of the Site in order to fully mitigate the impact of the development.
- The detailed design and layout of the scheme has been prepared in accordance with adopted local design standards and has been sensitively developed having had regard to the local character and context of the Site and provides enhanced connectivity with the local area.
- The proposals have been the subject of public consultation and significant pre-application discussions. The public consultation event attracted little public interest and those in attendance generally supported the proposals. Through dialogue with Officers at the Borough Council significant changes have been made to the proposals to address design feedback.
- The proposed development would offer public benefit through the delivery of the Link Road through the Site from the A20 to Hinxhill Road. This would reduce traffic on The Street and provide the opportunity for the provision of a secondary hospital access if required in the future.
- It is a key theme of the NPPF that there is a 'presumption in favour of sustainable development.' The applicant's case is that the application demonstrates compliance with the themes in the NPPF and is considered to represent a sustainable form of development.

- Therefore, it is concluded that the proposals are acceptable and will contribute towards creating a high quality environment. As such, the proposals should be supported and planning permission granted without delay (NPPF, para 14).

Design and Access Statement (July 2017)

The key design concepts include:

- A highly permeable layout and connection to the existing settlement
- Creating a legible townscape in which residents and visitors can orientate themselves
- Creating cohesive character areas within the scheme which seeks to create a place with its own identity, with distinguishable street and spaces.
- Creating a high quality design with an individual identity that sits comfortably within the surrounding environment.
- Adopting a linear form of development inspired by a rigorous analysis of existing historic Kentish villages in the immediate area, whereby settlement occurs along a linear route with areas of concentrated development happening around nodal points.
- Maximising the opportunity for views of the surrounding countryside.
- Creating a robust and sustainable high quality public realm through orientation and treatment of buildings to provide a safe and secure environment
- Introducing clear distinctions between public and private spaces.
- Providing a series of attractive spaces and streets of an appropriate human scale and softened with a high quality landscape scheme.
- Overall the site is developed at a density of 20 dwellings per hectare gross/26 dwellings per hectare net
- The scale will be generally 2–storeys in height, with 2–storey blocks of apartments.
- A strong tree lined structure to the main streets.
- Robust hedge planting to streets and key pedestrian routes.

- The proposed development will create an exciting residential area in what is already recognised as a desirable place to live. The detailed proposals are supported by the wide-ranging existing amenities, access to public transport and places to work.
- The layout will reconcile the opportunities and constraints presented and offers a solution that can be seen to maximise the potential of the new development.
- A high quality scheme is proposed with a mix of tenure that responds to an identified need and will provide significant planning benefits to the local area.
- The proposals are in accordance with the council's adopted development plan and the requirements of Policy U14 of the urban sites and infrastructure DPD. The access has been designed to accommodate traffic from the development and any future secondary access from the William Harvey Hospital.
- The intention is to provide a proportion of affordable housing to ensure an appropriate mix of house types and tenure is delivered.
- Overall the proposed development represents a high quality, well designed and sustainable development on a site that has been identified as suitable for new residential development.

Phase 1 Geo-Environmental Assessment (October 2016)

- A desk study site appraisal has been undertaken for the site.
- It is considered that the geotechnical and potential contamination (albeit slight) issues on this site can be dealt with by simple engineering methods which would be confirmed upon completion of the Phase 2 intrusive works. Furthermore, it is considered that land contamination issues are highly unlikely to form a material planning constraint. As such it suggested that the requirement for Phase 2 intrusive investigation is secured by planning condition.

Heritage Statement (November 2016)

- There are no designated or non-designated built heritage assets located within the Site, however, a very small section to its northwest sits within the Lacton Green Conservation Area; this section is, though, considered to be of low significance and will, additionally remain as undeveloped land.

- There are varying degrees of intervisibility with the Lacton Green CA from the western boundary of the Site and intervisibility between the Site with seven Grade II listed buildings, which sit on The Street to the west of the Site.
- There already exists a certain amount of natural buffering to the east of the CA, which will assist in mitigating any intervisibility between the Site and the Conservation Area and the listed buildings.
- Additionally, the proposal incorporates gardens backing onto the Site's western boundary line, tree screening and enhanced vegetation in order to reduce indivisibility between the Site with these heritage assets.
- The implementation of the mitigation measures, as outlined and discussed in this document, will rend the proposal neutral and in respect of these conclusions, we recommend that the proposal be accepted by Ashford Borough Council

Noise Impact Assessment (August 2017)

- A 48-hour Environmental Noise Survey has been conducted for a proposed development.
- The survey was undertaken to enable mitigation advice to be provided including suitable glazing and ventilation specifications for properties affected by road noise.
- Subject to implementation of the mitigation proposals, such a glazing positioning on dwellings near A20, the applicant considers that there are no reasons why the development should be refused planning permission on the grounds of noise.

Landscape and Visual Impact Assessment (November 2016).

- The proposed development would not result in any significant adverse effects on either landscape character or visual amenity of the setting to the site.
- The character and appearance of the site would change but there is the potential to set development within a robust and attractive green framework, incorporating existing site vegetation, which would allow any development to be readily integrated into the existing urban fabric. The landscape treatments would also provide an enduring and logical new eastern boundary to the settlement
- The Assessment concludes that the scheme could be accommodated without causing any substantial landscape impact beyond its own boundaries and therefore has merit

Archaeological Desk Based Assessment

- The study site can be considered to have a low archaeological potential for significant remains for all past periods of human activity.
- As no remains of national significance have been demonstrated to be present within the site, it is recommended that any further mitigation measures could follow the grant of planning permission secured by an appropriate archaeological planning condition.

Framework Residential Travel Plan (November 2016)

- This FRTP sets out proposals to be adopted in order to reduce the reliance on single car occupancy, to reduce demand for on-site car parking, and to maximise the use of more sustainable forms of travel such as walking, cycling, public transport and car sharing by future residents of the development. A Final Residential Travel Plan (based on the FRTP) would be prepared as part of a detailed planning application or application for approval of reserved matters following the grant of an outline planning permission
- The inclusion of a Travel Plan would be expected to be secured through a planning condition with costs associated with the monitoring and implementation of the Travel Plan to be met by the developer.

Flood Risk Assessment (August 2017)

- This report is based on information received from the Environment Agency, Southern Water, British Geological Survey records and the Ashford District Council's Strategic Flood Risk assessment.
- The information provided by the Environment Agency in July 2016 indicates that majority of the site is within Flood Zone 1 with a very small portion to the east located within Flood Zone 3. All built development is proposed within the Flood Zone 1.
- The development may incorporate permeable pavement where possible to further reduce run-off rates, provide preliminary treatment and help attenuate surface water.
- Soakage testing undertaken on site indicates low to nil soakage and therefore has been agreed in principal with Ashford Borough and Kent County Council that a discharge rate of 4 l/s/ha will be permitted which reflects the SPD allowance for impermeable soils.

- The on-site sustainable drainage system will be designed to ultimately cater for events up to and including a 1 in 100 year storm event plus 40% climate change
- This report has identified that suitable measures will be in place to prevent pollution or contamination to either the public sewers, watercourses or groundwater during the construction process
- The use of permeable paving, swales and on-site attenuation storage will help reduce the risk of flooding by managing surface water run-off near its source and reducing the peak run-off rate and volume
- This Flood Risk Assessment has demonstrated that the proposed development is fully compliant with the requirements of the NPPF and other legislative and guidance documents and therefore should not constrain the grant of planning permission of the proposed development on flooding or surface water drainage terms.
- A Detailed surface water drainage strategy plan is provided

Ecological Appraisal (August 2017)

- Aspect Ecology has carried out an ecological appraisal of the proposed development, based on the results of a desktop study, Phase 1 habitat survey and a number of detailed protected species surveys
- No designations are considered likely to be adversely affected by the proposals.
- The extended Phase 1 habitat survey has established that the site is dominated by habitats of low to moderate ecological value and the proposals have sought to retain those features of greatest relative value.
- The habitats within the site support, or have some minor potential to support small numbers of protected species, including species protected under the provisions of relevant legislation (in particular Badger and common nesting birds).
- The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals would result in significant harm to biodiversity.
- A separate confidential badger survey has also been provided recommending a 15m exclusion

Residential Space standard check list

- This is provided for all of the typologies.

Arboriculture Impact assessment (August 2017)

- In keeping with the recommendations of BS5837:2012, our assessment of the proposed development in relation to the existing trees is presented as a *Preliminary* Tree Protection Plan.
- The site's significant trees are regarded as Breeches Wood (W1), an ornamental belt of trees bounding the north west corner of the site (G11), a veteran Pear (T9), a mature standalone Turkey Oak (T15) and a belt of trees bounding an adjacent property in the far south east corner of the site (G4 and T16
- Tree preservation order (TPO No.4, 2010) confirmed on trees within the garden of neighbouring Highmead House which are within influence of the application area.
- The current indicative proposals in principle necessitate the removal of 8no. category C trees and 1no. category C group to facilitate the construction of a proposed vehicular access with Hythe Road These removals are T3 – T6 & T8 Sycamore, T7 Beech G1 Hawthorn.
- In addition, internally, the indicative masterplan framework necessitates the removal of one c.18m section of H4 to facilitate the proposed spine road linking Hythe Road and William Harvey Hospital.
- The proposed vehicular accesses to Hinxhill Road in the north necessitate the removal of T22, T23 c.113m & c.27m of H9 and the proposed access with Highmead House in the east c.11m of H1.
- It will be necessary to prune boundary trees T13 & T14, and groups G7 and G8 to provide sufficient clearance to construct plot nos. 123, 113, and 85 respectively,
- It will also be necessary to selectively prune 2no. sections of G11 to facilitate the installation and use of 2no. proposed footpath links.
- Mitigation- Pending the acceptability of proposals, the small number of trees recommended for removal can be mitigated for as part of a comprehensive scheme of soft landscaping.

- It is our professional opinion that, the proposals put forward allow for confidence in the long-term viability of retained and appropriate tree cover, and would not result in harm to the wider treescape
- Safeguards Protective Barriers Ground Protection Supervised Excavation No Dig Construction

Transport Assessment/Addendum (August 2017).

- The principle of development has been the subject of extensive transport and traffic analysis and the TA makes reference to the previous assessments undertaken by Jacobs (in 2010) and Parsons Brinckerhoff (in 2013).
- The TA has examined two development scenarios:
 - (i) Scenario 1 considers the proposed development with only the M20 Junction 10 in place; and
 - (ii) Scenario 2 considers the proposed development with both the M20 Junction 10 and the proposed new M20 Junction 10A in place, which includes the redistribution of base traffic flows on the A20 Hythe Road past the frontage of the application site.
- In both scenarios the capacity analysis presented shows that the proposed primary site access junction can operate within capacity without detrimental impact on the operation of the Tesco roundabout, which is considered to be the key constraint on the local highway network.
- The inclusion of the proposed Link Road to create a secondary access to The William Harvey Hospital and the closure in part of Hinxhill Road, would also lead to a reduction in vehicle through movements locally within Willesborough Lees, notably on the A2070 Kennington Road and The Street. The resulting redistribution of traffic arising from these proposals would again reduce traffic in these areas and improve safety.
- 2010 Jacobs study and associated capacity calculations of the primary site access junction with the A20 Hythe Road, assumed that 40% of existing Hospital traffic approaching from the M20 Junction 10 would transfer to the secondary access.
- To ensure that the development proposals do not prejudice the Hospital in the future, it is proposed to provide a crossroads junction arrangement for the secondary access to the development from Hinxhill Road in order that the Hospital may provide an appropriate means of access, should this be

required. As such, it is considered that the proposed secondary site access junction would not prejudice the Hospital bringing forward an appropriate secondary junction arrangement in the future.

- Closing Hinxhill Road to through traffic, which would in turn be diverted through the proposed development via the proposed Link Road, would lead to a reduction in vehicle movements on The Street of approximately -321, -170 and -2,329 in the AM peak, PM peak and daily periods respectively. This would lead to improved traffic conditions locally and a safety benefit not only to the proposed new residents of the site, but also to the existing residents in the vicinity of Willesborough Lees.
- A review of trip rates has been undertaken and shows that the trip generation arising from the proposed development (with the inclusion of the Highmead House development) is comparable with the assessments undertaken by Jacobs in 2010 and Parsons Brinkerhoff in 2013.
- It is proposed to provide a 3.0m shared footpath / cycleway between the site access and the Tesco Roundabout. In addition, the proposed signal junction to the A20 incorporates staggered pedestrian crossing facilities which would tie in with the pedestrian and cycle facilities within the site.
- It is therefore considered by the applicant that the development proposals, including the proposed highway improvements, are sufficient to ensure that the residual cumulative impacts associated with the proposed development cannot be considered to be severe, as set out in NPPF paragraph 32 and are acceptable in transport terms.

Addendum (August 2017).

- The addendum presents the updated accommodation schedule 192 dwellings and the consultation responses from ABC/KCC comments.
- Further details of the link between the Highmead House development and the proposed Bellway development are provided. KCC is satisfied with the details.
- Updated plans on the primary (A20) access , secondary (Hinxhill Road) access, link road, Hinxhill Road layout and pedestrian access to Lacton Green in response to KCC/ABC's comments
- The proposed parking provision as set out can be achieved and therefore, the appropriate level of car parking is provided for the 192 residential dwellings.
- A 11.2m refuse vehicle has been considered for the internal layout

- As part of the proposals for the secondary site access junction, emergency vehicles will be accommodated on the section of Hinxhill Road from the Hospital access to the junction with The Street. Whilst this route is identified as being closed to through traffic, it will accommodate pedestrians, cyclists and provide for an emergency vehicle access.

Utilities and wastewater assessment (August 2017)

- This report has been prepared to provide an overview of the servicing constraint and supply implications associated with the proposed development
- The content of the report relates to the site being developed to provide up to 250 residential dwellings and deals with provision electricity, gas, water supply, telecommunications and pipelines.
- A combined services plan highlighting the existing utility infrastructure in the vicinity of the site is provided
- The Level 2 Capacity Check reveals that there is insufficient spare capacity within the local network to accommodate the effluent generated from this scale of development.
- Off-site network upgrades, once fully defined, are likely to be delivered through a Section 98 requisition (Water Industry Act) where the development will contribute to the capital scheme cost,

Viability Study by Turner Morum (chartered surveyors) November 2016

- This is a confidential document that has been assessed by the Council's viability consultants

Planning History

- March 2011: Tree Preservation Order ref TPO/10/00004 was made on some existing trees on the site. They include a number of exotic specimen conifers which are contemporary with the house and the woodland belts and groups of trees which were planted as screening.
- Planning application ref 14/00255/AS: Outline planning permission with some matters reserved (layout, appearance, landscaping & scale) for residential development for the retention of Highmead House and the construction of 28 residential units with vehicular access in 2 x phases from the A20 refused November 2014. Appeal dismissed October 2015. Cost awards against the council of 4 of 6 grounds of refusal to the issues concerning the principle and phasing of the appeal proposal, surface water drainage and affordable housing range.

- Planning application ref 15/01679/AS:” Proposed construction of new vehicular access and roadway from A20 (Hythe Road) including associated earthworks and drainage. Application undermined and likely to be withdrawn once this application is decided.
- Planning application ref 16/01512/AS: 207 dwellings submitted by Bellway Homes on the wider U14 site. This is an outline application which the Council has requested further details to determine this. The applicant decided not to provide these and chose to appeal. Appeal allowed July 2017 subject to revised description for up to 192 dwellings and planning obligation agreement.,

Consultations

The consultation on both the original and amended schemes is included. The amended consultation expires on 15 September so any further comments received will be provided in the update report.

Original scheme 207 dwellings

Kent Highways Services: Raise objections requiring further information and amendments

Highways England

No objection subject to ABC being satisfied that the proposed development can be accommodated with agreed DU (development units) until M20 Junction 10a comes into operation. In the event that this is not the case, the Council should reconsult Highways England.

Health, Parking and Community Safety.

1. Stress the importance of a CPZ around the hospital
2. Request 106 contributions for CPZ completion between £15,000 – £20,000
3. Consideration needed for visitor parking in more secluded locations.
4. If buses move through site contributions of £12,500 per bus shelter

Street scene open space team

Object commenting:

- The Public Open Space (POS) needs to be formed of one large area to be usable for the development.
- Where there are levels of more than 18% gradient between areas this will not count this as usable POS.

- Where SUDS is employed on the POS the gradients should be no more than 18%
- From the open space SDP a total of 1.83 hectares of usable POS would be required onsite for the development of 207 units (split into 1.47 hectares of informal/natural and 0.36 hectares for play space). However we consider that the current proposal is unworkable due to the large breaks between the POS. Plus where the kick about area is located there is a change in levels which would mean kicking a ball on a gradient so therefore would be unsuitable.
- The plans submitted still do not show any formal play provision.
- The play equipment will need to be from an approved play area company as agreed with the Play and Open Spaces Project Officer.
- . We consider the small area of land in the south eastern corner plus the entrances to not be a usable area of POS and as such will not count this as part of our calculations for working out the onsite contribution of POS.
- . The arrangement of roads and dwellings in relation to the woodland edge and some areas of open space is poor.
- The refuse plan – we would not accept the areas for waste collection as usable open space.
- Request contributions play area and kick about area informal/natural open space areas Outdoor Sport Allotments, Strategic Parks, Cemeteries

Kent County Council development contributions request contributions towards primary construction, land acquisition, secondary education, community learning, youth service, libraries, adult social care

Environment Agency

No objection but request a condition requiring a byelaw margin of at least 8m from the banks of the Aylesford Stream and request an informative.

KCC Public Rights of Way: no comments.

Sport England: object due to the lack of provision of indoor and outdoor sports facilities to adequately meet the needs arising from the proposed population of the development.

Kent County Football Association: question the need to develop a single natural turf pitch that does not provide a changing pavilion. A more sensible approach would

be for the resources linked to the development of the natural grass pitch to be attributed to another local project that is developing facilities for the community of Willesborough.

Environmental Services (contracts): comment in summary that current plans indicate multiple properties on this development to be unserviceable for waste collection

Environmental Services (Protection & Licensing): No objection but request conditions on protection dwellings from noise and contamination.

Historic England: comments "The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice"

Project Office (drainage): comment:

"Whilst a good level of information has been submitted with the above application, the design is heavily reliant on an assumption of a 'good' infiltration rate, which if not available could have a significant impact on the layout of the proposed design. As such I would like to place a 'holding objection' on the design at this stage. Comments from KCC's Flood Risk Project Officer are supported.

As identified by KCC, geology in this area is likely to vary across the site and therefore the assumed infiltration rate of 0.36m/hr is a significant assumption given the potential impact of a far lower rate being achieved. From previous planning applications and GI data within the area (and given the size of the site) infiltration could vary significantly from north to south. Immediately to the north / north-west of the site (On the William Harvey hospital site) favourable infiltration rates have been proven, recent application to the south have typically been far less favourable. The infiltration basins in the centre of the site should be particularly focussed on with any further investigation to ensure that the basins can be appropriately sized and landscaped. Due to the dual purpose of the greenspaces it needs to be ensured that the greenspaces are landscaped to effectively operate on a 'day-to-day' but also have the required attenuation capacity (if ever required) during a major rainfall event.

As this is a 'full' application, having outline GI will allow for the design of the surface water system to be optimised to ensure that space required to store water is accurate reducing the risk of any significant alteration to the landscaping after determination (Should the application be successful). Poor infiltration rates across the site could dramatically change the sizing of the basins and the layout of the surrounding open space, or may even require the conceptual basis of the design to be reconsidered by the applicant's designers.

As recommended by KCC's flood risk project officer the total surface water runoff volume for both the pre and post development should be indicated within the drainage strategy, this is to ensure that the total volume of runoff from the pre-developed site remains similar to the status quo.

Once the above additional information is available then please kindly send for review before determination of the application”

Kent County Council Flood and Water Management: comment

“KCC, as the Lead Local Flood Authority, has reviewed the Flood Risk Assessment for the site. It should be noted that some of the text within drawings is unreadable. We note from the details within the text that final outfalls from the positively drainage areas are proposed to be controlled to 2l/sec/ha. This rate meets the requirements of the Ashford Borough Council Drainage SPD and there are also other SuDs features, such as permeable paving and infiltration basins included to assist with source control.

The proposal utilises an infiltration rate of 0.36m/hour for the infiltrating features. At present there is no site specific GI information to determine if this value is appropriate for use within the design, although a Groundsure desk study report is provided. It must be noted however that this desk study provides minimal detail of the likely infiltration rate that will be encountered in a particular location.

Our primary concern with the current proposal is that the infiltration rate assumed above may be optimistic. The proposed infiltration basins appear to be located upon or close to the outcrop of the Sandgate Formation. The Sandgate Formation is generally fine-grained in nature and the permeability is variable and often low. Should the actual infiltration rates encountered on site be significantly lower than the assumed rate, there are possible implications on layout if the basin sizing requires any substantial modification. It is considered that permeable pavements however will function adequately and may only require limited alterations to their proposed depth if infiltration rates are lower.

We assume that surface water discharging to the infiltration basins does not return to the surface water sewer, a requirement often made by Southern Water to ensure 'land drainage' does not communicate with public sewers. The time taken for the basins to drain carries some weight to ensure subsequent intense storms can be accommodated should they occur.

An outline ground investigation giving a general coverage of the site (in particular at the basin locations) is therefore strongly recommend to provide further information to support the proposed drainage design. Additionally, we would request that the pre and post development total run-off volumes is indicated within the strategy, ensuring it is as close as possible to the pre-development greenfield volume.

The LLFA would request that the additional information above is provided for review prior to determination of the application. This is of particular importance within a 'full' planning application as the site layout is not reserved for future consideration. Should any changes in the sizing of the basins be required, there could be impacts upon the proposed layout and surrounding open space.

This additional important information will help to ensure the strategy promotes the most sustainable drainage solution possible for the site conditions, ensuring that flood risk is not increased (either on site or elsewhere) in accordance with the requirements of the NPPF"

Primary Care Trust: Request contributions towards the Chilmington Green project

Housing Manager: comment

" Based on the information provided I would comment as follows. The affordable house types both 2 bed and 3 bed are of concern. The 2 bed house needs to be 4 person not 3 person as submitted, the 3 bed house needs to be 5 person not 4 person as submitted. Both unit types as mentioned need to meet the nationally described space standard as well as all other affordable units proposed. It should also be noted that any affordable housing be delivered by a registered provider who is a member of Ashford Borough Council, Affordable Housing Protocol.

KCC Heritage Environmental, Planning and Enforcement (archaeology)

"Based on current information, there are no major heritage issues for developing this site and I recommend the following condition is placed on any forthcoming consent:

Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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".

Natural England: No objection

Kent Wildlife Trust. Comment in summary:

- It is important to try and create some connectivity between retained Breeches Wood and the Local Wildlife Site to the north of the proposed development.
- The additional species and design detail of this planting strip does not appear to have been provided as part of the application. This should be requested with the management of the planting strip.
- It is disappointing that despite earlier comments made regarding the boundary to Breeches Wood, this woodland does not appear to have been respected by an enhanced planted buffer strip. Whilst not ancient woodland it is nevertheless important green infrastructure abutting the development site and should be enhanced along its boundary edges with additional planting to link with the planting strip along the northern boundary which in turn links to the local wildlife site.
- Request conditions on drainage scheme that protects the hydrological conditions at Willesborough Lees and Flowergarden Wood. Native species planting buffers to woodland (retained and proposed). A species mitigation strategy. A management plan for all public space that aims to meet agreed ecological as well recreational objectives and include boundary planting. Lighting strategy to avoid impacts upon species using the boundary features.

Kent Downs AONB Unit: comment “I have now had the opportunity to visit the site and assess the proposals. I am satisfied that in view of the nature of the proposals, the distance from the AONB boundary, intervening vegetation and the topography of the land, together with the fact any views of the development would be seen within the context of views of the existing urban area of Ashford, the proposal would not unacceptably impact on the setting of the Kent Downs AONB”.

Southern Water

Comment the results of an initial desk top study indicates that southern water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. A condition is requested requiring details of the proposed means of foul and surface water sewerage disposal

Wye Parish Council (boundary lies around 200m away to the east): Objects commenting

“ The Parish council has serious concerns that the that the proposed link road will make it even more attractive for driver to cut through Wye on their way to Canterbury giving rise to additional through traffic. Councillors are also concerned about an increase in overnight lorry parking in the vicinity”.

Neighbours: 204 consulted - 14 objections were received making the following comments.

- Deloitte on behalf of Church Commissioners for England object comment that the submitted Transport Assessment does not address the question of the impact of this development on the existing Junction 10 in the absence of junction10a it fails to demonstrate there is spare capacity at Junction10 or junction 10a
- We live opposite only the A20 and greatly concerned about the possible obstruction of surrounding trees and vegetation, the increased levels of pollution from vehicular activity. We need assurance that the present trees and shrubbery which help lower the level of pollution in the area are not destroyed.
- Concerns on the impact on the hospice. We offer a tranquil setting for people with life limiting illness, the noise from the additional housing and the impact of extra traffic is a concern.
- This area of The Street, Willesborough, is a conservation area. I fail to understand why it should be spoiled by building so adjacent to it and thereby spoiling hundreds of years of history.
- The development will bring in 500 new vehicles that will increase further the number of opportunistic drivers trying to use The Street to short circuit the J10 roundabout during rush hour. This has a detrimental impact on the Conservation Area and we would ultimately support blocking off the junction of The Street and Hythe road at the Crooksfoot roundabout if this traffic flow becomes unbearable.
- Junction 10a will add to the congestion.
- Protect the conservation area by planting 30m planting between the new build and conservation area.
- To protect The Street consideration should be given to block it off by the Tesco roundabout.
- I don't think any of the traffic problems, including the addition of traffic from the new build, would exist if the traffic lights at junction 10 were turned off.
- Plots 58/59 shown on the roof top plan infringe on the conservation area. Plots 57/58/59 and 104 have a detrimental effect on the setting of a listed building 124/126.

- The whole proposed development will have detrimental effect on the character of the surrounding area. The development is too condensed and not in character of the original buildings in the street.
- The application states that no new footpaths will be built But the plans show two new footpaths merging into one and exiting the site on the junction of Hinxhill rd and The street. This would cause disturbance to the residents of the area and overlooking properties.
- The line of sight that has been integrated into the plan is there to allow an unhindered line of sight to the woods but vehicle parking places have been placed along the roadway.
- There will be noise and light pollution with emergency vehicles entering and exiting the hospital.
- The development will also have a detrimental effect on nature conservation as the development will be destroying greenfield arable land on which many flora and fauna thrive .bats.barn owls bluebells etc.
- The building materials used do not represent the materials used in the older buildings in The Street.
- This development will put more strain on an already over stretched local GP and hospital service. The development has many family homes which will obviously put more strain on an already overcrowded school system.
- Consequently, if the Hinxhill Road will be closed to motorised traffic, surely a more 'permanent' barrier should be placed here, as I fear that it will be all too easy to re-open the road in the future.
- It will be important for the Hinxhill Road closure to be effective as soon as the first houses on the development are sold, otherwise there will be increased traffic passing along The Street.
- The phasing of the development appears to start with that part of the site closest to the A20. It will be essential that all construction traffic gains access to the site using the A20, and not The Street.
- It will be important to extend parking restrictions along the 'unused' section of Hinxhill Road.

- Aside from the obvious destruction of beautiful countryside (an area of outstanding natural beauty in its own right), the proposed development will have a significant NEGATIVE impact on all properties nearby.
- Impact on streams that flow through neighbouring gardens.
- Until the proposed link road between the Bellway site and the Highmead site is agreed then I have to object to the Bellway Application as we have a joint responsibility to make this proposed access work

Two further comments were made.

- Whilst we are in support of this plan, despite the loss of green belt land, I wish to remind you of our concerns raised during the consultation. These relate to The Street becoming a "rat run" from Kennington Road to the Tesco Roundabout. It may therefore be appropriate for The Street to be a no through road and closed at one end. There is a sufficient turning area for emergency vehicles and refuse vehicles at the opposite Tollgate House at the Tesco end. Additionally this provides further, well needed protection for the Conservation area.
- East Kent Hospitals Trust comment that they have reviewed the proposals. Previous discussions have been held with the developer which the hospital identified the intended use of the road and likely level of usage for hospital business. At these meetings it was confirmed that basic parameters identified in the council's local plan were still appropriate and the Trust considered the road should serve the level of traffic identified. The TA acknowledges this level of traffic is used in the design of the road. As it is close the hospital where there are parking charges many visitor and staff will seek to park free of charge unless there are restrictions.

Amended scheme 192 dwellings

Ward Members: No comments received.

Historic England: Do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers.

KCC Highways and Transportation: Whilst I currently have objections to the application, it may be possible to overcome these objections if the following amendments were made:-

- 1) An adoption plan (Section 38) needs to be provided showing the proposed extent of adoption by KCC Highways and Transportation. This adoption plan will need to

include the spur road up to the site boundary with the Highmead House development site to ensure that there are no ransom issues with an access into Highmead House being able to be provided. This adoption need will need to be secured by a Section 106 Planning Agreement.

- 2) The link road is proposed to be designed to a local distributor road standard and a 30mph design speed should be used especially as the road will be an emergency access route to the hospital. Therefore all junctions should have visibility splays of 2.4 metres by 43 metres. The western splay serving the home zone between plots 36 and 48 can however be taken to the middle of the carriageway as overtaking here is extremely unlikely due to the bend in the road to the west.
- 3) The current proposals also provide for limited vehicle access onto Hinxhill Road, at the request of the Borough Council, which KCC are happy to facilitate. However, currently there are no features along Hinxhill Road to give both pedestrians and cyclists warning that there will be motor vehicles using this section of Hinxhill Road. I would suggest that as a minimum the part of Hinxhill Road that is kept open for vehicle traffic should be a block paved shared surface. Hinxhill Road will also need to be subject to parking restrictions in the form of double yellow lines and marked bays where visitor car parking is allowed. The marked bays will need to be part of the wider Controlled Parking Zone serving the site to prevent any inappropriate car parking by hospital staff.
- 4) The amended drawing L571/208C shows the eastern visibility splay for the link road being obstructed by plot 1. The plot will therefore have to be moved slightly southward.
- 5) A hard and soft landscaping plan needs to be submitted showing the proposed surfacing of any roads proposed for adoption.
- 6) Parking for plots 67, 69, 165, 166 and 167 do not have the required 6 metre reversing distance.
- 7) The crossing point across the Link Road so that pedestrians can access the playground and also the open space to the north west as shown in Appendix E of the Transport Assessment. Addendum is not included in the updated site layout plan (2747-300-H) and needs to be.
- 8) The footways should be extended past the ramps into the shared surfaces to discharge pedestrians safely onto the shared surfaces.
- 9) Cycle storage for 4+ bedroom dwellings should be 2 metres in length by 2.5 metres in width.
- 10) All visitor parking spaces abutting open space should measure 2.5 metres in width. The spaces by plots 16-17, 60-62, 63-64, 74-76, 143, 184-185 do not meet

these size standards. Visitor spaces to the rear of plots 134-138 should be widened to 2.7 metres in width as they are obstructed on one side by a brick wall

Notes:

1) The existing 40 mph speed limit should be re-located in an eastern direction approximately 100 metres upstream from the westbound stop line. This should be secured through a Section 106 Planning Agreement and all associated costs of implementing the change of speed limit are to be met by the applicant. The applicant has accepted this point, which is to the satisfaction of the local highway authority.

2) The proposed adoptable roads will need to be subject to a Controlled Parking Zone to prevent any overspill car parking from the hospital within the site. Double yellow lines should be provided throughout the site where visitor parking bays are not provided. Where visitor parking bays are provided these bays should be controlled in the same format as the existing restrictions on The Street. The lack of comments made by KCC Highways and Transportation in relation to allocated and visitor parking is on the basis of the required Controlled Parking Zone.

3) The applicant's proposals to close part of Hinxhill Road for vehicular traffic (apart from emergency vehicles) from the site access junction to Lacton Green will require the applicant to amend the Traffic Regulation Order for Hinxhill Road. A grampian planning condition is therefore required to ensure that this TRO can be secured prior to the opening of the link road for vehicle use. It is KCC Highways and Transportation opinion that the link road should be provided after a total of 100 residential units in order to minimise the impact of development traffic on Hinxhill Road / The Street together with the appropriate vehicle closure of Hinxhill Road.

4) An SPG6: South of Transport Study payment is required for the proposed development due to the development being within a 5 minute isochrone of M20 Junction 10. Based on a total of 192 units, a contribution of 1.92 development units is required.

5) A condition is required removing permitted development rights for the installation of structures / garage doors on the car ports. This is to ensure that they are used for car parking.

Environmental Services (Protection & Licensing)

In relation to Air Quality and Local Plan to 2030 policy ENV12 (also supported by the NPPF) I would make the following comments;

There is an expectation that development should promote a shift towards sustainable transport, I would therefore suggest that the developer include details or a sustainable transport plan. As a minimum I would suggest that perhaps the following conditions could be applied to any consent.

Each proposed dwelling with a designated parking space provided by means of a driveway, carport must be provided with at least one external Electric Vehicle charging point. Such charging point may be a dedicated Electric Vehicle charging socket, or suitably rated three-pin socket capable of safely providing a slow charge to an Electric Vehicle via a domestic charging cable.

NPPF Reason: *NPPF s35 to exploit opportunities of sustainable transport modes through the incorporation of facilities for charging plug in and other ultra-low emission vehicles*

Local Plan Reason: *ENV12 to promote a shift towards sustainable transport*

and

Residential development with unallocated off-street car parking must be provided with a minimum of one dedicated Electric Vehicle Charging point per ten spaces, and be maintained thereon.

NPPF Reason: *NPPF s35 to exploit opportunities of sustainable transport modes through the incorporation of facilities for charging plug in and other ultra-low emission vehicles*

Local Plan Reason: *ENV12 to promote a shift towards sustainable transport*

In relation to the noise assessment I would make the following comments;

·Table 3.1 – Point 1 appears to have mistakenly mixed the daytime figure and night-time figure.

The report provides for acceptable noise levels to be met at the properties closest to the A20 by means of closed windows with standard trickle vents. Such trickle ventilation may not prove to be sufficient for thermal comfort, especially considering the southern facing rooms. I would also highlight the following section of the Professional Practice Guidance by the ANC/IOA/CIEH

‘Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be fully justified in the supporting documents’.

I would therefore encourage the proposal for these particular properties to be revisited to determine whether it is feasible to provide good acoustic design (without the reliance on closed windows). If this is not considered possible I would expect that justification is given to the options considered, and need for closed windows

Play and Open Spaces Project Officer

“In summary I object to the submission for the following reasons.

Within the levels a drop of 3m is identified on the submitted plans across the play area, a small gradient across the whole play space limits the types of equipment that

can be installed. So in the case of swings, multiplay units with slides, roundabouts, zip wires and so on the levels need to be flat to achieve the EN1176/77 safety standards across the whole surface area of the surfacing underneath and the measurements from elements like seats and platforms to the ground. There are some play items that work well on mounds and embankments (an embankment slide requires a 30% gradient to be fitted properly), but a good proportion of the play area (I would say around 75% - 85%) needs to be levelled out so the type of equipment that can be included to produce a good design with a high level of play value isn't limited.

I have discussed the scheme further with colleagues and what amendments to the POS/ drainage are needed. From my conversation with them these should be achievable providing acceptable POS and drainage attenuation but this information needs to be provided by the developer.

- The playground and kick around area needs to be a flat gradient and swapped i.e. the play should be moved towards the road – as this has better surveillance. We need level plans to show the profile including access to the area – is this DDA complaint. The profile should show where the sections are taken from.
- It was previously stated that gradient of less than 18 % can be potentially counted toward the POS area. Basin 1 in the front POS can be potentially shallowed out to allow this gradient.

Further I have measured the submitted plans for the amount of usable POS and found:

- open space area 3 minus the flood attenuation basin = 0.6784ha
- open space area 5 minus the flood attenuation = 0.3804 ha
- total usable POS = 1.058ha

From the SPD 192 dwellings = 1.15ha of POS, so missing 920m² of usable POS. If the basins can be shallowed out to a gradient of 18% we can then include this in the measurement of usable POS and see if this gets to the acceptable amount”.

Project office (drainage)

“Having reviewed the latest information available it is considered from an engineering perspective that a viable, policy compliant scheme is achievable for the above development based on the outline design provided and that given the information provided sufficient space has been allocated on the site to appropriately manage surface water against local and national planning policies. However, some of the elements of the scheme may require modification at discharge of condition stage (Subject to the application being granted permission) to ensure that the proposed system provides the best possible compliance with the Ashford Borough Council Sustainable Drainage SPD and also ensures that attenuation within Public Open Space (POS) do not detract from the primary purpose of these areas. Whilst using proposed open spaces as an ‘overflow’ SuDS feature provides a good use of space in an economical manner, landscaping of these areas needs to be carefully

considered to ensure that this is not at the detriment of the open space. Notwithstanding this it appears that a level of 'flexibility' has been provided within the outline design put forward, which would appear to allow for the capacity required within the infiltration basin to potentially be reduced and also in light of the potential for modifications elsewhere on the network should greater network capacity be required. It is noted within the report that approximately 3000m³ of storage is required at the given discharge rate of 39l/s for the 1:100+40% CC event, however within the design provided almost 3500m³ of storage has been identified. Whilst it is reasonable to assume that some of this is a factor of safety within the design, to accommodate the required volume of attenuation at the given discharge rate, consideration should however be given at detailed design stage as to how this is appropriately balanced across the site and the impact on the detriment to public open space.

Whilst reassurance is provided that exceedance events can be sufficiently stored within green spaces up to the 1:100+40%CC storm event the design of the attenuation infiltration should be such that they are designed to a 1:100+20%CC (With consideration of freeboard) but can manage exceedance up to the 1:100+40%CC event. For example, it is identified in section 8.17 of the report that Basin 3 (infiltration basin 4 on the drainage strategy drawing) is capable of storing up to the 1:100+40% CC event at a depth of 800mm; however, in the drainage strategy drawing the depth shown is 1m depth. Should a sufficient freeboard be available to attenuate the 1:100+20% CC at 800mm then no freeboard would be expected for the 1:100+40% (Exceedance) event, as such providing either a shallower profile and/or more useable open space.

It is recommended that should a conflict remain between balancing sufficient POS and attenuation on site at detailed design stage then providing more storage within the permeable paving system should be considered in preference to the detriment of the POS, or further increasing pipe size. It is noted that within the information provided that sub-base attenuation has been provided beneath the permeable paving, which due to a typically 30% void ratio within the sub-base can limit the per m² of surface water storage in comparison to modular cell sub-base replacement which typically has a void ratio up to 95%. Further consideration should also be provided at detailed design as to the interaction between permeable paved areas and the wider network. Should a permeable sub-base system be connected to the wider network then discussions should be undertaken with Southern Water as to whether the receiving network remains to their adoptable standard, likewise should a on line infiltration system be used then it should be ensured half drain time should be below the recommended 24 hours as per best practice guidance.

It is noted that with the design oversized pipes are being used, whilst this is less appropriate as defined within the Ashford Borough Council Sustainable Drainage SPD as the site is integrating this approach with more appropriate systems and is not solely reliant on storage within the piped network then this is considered an acceptable approach.

With regards to maintenance there is a reference to the SuDS Approval Board (SAB) and also local water authority. Given the ministerial statement of December 2014 there are no plans at this stage for a SAB, whilst piped infrastructure may have the

potential to be adopted by Southern Water (subject to their requirements), there is no mechanisms for the long term maintenance to be undertaken by the statutory water authority. As such, it is considered likely that the maintenance of the development will be reliant on a private management company and a full maintenance schedule should be provided as part of the recommended discharge of conditions below.

As the engineering / design principles put forward are considered compliant with the Ashford Borough Council Sustainable Drainage SPD and the NPPF non-statutory technical standard for SuDS then there is no objection to the design provided subject the considerations outlined above being carried forward within the detailed design (Discharge of condition) phase of the application (should permission be granted), subject to the following recommended condition;

Full Conditions

No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority and shall be based on the principles of the Flood Risk Assessment and Drainage Strategy by Odyssey Markides Report No. 16-212-02D dated August 2017.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD. This will include a modified surface water drainage strategy which satisfies the requirements of the 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.

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where possible. Proposals should identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified.

Where infiltration methods are to be proposed, test results should be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.

No drainage systems for the infiltration of surface water drainage into the ground should occur without the express written consent of Ashford Borough Council. It must be demonstrated that there is no resultant unacceptable risk to controlled waters, or groundwater aquifers.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance) and shall be retained in working order until such time as the development ceases to be in use.

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) enhance the landscape, (vi) improve public amenities, (vii) 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.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance) and shall be retained in working order until such time as the development ceases to be in use.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures. The designed system should be modelled against the climate change adjusted 1:100 storm event, appropriate to the lifetime of the development, in accordance with Ashford Borough Council Sustainable Drainage SPD, NPPF Non-statutory technical standards for Sustainable Drainage & KCC drainage and policy statement (dated June 2017).

Reason

In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage”

Cultural services (refuse).

“I’ve had a good look through these plans today and have some concerns which I would like to raise.

- There is only one communal property that I can see which is 173 – 178 (6 properties only) - access looks fine but pull out distance cannot be more than 10m. The contractor must ensure that the bin store is big enough for movement of the large 1100l containers.
- The private drives are a concern as the refuse vehicle would not drive down the drives which means all residents would need to present at the nearest road – some of these presentation points are perfectly fine, but there are others (e.g. 104) that are a significant walk out and I can foresee issues with residents expecting a kerbside collection but not getting one!
- The refuse collection points are for small groups of terrace properties where bins are stored in the back garden and presented at a central point. As long as this area is not used for storage of the bins and bins are returned to properties post collection this is satisfactory.

- The contractor must adhere to the maximum pull out distance for individual properties so within 25m.
- The following properties sit on a private drive:
60, 61, 62, 63, 64
80, 81, 82
89, 90, 91, 92, 93, 94
100, 101, 102, 103, 104, 105, 106, 109
126, 127, 128, 129
180, 181, 182, 183
188, 189, 190, 191, 192

Some of these properties are able to present easily onto the main road but can we check with the contractors whether the refuse vehicle will be allowed access to these areas?

If you could go back and clarify these points with Bellway I think it would be beneficial to get this clear before we go any further. “

Historic England

“We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant”.

Sport England

Comment will respond later.

Kent County Council development contributions request contributions towards primary construction, land acquisition, secondary education, community learning, youth service, libraries, adult social care

Please note in the absence of any agreement upon the new Primary school site acquisition, KCC require an undertaking from this development to contribute towards any Primary School land purchase costs to make provision for the additional pupils from this development. KCC have therefore calculated the likely maximum land acquisition cost. Hopefully if Ashford Borough Council ‘allocate’ the whole 2.05ha Primary School site through the Local Plan process, the site will be delivered at no cost to the County Council; KCC will then reimburse/not collect any land acquisition cost from this development. Until the entire Primary school site transfer terms are clarified/agreed, KCC need to cover off any risk of land acquisition costs. KCC have no alternative funds for Primary school site acquisitions and in accordance with Planning legislation this development should mitigate its impact.

Southern Water

Comment the results of an initial desk top study indicates that southern water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase

flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. A condition is requested requiring details of the proposed means of foul and surface water sewerage disposal

Neighbours: No further comments yet received

Planning Policy

25. 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 the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016 - 30.
26. On 9 June 2016 the Council approved the Emerging Ashford Local Plan to 2030 Regulation 19 Version June 2016 (as amended in July 2017) (Draft). Consultation commenced on 15 June 2016 and closed after 8 weeks. Proposed 'Main Changes' to the draft Local Plan were approved for further consultation by the Council on 15 June 2017 and consultation has now commenced. At present the policies in this emerging plan can be accorded little weight.
27. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN32 - Important trees and woodland.

TP6 - Provision of cycle parking

Local Development Framework Core Strategy 2008

CS1 - Guiding principles for sustainable development.

CS2 - The Borough wide strategy

CS4 - Ashford urban area

CS8 - Infrastructure contributions.

CS9 - Design quality

CS10 - Sustainable design and construction.

CS11 – Biodiversity

CS12 - Affordable housing.

CS15 - Transport

CS18 - Meeting the community's needs.

CS19 - Development and Flood risk.

CS20 - Sustainable drainage

CS21 - Water supply and treatment

Urban Sites and Infrastructure DPD 2012

U0 - Presumption in Favour of Sustainable Development

U23 - Landscape Character and Design

U24 Infrastructure provision to serve the needs of new development

Policy U14 - Land at Willesborough Lees (site specific policy) "The site to the south east of the William Harvey Hospital is proposed for residential development with an indicative capacity of 200 dwellings. Development proposals for this site shall:

- a) Provide a new signal-controlled junction, including a pedestrian crossing on the A20 at the point shown on the Policies Map;
- b) Provide a road through the site to act as a secondary link to the hospital at the point shown on the Policies Map;
- c) Make improvements to the existing emergency access to the Hospital, and Hinxhill Lane, to accommodate a new link road and junction, and close Hinxhill Lane to traffic south of the hospital access. A restricted access shall remain on Hinxhill Lane for emergency vehicles, pedestrians and cyclists only;
- d) Include a phasing programme to be agreed with the Borough Council, local Highway Authority and Highways Agency that will include the construction and opening of the access road from the A20 to the hospital and the closure of Hinxhill Lane;

- e) Provide new pedestrian and cycle routes throughout the development and connections to existing urban and rural routes and local services;
- f) Fund the implementation of suitable on-street parking restrictions via a new traffic order, restricting non-residents parking on the roads of the new development;
- g) Be designed and laid out in such a way as to protect the character and setting of the adjoining Conservation Area and neighbouring listed buildings;
- h) Retain the woodland (Breeches Wood) in the north east of the site and extend the tree boundary between the woodland and the hospital, to screen the development of the site from the north;
- i) include a full flood risk assessment prepared in consultation with the Environment Agency;
- j) ensure that any land contamination issues are satisfactorily resolved or mitigated.
- k) contribute towards the monitoring of the traffic situation on The Street to enable an assessment to be made of the need to secure amendments to the existing access arrangements and to deliver those amendments if required; and,
- l) provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purpose.

U24 – Infrastructure provision to serve the needs of new developments

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

Ashford Local Plan to 2030 Regulation 19 Version June 2016 (as amended in July 2017)

Consultation Draft Local Plan to 2030

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU1 – Affordable Housing

TRA3b – Parking Standards for Non Residential Development

TRA6 – Provision for Cycling

TRA7 – The Road Network and Development

ENV1 – Biodiversity

ENV3 – Landscape Character and Design

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 – Water Quality, Supply and Treatment

ENV9 – Sustainable Drainage

ENV10 – Renewable and Low Carbon Energy

COM1 – Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Space

IMP1 – Infrastructure Provision

S17 – Land at Willesborough Lees

(S17 brings forward the current site policy U14 Urban Sites and Infrastructure
DPD)

“The site to the south east of the William Harvey Hospital is proposed for
residential development for up to 200 dwellings .

Development proposals for this site shall:

a. provide a new signal-controlled junction, including a pedestrian crossing on
the A20 at the point shown on the Policies Map;

- b. provide a road through the site to act as a secondary link to the hospital at the point shown on the Policies Map;
- c. make improvements to the existing emergency access to the Hospital, and Hinxhill Lane, to accommodate a new link road and junction, and close Hinxhill Lane to traffic south of the hospital access. A restricted access shall remain on Hinxhill Lane for emergency vehicles, pedestrians and cyclists only;
- d. include a phasing programme to be agreed with the Borough Council, local Highway Authority and Highways Agency that will include the construction and opening of the access road from the A20 to the hospital and the closure of Hinxhill Lane;
- e. provide new pedestrian and cycle routes throughout the development and connections to existing urban and rural routes and local services.
- f. Fund the implementation of suitable on-street parking restrictions via a new traffic order, restricting non-residents parking on the roads of the new development;
- g. be designed and laid out in such a way as to protect the character and setting of the adjoining Conservation Area and neighbouring listed buildings;
- h. retain the woodland (Breeches Wood) in the north east of the site and extend the tree boundary between the woodland and the hospital, to screen the development of the site from the north;
- i. include a full flood risk assessment prepared in consultation with the Environment Agency;
- j. ensure that any land contamination issues are satisfactorily resolved or mitigated;
- k. contribute towards the monitoring of the traffic situation on The Street to enable an assessment to be made of the need to secure amendments to the existing access arrangements and to deliver those amendments if required;
- and, l. provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purposes.

The following are also material to the determination of this application

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014 Supplementary Planning Guidance/Documents

SPG6 - Providing for transport needs arising from South Ashford Study

Other Guidance

Informal Design Guidance Notes 1- 4 (2015)

Government Advice

National Planning Policy Framework 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 says that less weight should be given to the policies above if they are in conflict with the NPPF.

The NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise [para 11]. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system [para 6]. Para. 7 states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations [ABC emphasis]; and by creating a high quality built environment, with accessible local services that reflect the

community's needs and support its health, social and cultural well-being

Assessment

29. The main issues for consideration are:

- 5 year housing land supply
- The principle of housing development
- The design of the scheme, the public open space provision, the impact on the visual character of the surrounding area including conservation area and setting of listed buildings.
- The access arrangement, the impact on the surrounding highway network and parking provision
- Other planning matters such as impact on existing and proposed residential amenity, ecology flooding, contamination, noise
- Section 106 matters including viability and affordable housing

5 year housing land supply

30 The site forms part of the wider allocation identified under site U14 of the adopted Urban Sites and Infrastructure DPD 2012 for residential development (indicative capacity 200 dwellings) to enable a secondary access point. Paragraph 49 of the NPPF sets out that where a deliverable 5 year housing land supply cannot be demonstrated, any relevant policies for the supply of housing should be deemed out of date.

.31. The current lack of a 5 year housing land supply triggers paragraph 49 and 14 of the NPPF, such that relevant policies for the supply of housing are not considered to be up to date and that planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development would be should be restricted.

32. The assessment of this application for site U14 in the context of the 'tilted balance' within paragraph 14 of the NPPF does not however remove the statutory obligation to determine the applications in accordance with the development plan, unless material considerations indicate otherwise, therefore the starting point is the Development Plan. However, a recent judgement in Crane vs SSCLG (2015) made clear that any out-of-date

development plan policies should not be ignored and the weight attributed to them is a matter for the decision maker. The Supreme Court in *Suffolk Coastal DC v Hopkins Homes* [2017] UKSC 37 effectively endorsed this approach. It emphasised the primacy given by statute and policy to the development plan, even where paragraph 14 of the NPPF is engaged: [21]. In applying that paragraph, the weight to be given to various policies in the development plan is purely a question of planning judgment for the decision maker: [56]. It is irrelevant whether or not a policy is a 'relevant policy for the supply of housing' under NPPF paragraph 49: see [59] and [65], in which the Supreme Court characterised an inspector's efforts to make this distinction as "inappropriate and unnecessary".

33. It is clear that the development plan policies, even when out of date, should be the primary determining factor when a decision maker decides on whether to grant planning permission or not. Paragraph 14 is an important material consideration, but it is not the primary framework for decision making. It can only lead to a different outcome if that is appropriate in all the circumstances of the case. Consideration of those circumstances must include the weight to be given to any 'out of date' development plan policies and also whether the scheme clearly delivers sustainable development within the scope of the NPPF itself.
34. As stated above, the steps that the Council is making to rectify the 5 year housing land supply position (together with the broader demands of sustainability and good planning) therefore represents a further reason why any current development plan policies which may be deemed out of date should nevertheless be given weight.
35. In the context of this full planning permission, the application is allocated for development in the development plan and the allocation is proposed to be continued in the emerging Ashford Local Plan. For the previous outline application as the quantum of development was for an 'up to' number and detailed matters reserved for future consideration, the key issue was the ability of the applicant to meet the Core Strategy policy compliant level of affordable housing. As I identify further below in this Assessment, this issue was the subject of a viability case that the Council's expert advisors considered and accepted. As the Council does not have a 5-year housing land supply, this is a material consideration for accepting a reduced level of affordable housing and thus enabling delivery of an already allocated residential development site. Furthermore, the level of affordable housing that is proposed represents an improvement on the applicant's initial proposition. The inspector agreed with this approach to allow 20% affordable housing on the outline planning permission which is now proposed for this full application.
36. The Council must consider if the development would result in harm or other adverse effects which would significantly outweigh the benefits of the

development (an example of which would be its ability to help meet the housing land shortfall). The following sections of this report will consider the other wider impacts of the proposed development and my conclusion on the issue of the acceptability of scheme.

The principle of housing development

37. The application site together with Highmead House site are allocated under policy U14 of the urban sites and infrastructure DPD for an indicative 200 dwellings to facilitate a secondary access route to William Harvey Hospital. The proposal is for 192 dwellings and would provide a signalised junction to A20 and secondary access point for the William Harvey hospital.
38. Outline planning permission was granted on appeal in August 2017 for up to 192 dwellings on this application site. The U14 allocation also includes the smaller area around Highmead House where the Council resolved to grant planning permission subject to a section 106 planning obligation agreement for 28 dwellings in March 2017. The two sites have come forward separately as they are in different ownership (although there has been liaison between both and the Council over the access arrangements that is mentioned in the access section below).
39. The U14 policy does not require the holistic development of the whole site and allows for the separate development of the Highmead site as long as it does not prejudice the delivery of the main signal controlled junction.
40. The application site does not include Breeches Wood which is included as part of the actual U14 allocation and a small area to the east of the woodland. The U14 policy requires that Breeches Wood is retained and that no development should occur in the area to the east of woodland. During pre-application discussions consideration was given to using this as part of the allocated public green space allocation. However, there is no existing public access to the woodland or requirement in the U14 policy for its use for such a purpose, only for its retention. The applicant decided not to include this area as part of the application site and as Breeches Wood is being retained and development does not occur to the east of it I conclude that there is no conflict with policy U14.

The design of the scheme, the public open space provision, the impact on the visual character of the surrounding area including conservation area and setting of listed buildings

42. The proposed layout and design changes are a result of negotiations between officers and the applicant result in a reduction of dwellings from 207 to 192.

In summary, the changes are:

- Reduction in number of dwellings from 207 to 192.
 - More active frontages along Hinxhill Road with an internal access link to allow local traffic on the closed off section.
 - Reduced number of apartments.
 - Layout changes reducing prominent cul-de sac parking courts with substantial clusters of parking.
 - Movement back of dwellings from Lacton Green away from retained boundary landscaping around Lacton Green.
 - Access detail updated to synchronise with Highmead site.
43. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials. Paras. 62, 63 and 64 seek to ensure high standards of design that help raise the standard of design more generally, and that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Policies CS1 and CS9 of the Core Strategy require good design. These policies are consistent with the NPPF.
44. The layout provides a hierarchy of streets from the main road through the site and smaller streets and home zones branching off this all providing active frontages. This includes a more active frontage along Hinxhill Road with the fronts of dwellings facing the road with accesses. This is an amendment to the original scheme that had rear gardens backing onto Hinxhill Road in order to retain the boundary hedgerow. I was concerned that this would result in a 'dead street' with little activity and limited surveillance. I did not agree that the hedgerow along the Hinxhill Road boundary was sufficient enough to provide screening/security as part of the rear boundary of dwellings and it was therefore likely to result in prominent rear fences facing the road. The new main access to Hinxhill Road itself results in the removal of a large section of the boundary hedgerow to provide visibility splays. Replacement planting can be provided at the front of dwellings to compensate for the loss of hedgerow and this will be part of a landscaping condition.
45. The proposals include a 10m deep buffer planting strip on the north east corner between Hinxhill Road and Breeches Wood. Policy U14 (h) requires the retention of Breeches Wood and extending the tree boundary between the woodland and the hospital to screen the development to the north. The policy does not indicate the size of this planting area and I consider 10m to be the minimum that should be provided. This strip is important as it marks the

boundary of the site along Hinxhill Road from open countryside beyond. It would not fully screen the site as it is impossible to screen such a large development but it would provide a softer transition from open countryside beyond. The Inspector in the outline application appeal decision highlighted the importance of this approach to this boundary as part of the planning obligation agreement so that there would no material effect on the AONB and so that the natural beauty of the area would be conserved. Kent Wildlife Trust also highlighted the importance of creating some connectivity between retained Breeches Wood and the Local Wildlife Site to the north of the proposed development.

46. Policy EN32 of the Local Plan states that permission will not be granted for development which would damage or result in the loss of important trees or woodland. The proposals retain the substantial trees and vegetation further along Hinxhill Road and around the Lacton Green. The arboricultural assessment identifies these as category A trees as a collection of established, mature and early mature specimens, which bound the north west corner of the site, which now creates a sylvan boundary feature of high arboricultural quality. The amended scheme retains this feature and has moved back dwellings from the Lacton Green area further away from these trees. This provides a better relationship between the dwellings and trees minimising potential future conflicts of loss of light to dwellings and provides a less cluttered and enhanced green space that also forms part of the setting of the prominent listed building 124/126 The Street. The amendments have also addressed previous concerns on the close relationship of some dwellings with Breeches Wood which I consider is now acceptable.
47. The current open space detail is unacceptable and the Street Scene and Open Space officer has raised an objection. The general layout of open space areas shown is considered acceptable in principle but only two areas will be counted – the area around Lacton Green forming a green wedge through to Breeches Woods and a further area by Breeches Wood containing equipped play and informal kickabout area. Other areas open space around the site are deemed considered too small to be counted.
48. The current objection to the two larger area relate to the detail that results at present in a shortfall of usable open space. The area containing the play/ kick around is on a significant slope. This area needs to be graded level. Although the kick around area is shown to be graded in bowl the play area will be on a slope which is unacceptable. The kick around and play area need to be on a level gradient and swapped in location with the play moved towards the road as this location has better surveillance and the play area needs a DDA compliant access. The kick around area is also shown for surface water

- attenuation – the applicant needs to demonstrate that this attenuation will not adversely impact on its recreational use.
49. The open space around Lacton Green includes a basin for surface water attenuation. Although not unacceptable in itself the gradient of the banks could be reduced to 18 % which would allow it to be potentially counted toward the open space provision.
 50. In terms of overall provision of useable space the street scene and opens spaces officer has calculated that present only 1.058 hectares of usable space is provided compared to the required 1.15 hectares when flood attenuation areas are removed.
 51. The scheme will need to be amended to provide a suitable level area for the play area/kick around and ensure the flood attenuation measures do not have an unacceptable impact on the usability of open space. I have discussed this with the street scene and project office drainage officers and it is considered there is likely to be a workable solution to provide the requested open space provision. It could result in excess open space being provided on the basis of the general areas shown. However, I propose that this detail is delegated back to officers to resolve with the applicant.
 52. Policy U14 requires that the scheme be designed and laid out in such a way as to protect the character and setting of the adjoining conservation area and neighbouring listed buildings. There is a requirement under the planning acts to pay special regard to the desirability of preserving a listed building or its setting and the desirability of preserving or enhancing the character and appearance of a conservation area.
 53. The Inspector in the outline appeal decision noted the hamlet like character of the conservation area. The current setting of conservation to the east is of open countryside. The Council, by allocating this site for residential development, has already accepted a major change to the character of its current setting and so impacts need to be considered against this context.
 54. The small part of the site adjacent to Lacton Green is actually within the conservation area but is not being developed and is proposed as open space helping the retention of the substantial boundary trees in this area. This provides a visual link with a small green at Lacton Green and the development will allow views through this green wedge to Breeches Wood.
 55. The text of Policy U14 mentions providing a distinct gap and soft green buffer along part of the western boundary to help mitigate the impact on the adjacent residential occupiers and on the character and setting of the Conservation Area and provide lower density development. The proposals have addressed this by providing open space in the most prominent part by

Lacton Green and then detached lower density houses with their back gardens abutting the rear gardens the existing dwelling along The Street.

56. There are a number of listed buildings along The Street. The most significant ones are 124/126 The Street prominent in the wider setting of Lacton Green and along Hinxhill Road. Whilst its wider setting will inevitably change with the housing development its immediate short range setting has been retained free of development with the open space and setting back of the nearby dwellings. In addition, at the southern end of The Street is 154 which has a wider undeveloped setting which will change with the housing development but the scheme is showing lower density detached housing here.
57. The Inspector in the outline appeal decision (albeit based on a illustrative masterplan) was satisfied that there was sufficient separation from the proposed built development to those listed buildings along The Street so that their individual settings would be preserved. He also concluded that the link road and closure of Hinxhill Road would also have significant positive effect on the character of the conservation area by reducing the amount of traffic along The Street.
58. The dwelling typologies are two storeys including the only apartment block located near the Highmead House boundary. This is in keeping with the general scale of dwellings in the surrounding area which in general are two storey. The dwellings will have a mix of roof forms, with hips, gables and some chimneys and features such as bays and entrance canopies. They will be finished in a mix of clay roof tiles, tile hanging, multi red brick and some white weatherboarding. I have no objection in principle to these finishes although agreement to the precise palette of materials will be conditioned. I have raised the issue with the applicant of the car barn designs in that they have solid sides and could give the appearance of garages without doors. This could lead to future difficulties with installation of doors and allocated parking spaces being put to other uses notwithstanding that permitted development rights can be removed. It is not uncommon for home owners to overlook the terms of a planning permission and to carry out work without checking with the Council first about the need for permission and the likely success of an application (This has implications for the parking provision which is mentioned in the highway section). I have asked the applicant to revisit this and to see what can be done to improve the designs to make covered spaces feel more open and deliberately designed as such rather than as space easily converted to a secure store.
59. The applicant has undertaken some detailed changes I have previously requested and the general arrangement/design and number of dwellings are acceptable. However there are some other minor matters of detail (as listed below) that would improve the scheme further that have been previous

mentioned to the applicant which I wish seek amendments through delegated authority if possible.

- Location of visitor parking in relation to the properties they are serving.
 - Design of all side streets/junctions and materials to respond to pedestrian desire lines to make them easier to cross. This will simply involve the location of dropped kerbs and use of simple contrasting materials. No changes to tactile paving locations. Would need agreement with KHS
 - Design, bollards, landscaping, materials and lining in the existing sections of Hinxhill Lane
 - At least 2 informal areas to act as crossing points along main road next to main park play areas to make it safe for kids to cross.
 - The creation of subtle pinchpoints of main carriageway through site – maybe will involve small scale twisting of up to 2-4 units and minor alignment of footpath/grass verges.
 - Precise alignment/location of footpaths through narrow green space to serve on street visitor parking
 - Minor architectural treatment of elevations – including roof form, position of windows and materials.
 - Landscaping and material treatment of both highway entrances to the site.
 - Boundary walls to all properties and around the green space on the far eastern edge corner near the substation compound
60. The site combined with Highmead will result in a total of 220 dwellings on the whole U14 site allocation. This is greater than the figure of 200 dwellings in the U14 policy, however that figure was indicative at the time of the policy adoption and obviously might vary once the detail of the scheme is examined through a planning application. Overall, the site is being developed at a density of 20 dwellings per hectare gross/26 dwellings per hectare net (minus green space). The U14 policy envisages a density below an average net of 30 dph. The emerging policy S17 in the Ashford Local Plan now states an up to figure of 200 dwellings on the whole site which will be exceeded. However, at present, this policy has little weight and I do consider there are any grounds of objection to the level of development proposed under this scheme.

The access arrangement, the impact on the surrounding highway network and parking provision.

61. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other matters states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
62. The outline application appeal granted access details from the A20, Hinxhill Road and to Highmead House. This application is a full application and not an application for approval of reserved matters so requires separate approval of these access details and all the remaining access details and layout. The proposed junctions to both the A20 and Hinxhill Road between which the main access route will travel in are both in the indicative positions shown on the U14 proposals map. The A20 signalised junction is constrained by land ownership as it does not include any of the Highmead House site. It would be constructed through a steep embankment up to 3m high and result in the loss of trees and vegetation which is an unavoidable consequence of the development. The Transport Assessment accompanying the proposals has looked at scenarios of both M20 Junction 10a either being (or not being) in place. In both scenarios the capacity analysis presented shows that the proposed primary site access junction can operate within capacity without detrimental impact on the operation of the Tesco roundabout, which is considered to be the key constraint on the local highway network.
63. The TA is based on the assumption that 40% of existing hospital traffic approaching from the M20 Junction 10 would transfer to the secondary access. At present the hospital are not upgrading the access point which is outside the applicant's control. The junction at Hinxhill Road has therefore been designed so as to not prejudice the Hospital bringing forward an appropriate secondary junction arrangement in the future. The proposals would include the closing off of Hinxhill Road beyond the access towards Willesborough Lees in order to prevent traffic going through Willesborough Lees, which is a requirement of the U14 policy.
64. The relationship with the Highmead site is important as the U14 policy only allows one access junction to A20. The Highmead House proposals therefore include an internal east/west link with this site in order to be able to gain access to the signalised junction once it is constructed. The applicant was party to the negotiations to ensure that the details of this link would work for both schemes. It is imperative that this link is shown. The applicant has therefore provided an amended plan showing the updated access details. Kent Highways had no objection to these details a part of the outline scheme.
65. The scenario of the Highmead House site being developed first and served by its own priority junction is dealt with in the Highmead site application. This scenario would require the priority junction to be stopped up and reinstated once the signal controlled approved under this application is in place.

66. Parking provision needs to be in accordance with the Council's Residential Parking SPD ('suburban standard'). In general this required 2 parking spaces per dwelling, visitor parking at 0.2 spaces per dwelling and an additional 0.5 space per tandem parking arrangement. The layout includes a significant amount of tandem parking which increases the level of unallocated/visitor parking that is required to be worked into the layout. The scheme complies the SPD. I have already mentioned the issue of some car barn designs and my concerns that the designs could lead to a perception of an unfinished garage able to be easily converted into a storage area through insertion of a roller shutter door or pair of doors or up and over door. This is important for long term parking provision as garages are not counted under the suburban SPD standards and would result in the scheme becoming deficient in parking resources over time. I had asked the applicant during the original submission to address this. As the amended plans have not altered the proposals I would propose that changes are resolved through the proposed delegation to officers to deal with outstanding items of detail. The proposal would not comply with the emerging parking standard under policy TRA 3(a) of the Ashford Local Plan 2030 which requires an additional space for 4 bed houses. This, however, is an emerging policy and little weight can be given to it when determining proposals at the current time.
67. The site would also be the subject of a controlled parking zone (an extension of the existing scheme in place at Willesborough Lees) in view of the proximity to William Harvey hospital. This would be secured through the section 106 agreement and this requirement was upheld by the Inspector on the outline appeal decision. The layout has been assessed for refuse vehicles and there are no fundamental objections to what is shown. Any minor changes can be dealt with through amendments and/or conditions.
68. I consider a number of design improvements could be included to road access and junction such pitch points. This has been discussed during negotiations and I would seek some minor changes through delegated powers. Kent Highways have raised an objection to the proposals. However these issues relate to minor matters of detail that can be dealt with through amendment and/or conditions and so would not be fundamental changes to the scheme.
69. Highways England have raised no objection subject to an SPG6 contribution towards Junction10a which will be required through a section 278 agreement. The decision on the DCO application for Junction 10a is due by 2 December 2017. The actual works do not directly affect this site. I therefore have no objection to the proposals on highway and parking grounds.

Other planning matters

Impact on existing and proposed residential amenity. .

70. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
71. I have no objection to the relationships between the proposed dwellings and neighbouring residents, however some proposed dwellings will need to have restrictions on windows on certain elevations e.g. plot 123 west side elevation which is close to the boundary with the existing Tollgate House. The applicant is aware of this and has kept this elevation free of windows. Within the site itself I am satisfied with the relationships subject to similar restrictions on windows on a few units where relationships are close. The Highmead House development at present has no detailed planning permission so these relationship cannot be fully established beyond the access arrangement. Space standards are now nationally described. The dwellings do provide sufficient gardens in line with the Council's SPD and the flats would have balconies.

Ecological

72. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests. The NPPF clearly indicates that the planning system should contribute to and enhance the natural and local environment by.....minimising impacts upon biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity". The NPPF lists a number of principles by which this is achieved.
73. There are no designations on the site. The phase 1 survey confirms that the site is dominated by habitats of low to moderate ecological value. Mitigation measures can be secured by suitable planning conditions. The confidential badger survey has been assessed by KCC ecological officers who have no objection subject to a planning condition requiring the badger exclusion zone. They have yet to comment on the amended layout but the proposals are showing development outside the exclusion zone. I have no objection subject to conditions to provide these mitigation measures.

Flooding and SUDS

74. Policy CS20 of the Core Strategy and Ashford Borough Council Sustainable Drainage SPD outline that new development should include sustainable drainage systems for the disposal of surface water in order to avoid any increase in flood risk or adverse impact on water quality.

75. The majority of the site is within flood zone 1 and all building development is proposed within flood zone 1 where there is a low risk of flooding. The use of permeable paving, swales and on-site attenuation storage is proposed to reduce the risk of flooding by managing surface water run-off near its source and reducing the peak run-off rate and volume.
76. The Council's drainage officer has reviewed the latest information available and considers it is considered from an engineering perspective that a viable, policy compliant scheme is achievable for development based on the outline design provided and that given the information provided that sufficient space is allocated on the site to appropriately manage surface water against local and national planning policies. However, some of the elements of the scheme may require modification at discharge of condition stage to ensure that the proposed system provides the best possible compliance with the Ashford Borough Council Sustainable Drainage SPD and also ensures that attenuation within Public Open Space (POS) do not detract from the primary purpose of these areas.
77. I have already mentioned changes to the public open space provision requirement and how this is linked to drainage attenuation. It is anticipated that both these can be successfully achieved but will require further amendments from the applicant. Subject to this being provided and found to be acceptable I have no objection to the proposals on drainage and flooding grounds.

Contamination

78. A desk study site appraisal has been undertaken for the site. It is considered that land contamination issues are highly unlikely to form a material planning constraint. As such it would be typical for the requirement for Phase 2 intrusive investigation to be secured by planning condition. The Environmental Health Officer has raised no objection subject to condition to deal with any contamination issues that may be found on site. I agree with this approach.

Noise

79. A noise survey was undertaken that recommend mitigation measure for dwelling affected by noise by A20 such as double glazing. The environmental health manager has no objection subject to a planning condition to secure appropriate mitigation and, again, I agree with this approach.

Section 106 matters including viability and affordable housing

80. The detailed obligations/contributions required were previously reported to Members as part of the outline scheme proposals that went to appeal,

including the request for reduced affordable housing of 20%. The applicant had originally made an offer of 10% affordable housing that the Council's viability consultant considered was unjustified. The particular issues in relation to the appraisal related to the assessed benchmark land value relied on by the appellant, and the abnormal development costs being cited. The Council's SHMA identifies an acute need for at least 40% of all houses to be built to be affordable homes

81. There is acute need for Affordable Housing in the Borough which is reflected through policy CS12 of the adopted Core Strategy and the emerging policy HOU1 of the Draft Ashford Local Plan. These policies are consistent with Paragraph 50 of the NPPF. Therefore, there is a firm policy base to request Affordable Housing, but I recognise (consistent with Development Plan policies and the provisions of the NPPF) that any genuine viability issues will need to be considered and reductions may have to be accepted where appropriate.
82. Following further negotiations and receipt of additional information the appellant agreed to 20% affordable housing provision. The Council's viability consultant agreed that this figure is now justified. Although below the required policy level of 30%, the NPPF makes provision for market conditions to be taken into consideration. The lesser provision of affordable housing needs to be balanced against the delivery of further market housing on what is an allocated site. I consider that 20% affordable housing is acceptable on this basis and is in accordance with the requirements of the NPPF when balancing the merits of development against policy compliance difficulties as a result of development viability. The split would be 60% shared ownership and 40% affordable rented.
83. The Inspector in the outline appeal decision endorsed the Council's stance on contributions and reduced affordable housing requirement.

Planning Obligations

84. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
85. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against

Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case. .

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Adult Social Care</p> <p>Contribution towards the Age UK community resource day centre for the disabled at Farrow Court, Ashford</p>	£47.06 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as additional social care facilities required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use adult social care and the facilities to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings</p>

2.	<p>Provide not less than 20% of the units as affordable housing, comprising 60% shared ownership and 40% affordable rented units. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>For a 20% on 192 unit scheme(= 39 units rounded up) we would expect there to be 60% shared ownership and 40% affordable rented units, property types should be as follows 25 -30% 1 bed , 35-40% 2 bed , 25-30% 3 bed 5-10% 4 bed</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided</p>
3.	<p>Allotments Up to £30,000.00 towards infrastructure improvements at Gas House Field Allotments and up to £19,536.00 towards infrastructure improvements at Henwood Allotments (based on 192 dwellings) for infrastructure</p>	<p>£258 per dwelling for capital costs £66 per dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces</p>

	<p>improvements at both sites including improving fencing and gates improving water and electricity supplies to each site and the provision of outdoor furniture at both sites. Up to £12,672.00 (based on 192 dwellings) for maintenance of improvements at either site.</p>			<p>and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will use allotments and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p>Cemeteries Contribution of up to £54,528.00 (based on 192 dwellings) to support the development of a new cemetery within the borough. With a commuted sum of up to £33,792.00 (based on 192 dwellings)</p>	<p>£284 per dwelling for capital cost £176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

				<p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years</p>
5.	<p>Community Learning Contribution towards additional equipment, namely IT dongles, mobile projector and tablets at Ashford Adult Education Centre, Ashford Gateway, Ashford</p>	<p>£34.45 per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as additional community learning resources required to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF</p> <p>Directly related as occupiers will use community learning facilities and the resources to be funded will</p>

				<p>be available to them</p> <p>Fairly and reasonably related scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings</p>
6.	<p>Controlled parking zone</p> <p>Contribution towards the making and implementation of a traffic regulation order for the site</p>	£20,000	On first occupation of the development	<p>Necessary pursuant to policy U14 of the Urban Sites and Infrastructure DPD in order to protect residential amenity and in the interests of highway safety as visitors to and staff at William Harvey Hospital would park on the site</p> <p>Directly related as William Harvey Hospital is only a short distance away</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development</p>
7.	<p>Libraries</p> <p>contribution towards the reconfiguration of part of the Ashford Gateway to increase</p>	£208.93 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as as no spare library space available to meet the demand generated and pursuant to Core Strategy policies CS8 and</p>

	Library capacity			<p>CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings</p>
8.	Outdoor Sports Pitches Contribution towards a new outdoors activity zone and associated outdoor furniture at the Julie Rose Stadium Ashford and maintenance thereof	£1,589 per dwelling for capital costs £326 per dwelling for future maintenance	Upon occupation of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 Public Green Spaces and Water Environment SPD and guidance in the NPPF</p>

				<p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained</p>
9.	<p>Primary Schools Contribution towards the provision/construction of the new primary school at North Willesborough/Kennington Ashford</p>	<p>£ 1,134 per flat £ 4,535 per house £0 for any 1-bed dwelling with less than 56 m2 gross</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary</p>

				<p>school and the facilities to be funded would be available to them</p> <p>.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings</p>
10.	<p>Secondary Schools Contribution towards the Phase 1 Norton Knatchbull School expansion</p>	<p>£589.95 per flat</p> <p>£2,359.80 per house £0 for any 1-bed dwelling with less than 56 m2 gross internal area</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the</p>

				<p>NPPF</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings</p>
11.	<p>Junction 10A Contribution towards construction of junction 10A of the M20 To be paid through an agreement with Highways England under section 278 of the Highways Act 1980 Based on a total of 207 units, a contribution of 2.07 development units is</p>	<p>£669, 527.04 (for 192 dwellings) £721,833.84 (for 207 dwellings)</p>	<p>Section 278 agreement to be completed before the grant of planning permission. Payment of the contribution as per the section 278 agreement</p>	<p>Necessary in order to meet the demand generated by the development and in the interests of highway safety pursuant to Core Strategy policies CS1, CS2, CS15 and CS18, Urban Sites and Infrastructure DPD policy U24, and guidance in the NPPF</p> <p>Directly related as occupiers will travel and the new junction will be</p>

	required			<p>available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of relevant trips</p>
12.	<p>Strategic Parks Contribution towards capital works for outdoor storage solutions for sporting equipment, toilet and wash-down facilities and provision of outdoor furniture such as improved fencing and gates at Conningbrook Lakes Country to enable more use of Conningbrook Lakes.</p>	<p>£146 per dwelling for capital costs. £47 per dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Urban Sites and Infrastructure DPD policy U24 , Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the</p>

				extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
13.	<p>Youth Services</p> <p>Contribution towards conversion works of a garage at Ashford North Youth Centre and additional equipment at that location to accommodate additional attendees and increase capacity of facility</p>	£27.91 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary for youth service space available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth service facilities and the facilities to be funded will be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number</p>

				of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly
14.	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored</p>

Human Rights Issues

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

Working with the applicant

87. 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

88. The scheme is acceptable in principle providing residential development (192 dwellings) on an allocated site and a secondary access point to the William Harvey hospital. The original proposals have been amended and I consider the general layout and design is acceptable. There are certain matters of detail that require additional amendments including public space, streets and typologies which I consider can be resolved under delegated authority as per Recommendation (A) below.

Recommendation

- (A) Subject to the receipt of further amended plans resolving the outstanding matters highlighted in this report to the satisfaction of the Head of Development Strategic Sites and Design or the Development Control Managers and,**
- (B) Subject to the applicant first entering into a Section 106 agreement/undertaking in respect of planning obligations related to the matters detailed in Table 1, in terms agreeable to the Head of Development Strategic Sites and Design or the Development Control Managers in consultation with the Corporate Director (Law & Governance), with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions, as they see fit.**

(C) Permit:

Subject to the following conditions and notes:

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.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of the decision notice.

Reason: To ensure the development is carried out in accordance with the approved plans

Materials & Visual amenity

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

Reason: In the interests of visual amenity.

4. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the above ground works. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the surrounding area.

5. Details of final levels for the development including slab levels of the buildings shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and the development shall be carried out in accordance with the approved levels.

Reason: In the interests of the visual amenity of the surrounding area

Highways

6. No development shall take place, including any works of demolition, until a Construction Method Statement (the CMS) has been submitted to, and approved in writing by the Local Planning Authority. The CMS shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials including details of site access point(s) for construction and temporary traffic management/ signage;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) delivery and construction working hours.
 - vii) details of site access point(s) for construction
 - viii) temporary traffic management/signage.

The approved CMS shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and the amenities of neighbouring residents

7. The area shown on the drawing number 2747 -300 H as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, 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) Order 2015 (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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

8. Details of the bicycle storage facilities showing a covered and secure space shall be submitted to and approved in writing by the Local Planning Authority prior to construction of above ground works. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

9. The following works between that dwelling and the adopted highway shall be completed as follows in accordance with the details approved prior to first occupation of the dwelling:

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety.

10. No dwelling hereby approved shall be occupied until:

(a) The Local Planning Authority in consultation with the local highway authority has approved in writing a full scheme of works for the closure of Hinxhill Road to vehicular traffic that will be provided immediately upon the opening of the link road running through the development site.

(b) the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority;

unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highways Safety and in accordance with policy U14 of adopted urban sites and infrastructure DPD

11. No dwelling hereby approved shall be occupied until the traffic signalled junction on the A20 (Hythe Road) including the eastern link up to the application site boundary with the access to the land to the southeast (the site of Highmead House) has been provided in accordance with the approved plans TBC

Reason: In the interests of highway safety.

12. No dwelling hereby approved shall be occupied until a scheme for the timing and implementation of the proposed junction with Hinxhill Road in accordance with the approved plan TBC has been submitted to and approved in writing to

the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable. .

Reason: In the interests of highway safety and policy U14 of the adopted Urban sites and Infrastructure DPD.

13. No dwelling hereby approved shall be occupied unless the relocation of the bus stop on the A20 (Hythe Road) as shown in plan number L571/209 has been completed in accordance with these details

Reason: In the interests of highway safety

14. Details of the proposed development phasing programme and corresponding access layouts (including allowance for any construction vehicles) shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of any development on site and the development shall be carried out in accordance with the approved phasing detail unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

15. No dwelling hereby approved shall be occupied until:

a) The Local Planning Authority has approved in writing a full scheme of works for the Re-location of the existing 40mph speed limit on Hythe Road in an eastern direction approximately 100 metres upstream from the westbound stop

and

b). the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

Reason: In the interests of Highways Safety.

Environmental protection

16. No development shall take place until a scheme for protecting the proposed dwellings from noise from the A20 (Hythe Road) has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any affected dwelling is occupied and shall thereafter be retained.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

17. No development shall be commenced until:

(a) site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development:

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is developed.

Ecology

18. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall follow the principles set out in Section 6.3 of the Ecological Appraisal dated August 2017 produced by Aspect Ecology reference 1004398 EcoApp JB/AB vf6. The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter.

Reason: In order to enhance biodiversity of the site in accordance with the NPF and Core Strategy Policy CS11.

19. No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, unless a detailed badger mitigation scheme has been submitted to the Local Planning Authority for approval. This is to include the results of a recent survey, the location of any work exclusion zones around setts/commuting routes and details of the associated

landscaping. All works shall proceed in accordance with the approved scheme of mitigation

Reason: In the interest of protecting badgers in line with The Protection of Badgers act 1992

Drainage

20. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority and shall be based on the principles of the Flood Risk Assessment and Drainage Strategy by Odyssey Markides Report No. 16-212-02D dated August 2017.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD. This will include a modified surface water drainage strategy which satisfies the requirements of the 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.

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where possible. Proposals should identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified.

Where infiltration methods are to be proposed, test results should be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.

No drainage systems for the infiltration of surface water drainage into the ground should occur without the express written consent of Ashford Borough Council. It must be demonstrated that there is no resultant unacceptable risk to controlled waters, or groundwater aquifers.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance) and shall be retained in working order until such time as the development ceases to be in use.

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) enhance the landscape, (vi) improve public amenities, (vii) 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.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance) and shall be retained in working order until such time as the development ceases to be in use.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures. The designed system should be modelled against the climate change adjusted 1:100 storm event, appropriate to the lifetime of the development, in accordance with Ashford Borough Council Sustainable Drainage SPD, NPPF Non-statutory technical standards for Sustainable Drainage & KCC drainage and policy statement (dated June 2017).

Reason; In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage”

21. No development shall take place on site until a foul drainage strategy detailing the proposed means of disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: in the interests of proper foul drainage disposal.

Archaeology (KCC)

22. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
 - (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

Landscaping

23. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant].

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

24. The details of soft landscape works required in condition [23] above 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 protection and enhancement of the area.

25. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area.

26. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be

submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

Crime

27. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The

Reason: In the interest of Security, Crime Prevention and Community Safety in accord with Policies of Ashford Borough Council Core Strategy Plan 2008

Monitoring

28. 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

Development restrictions

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development

- 30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the car barns shall be provided in accordance with the detailing shown on the approved plans and shall not be further altered through the addition of further alterations/ doors without the prior permission of the Local Planning Authority in writing.

Reason: To ensure the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking.

- 31 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be constructed in the following elevation(s) of the buildings

Plot 7 south side

Plot 17 north elevation

Plot 54 north elevation

Plot 59 North side

Plot 79 South side

Plot 107 North side

Plot 113 west elevation

Plot 123 west elevation

Plot 143 east elevation

Plot 144 east elevation.

Plot 169 west elevation

Plot 170 west elevation

Plot 172 east elevation

other than as hereby approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of occupants of the adjoining property

Refuse

- 32 Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

Sustainable design and construction

33. Each dwelling hereby approved shall be constructed and fitted out so that:

a) the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State;

.Unless otherwise agreed in writing by the Local Planning Authority, no work on each dwelling shall commence until the following details for those dwellings have been submitted to and approved in writing by the Local Planning Authority:

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

Note to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. 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 considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (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 .

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Annex 1

