



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 18th July, 2018 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Burgess (Chairman)
Councillor Link (Vice-Chairman)

Cllrs. Bennett, Bradford, Buchanan, Clarkson (ex-Officio), Clokie, Dehnel, Galpin, Heyes, Hicks, Krause, MacPherson, Ovenden, Waters, Chilton, Knowles and Wedgbury

Agenda

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(b) **18/00098/AS**

1 - 170

Waterbrook Park, Waterbrook Avenue, Sevington, Kent - Hybrid planning application for mixed-use development comprising (1) Application for full planning permission for the construction and operation of a 600-space truck stop; a 2,612sqm GIA service building providing 1,734sqm GIA of ancillary truck stop service facilities and 878sqm GIA of B1 offices; buildings providing 6,308sqm GIA of class B1, B2 and B8 floorspace for small and medium enterprises; associated access, parking and landscaping, including highway infrastructure works to Waterbrook Avenue and (2) Application for outline planning permission (with all matters reserved) for 8.9ha of employment uses comprising uses falling within use classes B1, B2 and B8, a class A1 superstore of up to 2323sqm, drive-through restaurants (use classes A3/A5), a petrol filling station and ancillary convenience store, and car

Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm. However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:

“To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee”.

showrooms (sui generis); and up to 400 residential dwellings, with class A1 neighbourhood retail uses, associated drainage, parking, landscaping and infrastructure

Note for each Application:

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The indication of the Parish Council's/Town Council's views
- (c) Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

Note on Votes at Planning Committee Meetings:

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

DS
12 July 2018

Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565
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Application Number	18/00098/AS
Location	Waterbrook Park, Waterbrook Avenue, Sevington
Grid Reference	03385/40119
Parish Council	Mersham & Sevington
Ward	Weald East
Application Description	Hybrid planning application for mixed-use development comprising (1) Application for full planning permission for the construction and operation of a 600-space truck stop; a 2,162 sqm GIA service building providing 1,734 sqm GIA of ancillary truck stop service facilities and 878 sqm GIA of B1 offices; buildings providing 6,308 sqm GIA B1 (b and c only), B2 and B8 floorspace for small and medium enterprises; associated access, parking and landscaping, including highway infrastructure works to Waterbrook Avenue and (2) Application for outline planning permission (with all matters reserved) for 8.9ha of employment uses comprising uses falling within use classes B1, B2 and B8, a class A1 superstore of up to 2,323 sqm, drive-through restaurants (use classes A3/A5), a petrol filling station and ancillary convenience store, and car showrooms (sui generis); and up to 400 residential dwellings, with class A1, A3 and A5 neighbourhood retail uses, associated drainage, parking, landscaping and infrastructure
Applicant	GSE Waterbrook Ltd & Cedarvale and C.C. Projects (trading as Ashford Great Park)
Agent	DHA Planning Ltd, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN
Site Area	65.84ha

(a) 541 / 10 X/S, 5 R (b) R (c) ABC (Cultural) X, ABC Env. Protection X, ABC P. Office (Drainage) X, ABC (Parking) X, SW X, EX Z, Pol X, KCC

5. In respect of the residential component of the application, 'up to 400' homes is applied for. Policy S16 suggests a lower indicative capacity of 350 homes. A detailed 'proving layout' developed from an identified housing typology mix has not been provided by the applicant: instead, the Design and Access Statement (D&A) identifies how the approach taken at the nearby Finberry development could be translated to the proposed residential areas at Waterbrook creating a variety of character areas in the process.
6. The character areas have related density assumptions: the applicant considers that the 'up to' number of homes applied for would fall out of that place-making approach. The number of homes applied for does, however, have a bearing on the issue of development viability. The applicant has submitted a Viability Assessment with the application and has underwritten the cost of its independent expert review. The 'maximum' 400 home figure has been used in the Assessment and its review. I set out in the Assessment section of this report the policy compliant starting point, the outcome of the review, the s.106 package and level of affordable housing delivery that the development could sustain and still be a deliverable development and my opinion of the planning balance informing my Recommendation.
7. The applicant has provided a letter in support of the proposal outlining the importance of a decision related to the proposed delivery timeline for the truck-stop. This is attached as **Annex 1**.
8. Since the application was submitted, I have negotiated amendments with the applicant to deal with various matters of concern with the application as deposited. I summarise these below;-
 - (i) The truck-stop – the applicant has committed to developing a truck-stop management plan to be agreed with the Council pursuant to a planning condition. The Plan would include;-
 - (a) greater numbers of on-site recharging points to be provided from the outset in order reduce potential for disturbance from HGV motors having to run engines in order to power refrigeration units,
 - (b) the design of the truck-stop to be developed from the outset with future proofing elements - such as ducting runs - so that anticipated future technological changes in the logistics industries by use of electric vehicles will be able to be easily accommodated,
 - (c) further acoustic measures as part of the southern perimeter to the truck-stop in the form of a 7m high acoustic barrier (screened by an existing belt of trees) in order to mitigate potential noise impacts on the amenities of existing

residents living on Cheeseman's Green Lane,

(d) a reduction in the height of lighting columns within the truck-stop from 8m in height as initially identified down to 6m in order to help reduce light spillage,

(e) parking areas that are not in use to have lights extinguished between 22:00-04:00 and those that are in use to have lights dimmed over the same period to the lowest safety level required for site users.

(f) a commitment to direct trucks needing an overnight/early hours departure from the truck-stop to park in the northern half of the site closest to the boundary with the A2070 whenever that is operationally possible.

(ii) Signage to the Truck-stop - agreement by the applicant to work closely with the strategic highway authority (Highways England) (HE) and the local highway authority (KCC) in order to provide advanced signage for truck-stop users to guide direction to the facility on the M20 in order to identify when the facility is full so as to help avoid local congestion and at the A2070 entrance into the site. Similar signage is not considered necessary on the local highway network leading to the site as the applicant states that very few HGVs already approach the existing facility from directions other than the M20.

(iii) Parking for the detailed employment elements of the hybrid application - working with KH&T revisions to the quantum of parking in order to provide policy compliant levels of parking in acceptable locations relating to the units served by that parking resource.

(iv) Shaping the detail of development – given the 'hybrid' nature of the application, commitment to working with the Council to agree a Development Brief to help shape the layout, design, identity and quality of future detailed (reserved matters) applications for the employment and residential parcels where this level of detail is not yet known. This has the ability to assist balancing the 'up to' number of homes being applied for with more detailed consideration of place-making and character area creation than is possible at outline stage.

(v) 'Green and blue grid' as place-makers – given the site's relationship to the nearby designated 'Green Corridor' and the East Stour river that runs through it as a designed Local Wildlife Site (LWS) a commitment to integrate 'green grid' (strong soft landscaping with visual amenity, character creation, well-being, identity, habitat and bio-diversity benefits) with 'blue grid' (SUDs approaches that actively contribute to identity, visual amenity and character area creation besides helping to manage run-off rates) into the layout of the outline employment and residential areas. These issues can also be taken

forward in the proposed Development Brief: whilst it is accepted by consultees that the truck-stop cannot sensibly contain SUDs elements, the remainder of the site will, consequently, need to work harder to accommodate more SUDs than is presently suggested in the supporting information. The Council's adopted policy makes clear the importance of achieving strong surface level SUDs and this can inform the approach in the proposed Brief.

(vi) Retail foodstore – following on from independent expert review of the applicant's Retail Statement (the costs of which are also underwritten in full by the applicant), it is accepted that if the Council is minded to permit the proposal given its role as part of the enabling package supporting the delivery of the truck-stop then there will need to be a mechanism in a s.106 agreement to ensure that the applicant's proposal to transfer the medium sized foodstore previously approved for the Finberry local centre to Employment Zone C at Waterbrook and then make an application to the Council for a smaller replacement foodstore at Finberry local centre – for which operator interest is cited - is actually delivered. The mechanism would be by an obligation restricting commencement of a Waterbrook foodstore until planning permission for the alternative provision at Finberry has been granted and a contract has been let for its construction.

(vii) Retail facilities within the residential areas – the applicant's D&A identifies the area around the existing southern roundabout at Waterbrook as having scope to be developed as the core of the new neighbourhood, particularly as a link road to Finberry would channel some traffic through this area. Public open space is also suggested here. At my request, the applicant has agreed to expand the description to include Class A3 uses (cafes) and Class A5 uses (hot food takeaways) alongside the Class A1 uses (shops) applied for – these uses being typical, in my opinion, of those that might be found at a small neighbourhood centre. The application description has been amended accordingly.

(viii) Limiting the amount of B1a office space (outline) – taking into account the extant permission for Class B1a (office) floorspace at Waterbrook alongside the sequential and 'town centre first' approach to office development in the NPPF, the applicant has agreed to a planning condition to limit the amount of B1a space that can be developed in the outline element of the application to a maximum of 15,000 sq.m. The application description has been amended for the purposes of clarity.

(ix) Limiting the amount of B1a office space (full) – following on from (viii) above, Class B1a is also now deleted from the full (detailed) detailed element of the application save for the 878 sq.m forming part and parcel of the truck-stop services building as ancillary administration of that facility. Therefore, the

small and medium enterprise units (SMEs) would be available for Class B1b (research & development) and B1c (light industrial) uses as well as Class B2 (general industrial) and Class B8 (storage and distribution) uses. Again, the application description has been amended to make this clear.

(x) Viability – as a result of expert review and subsequent negotiations;-

(A) a package of development mitigation measures totalling £6.5m in addition to 10% affordable housing that it is agreed the development could sustain and still be deliverable has been negotiated, together with,

(B) agreement to a review mechanism in order to consider the land values actually against the assumptions made and reclaim additional financial contributions that can then ‘top-up’ the negotiated package.

I am mindful that in the circumstances where mitigation would be less than aspired to and policy compliant, compromises would need to be made but I believe the negotiated package strikes a reasonable balance: full details are set out in sub-sections (p-r) of the Assessment section of this report.

9. In the opinion of the applicant, the amendments made do not impact upon the Environmental Statement to the extent that elements would need to be revisited or advertised formally as further information under the Regulations governing Environmental Assessment. I agree with that conclusion.
10. The amendments made by the applicant to parameter plans and the master plan seek to resolve my concerns about the impact of residential development on the boundaries of the Green Corridor and the LWS embedded within that corridor. The residential zones would no longer encroach. Additionally, at my request the applicant has pulled residential development back from the Cheeseman’s Green boundary to a greater extent. Both changes are welcomed. There is no need to carry out any community reconsultation on these refinements.
11. The changes made to the fine detail of parking quantum and parking layout involve Employment Zone A. These matters have now been satisfactorily resolved with the assistance of Kent Highways & Transportation (KH&T) and so there is no need to carry out any wider community reconsultation.
12. The applicant has submitted plans showing minor design changes to the central section of Waterbrook Avenue between the two existing roundabouts within the site. These seek to address comments that I and KH&T made in terms of calming traffic speeds, especially as the Avenue would have homes

developed on both sides and ultimately would have some Finberry traffic passing along the same street.

13. The changes made to the application in terms of the truck-stop (and measures to improve its performance as a development with noise production potential) are the subject of further consultation with the existing residents near to the site on Cheeseman's Green Lane. At the time of finalising this report, that reconsultation period is still running. This is built into my Assessment and Recommendation and I will update the Committee on any responses that are received.
14. Pursuant to The Town and Country Planning (Consultation) (England) Direction 2009 (Circular 02/2009), the Secretary of State for Communities and Local Government would need to be consulted if Members resolve to grant planning permission for the development subject to a s.106 agreement because,
 - (A) the quantum of retail floorspace involved with the application (Class A1 superstore of up to 2,323 sqm, Class A3/A5 drive-through restaurants of up to 1,332 sqm together with the ancillary convenience retail store of 508 sqm) would exceed 2,500 sqm, and,
 - (B) the application site would constitute an 'out-of-centre' retail location as set out in the Circular, and,
 - (C) the proposal would not be in accordance with one or more provisions of the development plan currently in force for the borough.
15. Lastly, I have written to the Parish Council with an update on the points that they made so that they are aware of the how these have been and are proposed to be addressed.

Site and Surroundings

16. The application site is land totalling 56.8 hectare in area located south of the A2070 (Bad Munstereifel Road) Southern Orbital near to the Orbital Park roundabout approximately 1.5 km south of Junction 10 M20. The existing site location plan is shown as **Figure 1** below and in the photograph reproduced as **Figure 2** below.



Figure 1: Site location



Figure 2: Aerial photograph

The existing site

17. The majority of the existing site is currently unbuilt but includes the following elements:-
- (a) A 350 lorry truck stop and service building at its southern end.
 - (b) The Kent Chamber of Commerce, a single storey building located at the north-west corner of the site.
 - (c) Vehicular access from the Orbital Roundabout.
 - (d) Two existing spine roads: 'Waterbrook Avenue' running southwards from the Orbital Roundabout to the Trunk stop and 'Arrowhead Road' that branches eastwards from Waterbrook Avenue via an internal roundabout.
 - (e) A large area of land that has been regraded through 'cut & fill' activity within the central area of the site (around Arrowhead Road and Waterbrook Avenue) through the implementation of previous planning permissions.
 - (f) A substantial belt of trees that runs along the Cheeseman's Green Lane southern boundary of the site.
 - (g) The south western part of the site adjacent to the River Stour being located within the Willesborough Dykes SSSI and in a designated 'Green Corridor' in the adopted Development Plan. These designations include part the Cheeseman's Green Lane southern boundary tree belt mention above
 - (h) Flood Zone 3 – the functional floodplain - extending into the south western part of the site.
 - (i) A number of existing public rights of way crossing the site: AE350 runs from the eastern boundary to Waterbrook Avenue, AE667A runs westwards from Waterbrook Avenue, AE658 (located in the south west corner) runs along Cheeseman's Green Lane and the River Stour.

Surrounding/adjoining but outside the application site

18. A central part of the site - an area to the south of Arrowhead Road at the roundabout junction with Waterbrook Avenue was granted planning permission in 2016 for a Jaguar car dealership - is excluded from the red line defined application site. This excluded area includes additional land to the east of the permitted dealership which is understood to have also been sold to Jaguar by the applicant. This land is not the subject of any planning other

application for development and so the intended future use remains unknown. It has, however, been taken into account as part of the applicant's Viability Assessment accompanying the application (and the Council's consultant's expert review thereof).

19. A pumping station is located in the north-west corner of the Waterbrook site near to the main Orbital Roundabout entrance and the Chamber of Commerce building.
20. At the eastern end of the site there are existing rail sidings. These adjoin the Ashford to Folkestone domestic railway line and the parallel adjacent High Speed Link. The rail sidings are used as a high output operating base for track ballast. There are extant mineral and waste planning permissions within this area granted by Kent County Council as Waste and Mineral Authority.
21. A VOSA (Vehicle and Operator Services Agency) building with access from Arrowhead Road lies in the north-eastern corner of the Waterbrook area. This facility is used to identify and remove dangerous lorries from roads, enforce licencing requirements and restrictions governing driver's working hours.
22. To the north of the application site is the A2070 southern orbital dual carriageway which is at raised level above the application site before dropping down to the Orbital Roundabout. On the opposite northern side of the A2070 are various commercial premises of Orbital Park.
23. To the west of the application site is an undeveloped corridor of land around the River Stour that is designated part of the Willesborough Dykes SNCI and the Green Corridor. Further westwards is the Finberry development comprising dwellings and a mixed use local centre with a primary school and land reserved for the development of a community centre. Finberry is being built out by Crest Nicholson pursuant to a development agreement with the Church Commissioners for England as the land owner.
24. To the south east and east of the application site a number of dwellings are located on Cheeseman's Green Lane, predominately on the southern side of the Lane with one located on the northern side (Pattison). Adjacent to the railway line is a Grade II listed building (Imber). On the southern side of the lane, there is open countryside and the aforementioned dwellings with countryside beyond their rear garden areas. **Figure 3** below shows the properties.

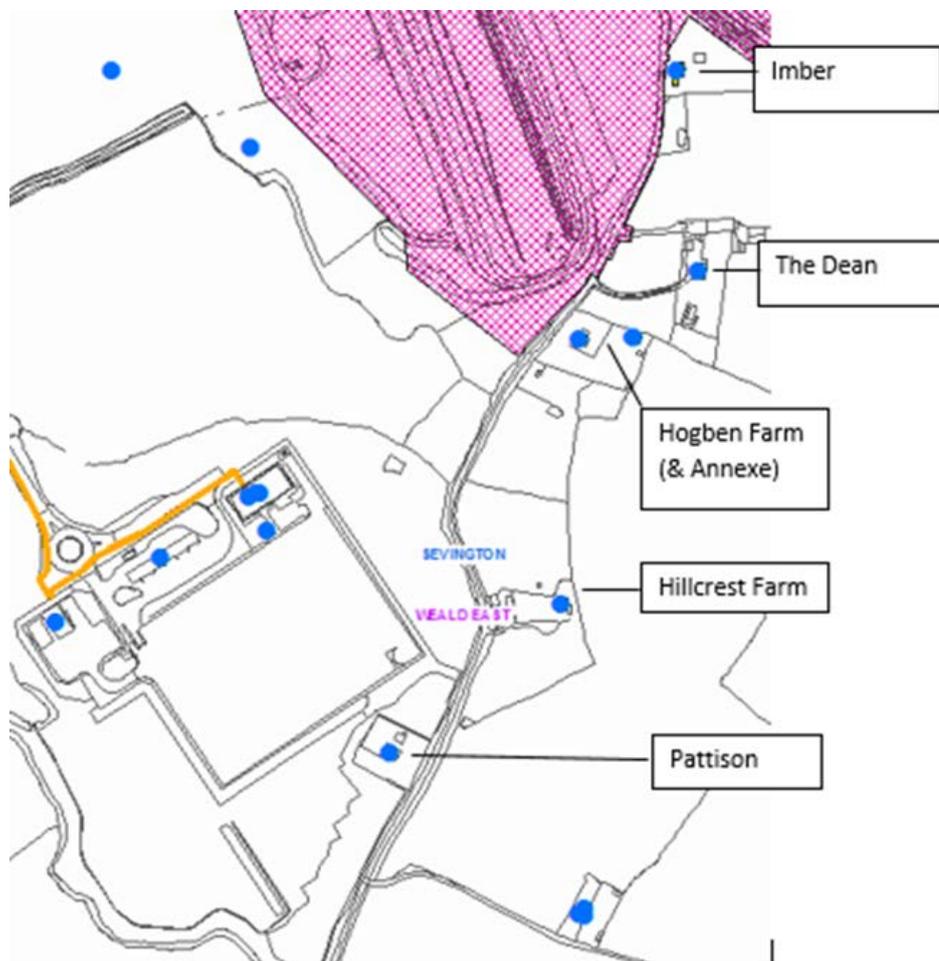


Figure 3: Properties on Cheeseman's Green Lane

Proposal

25. This application is a hybrid combining full and outline elements (with all matters reserved in respect of the latter). In summary, the application proposes the following:-

Full application

- (a) The construction and operation of a 600-space truck stop
- (b) A 2,612sqm GIA service building providing 1,734sqm GIA of ancillary truck stop service facilities and 878sqm GIA of Class B1 offices
- (c) Buildings providing 6,308sqm GIA of Class B1(b &c), B2 and B8 floorspace for small and medium enterprises

(d) Associated access, parking and landscaping, including highway infrastructure works to Waterbrook Avenue

Outline application

(e) 8.9 ha of employment comprising uses falling within Use Classes B1, B2 and B8 (*up to 17,288 sq.m of which the applicant has agreed a planning condition can be imposed limiting a maximum of 15,000 sq.m to be put to B1a (office) use*)

(f) Class A1 Use superstore (*up to 2,323 sq.m*)

(g) Use Classes A1/A5 drive-through restaurants (*up to 1,323 sq.m*)

(h) Petrol filling station and ancillary convenience store (*up to 508 sq.m*)

(i) Car showrooms (*up to 4,995 sq.m*)

(j) 'Up to' 400 dwellings with Class A1, A3 and A5 neighbourhood retail uses

(k) Associated drainage, parking, landscaping and infrastructure

26. The whole development is shown on an overall masterplan for the site that combines both full and outline application elements. Figure 4 below shows the extent of the site with full application elements shown in blue and outline elements in yellow.

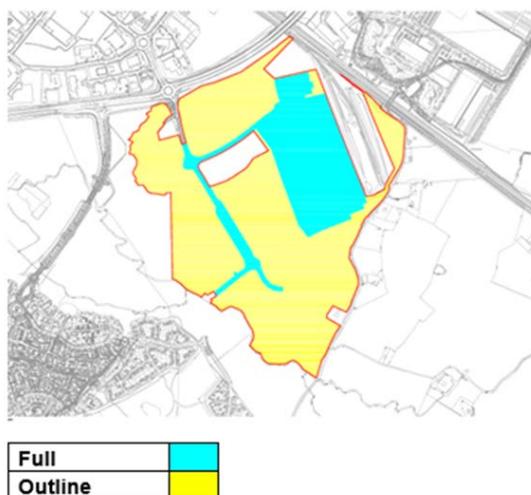


Figure 4: Full & outline elements of the hybrid application

27. The applicant's master plan then shows the uses within each the full and outline elements. This is shown in Figure 5 below.

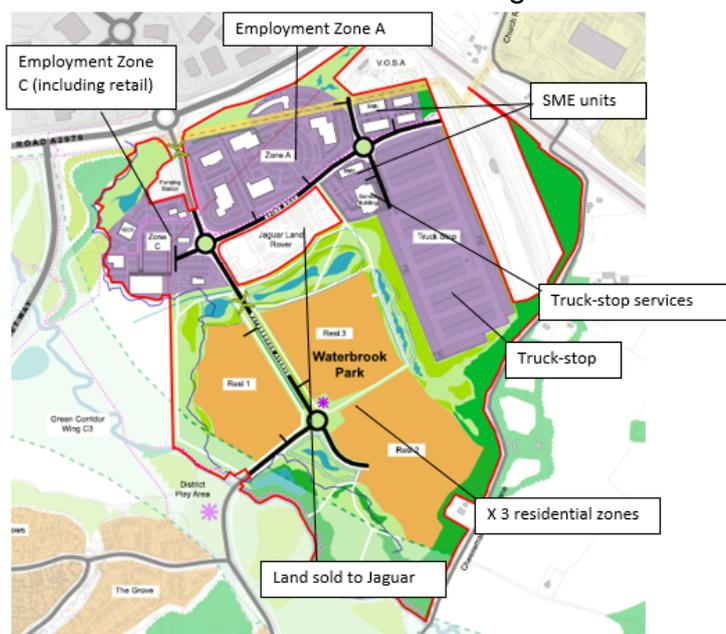


Figure 5: Proposed uses within the full and outline elements of the application

Supporting information

28. The applicant has provided a comprehensive suite of supporting documents together with an Environmental Statement. I summarise the supporting information in the sub-sections below with references to 'FULL' application and 'OUTLINE' application which combine to make the hybrid planning application.

(FULL) The construction and operation of a 600-space truck-stop

29. This is proposed in the eastern part of the site replacing the existing 350 space truck stop in the southern part of the site and providing 250 net additional spaces. The applicant identifies that the existing facility would not close until the replacement spaces are provided in the new facility.
30. Access would be from the A2070 Orbital Roundabout/Junction via Waterbrook Avenue before an eastwards along Arrowhead Way and then a turn south into the facility.
31. A truck-stop management plan is proposed to be agreed pursuant to a planning condition. The management of the truck-stop would include parking lorries in spaces furthest away from residential areas whenever that is operational possible, including the parking of any 'early departures' in the most appropriate locations so as to reduce any associated noise. Electric charging points would be installed for use of vehicles with refrigeration units and would be concentrated in the southern part of the site closest to Cheeseman's Green Lane nearest to existing homes. The use of generators would be prohibited (except in emergencies) with lorries required to use the electric points provided instead. On average, the applicant identifies that the existing 300 space truck-stop has between 10-15 refrigerated lorries per night i.e. 3-5% of the spaces. It is therefore proposed to install 30 electrical charging points (i.e. 5% provision) in the relocated and expanded truck-stop to meet existing demands. However, the applicant has confirmed that the design of the truck-stop would have integration of ducting as an integral part of its design in order to allow a greater number of charging points to be easily installed in the future to dovetail with potential changes to the type of vehicles used by the logistics industry.
32. In relation to the existing jet-wash, the applicant states that this only operates from 08:00-16:00 and that this would be the same for the new truck-stop. The applicant is happy to accept a restriction by planning condition if noise from operation outside these hours is considered an issue.

33. The truck stop would be lit by 6m high light columns. The numbers and location of these are not currently provided and this is proposed to be dealt with by planning condition. The applicant states that columns would not spill light excessively. Energy efficient LED lighting would be used. Between 22:00-04:00 lighting levels would be switched down to the lowest safety level required to minimise any light pollution. Lighting would automatically be switched off in those areas of the tuck-stop not in use and this could form part of a management plan to be agreed.
34. The applicant indicates that GSE has developed a mobile app for the existing truck-stop that enable drivers to pre-book spaces ensuring high occupancy rates and as well as a reduction in the need for drivers to be turned away when the facility is full. It is intended to carry this app forward at the new enlarged capacity facility.
35. As a result of the applicant's amended plans seeking to overcome my concerns, the truck-stop would no longer require a 40 sq m section of Class B densely stocked woodland group to be removed.
36. The truck-stop and location of the gatehouse, the truck-stop services building and small commercial units are shown in **Figure 6** below (note: the fine detail of the SME parking design has been finessed since through amended plans).

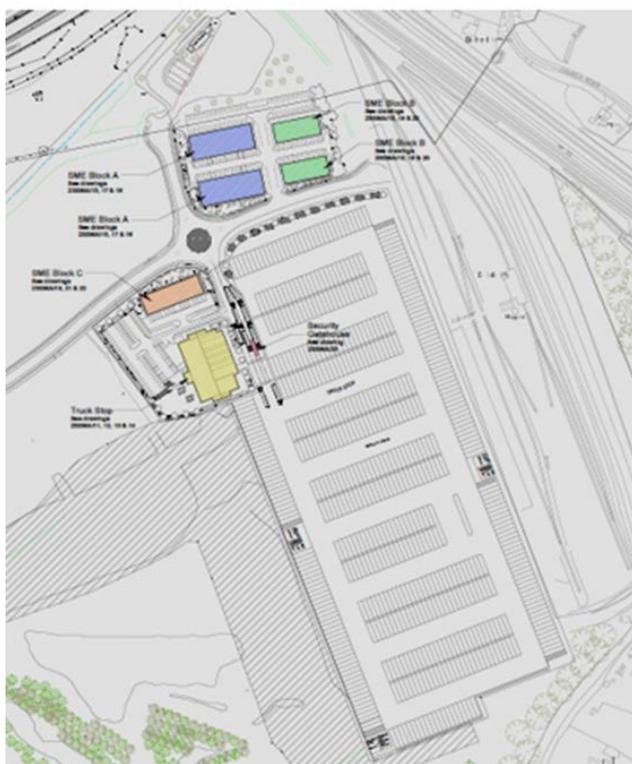


Figure 6: Truck-stop services building location

37. A 3m high noise barrier would be provided to the east with the rail siding land. As an amendment to the application as deposited, a 7m high noise barrier would now be provided on the southern side to the north-west of existing mature trees that are located in a belt alongside the western edge of Cheeseman's Green Lane. A 5-6m high shrub and tree planted bund would be provided along the eastern boundary as part of a landscaped buffer between the truck-stop and proposed new homes on the wider site. A cross section is shown in **Figure 7** below.

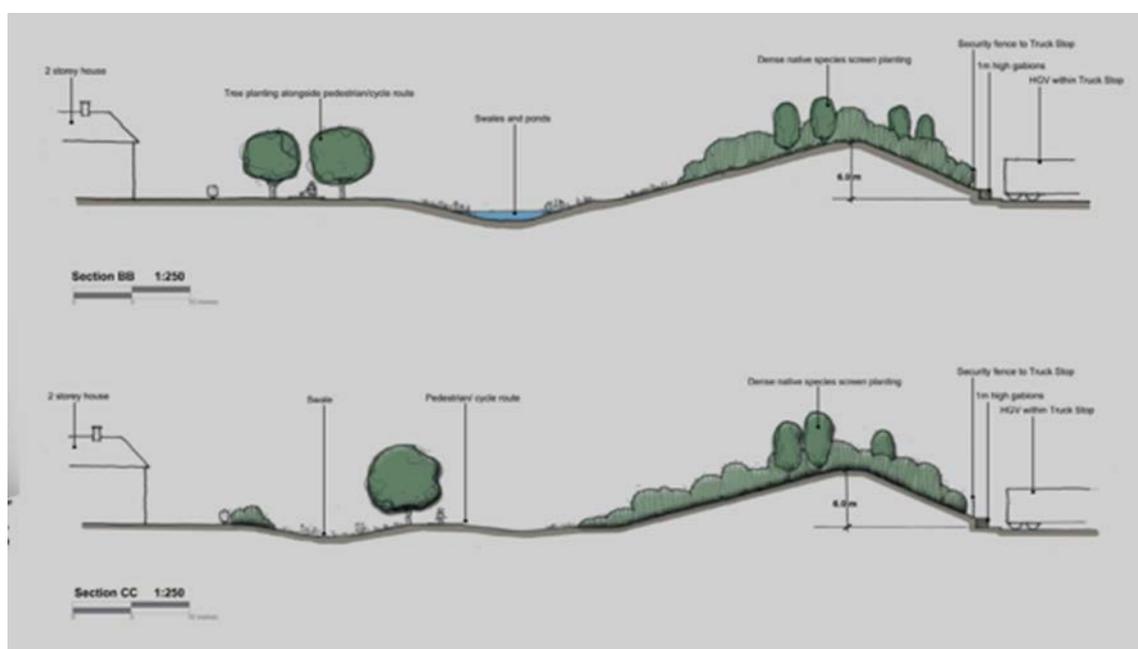


Figure 7: Cross section showing new homes & truck-stop boundary

(FULL) The truck-stop services building & security/gate-house

38. This would be located at the north-west end of the site adjacent to the security/gatehouse at the entrance.
39. It would be a 2-storey flat roofed building measuring 57 m x 37m and a maximum 10.2 m high in a modern architectural style with variations in massing. It would be finished in a combination of blue engineering brick, a mixture of grey, green, red and brown 'Kingspan' cladding as well as the use of timber cladding to give a contrasting texture and visual warmth to the elevations.

40. The ground floor would include kitchens serving a dining area and bar, toilets, showers, a gym and outdoor dining areas including a soft landscaped garden on the southern side. The first floor would be used as ancillary office space for the running and administration of the truck-stop facility. **Figure 8** below shows the elevations.



Figure 8: Truck-stop services building

41. A security / gatehouse would be located at the entrance east of the truck-stop services building and would be used as a control and check-in facility. It would have rectangular proportions and be a maximum 4.2m high.

(FULL) Small commercial units

42. A total of 18 units are proposed located within 5 buildings. These would be used either as Class B1(b) research & development or Class B1(c) light industrial, Class B2 general industry or Class B8 storage and distribution uses. The design approach taken by the applicant seeks to provide buildings with maximum flexibility to cater for these varied uses. As deposited, the application description included Class B1a office use as part of that user flexibility but, as a result of negotiations, this has been removed from the application.
43. Block C would contain 4 x 306 sq.m units and be located immediately to north of the truck-stop services building. Block A (containing 8 x 406 sq.m units)

and Block B (containing 6 x 306 sq.m units) would be located on the opposite side of Arrowhead Road.

44. The buildings would be flat roofed 2-storey and 9m high with an internal mezzanine floor. They would be finished with a red brick plinth mainly grey Kingspan cladding on the elevations with use of green cladding as a contrast including roller access doors. **Figure 9** below shows the approach for one Block containing a number of units.



Figure 9: Typical SME units

45. Parking would be provided around the buildings with some space for soft landscaping. During the course of the application, discussions with Kent Highways & Transportation have resulted in enhancements to the quantum of parking spaces serving these buildings and consequential adjustment to the location of parking. The greatest change is the provision of parking to the northern side of the SME units in the space between the proposed buildings and the existing site occupied by VOSA. A high pressure gas main runs underground through this space: however, the applicant indicates that although that constraint limits the location of new buildings, car parking can be developed above the main.

(FULL) Access from the A2070

46. The main access into the site would continue to be from the A2070 Orbital Park junction. The upgrading of this junction from a roundabout to a 4-arm signalised junction (the so-called 'Bellamy-Gurner' upgrade) is required to be delivered by other associated development and therefore the details are not shown as forming part for this application.

47. Members' should note that the development of Finberry has a cap on the level of development that can be occupied at that site before the A2070 Orbital junction is upgraded. Although the developers of that site have been in discussion with HE about taking this upgrade forward, an unforeseen need by HE to prolong the lifespan of the junction in its present form (whereby it offers a 'U-turn' facility allowing easy travel back northwards to Barrey Road) has led to an application recently submitted to the Council (ref: 11/00473/AM02/AS) to provide a slight delay (approximately 1 year) in moving forward with those upgrade works.

(FULL) Internal access arrangements & public transport access

48. The initial access road layout from the A2070 orbital roundabout along Waterbrook Avenue to the first internal roundabout (known as the Phase 1 roundabout) and Arrowhead Way which branches eastwards from it have already been permitted and so are not proposed to be altered. Indicative access point are shown to adjacent development plots. The southern side of Arrowhead Way is where a Jaguar car showroom/garage has been approved.
49. To the south of the Phase 1 roundabout the existing alignment of Waterbrook Avenue would be retained but the road upgraded with more substantial verges to accommodate existing trees and vegetation, a footpath/cycleway and footpath on either side as well as existing features that would become part of the SUDs management train. Indicative access points to the residential development parcels either side of the Avenue are shown.
50. A roundabout exists at the southern end of the Avenue and it is proposed that this would become a 3-vehicular arm facility providing 'all movements' access towards Finberry (the Waterbrook Park Link Road) and southwards to a residential zone. The existing s.106 obligations for the Finberry development require the developers of that site to deliver part of the Waterbrook Park Link Road with the remaining connection to be provided by the developers of Waterbrook Park. **Figure 10** below shows the link road connection.



Figure 10: Waterbrook Park Link Road

51. The applicant states that the internal layout has been designed to accommodate larger buses and the plans do not prejudice the opportunity for bus stops to be provided on the primary access routes.

(FULL) Vehicular access to Kent Chamber of Commerce (KICC) building and the pumping station

52. The current access arrangements to the KICC building would be changed as a result of the A2070 Orbital Park improvements to a signalised junction irrespective of this application. An alternative indicative access to the KICC building is shown through the Zone C employment area. The existing access would, however, be retained for the occasional servicing of the pumping station.

(OUTLINE) Commercial / employment - overview

53. These are located with Zone A and C shown on the land use parameter plan supplied by the applicant. **Figure 11** below shows those zones as well as three zones of residential development further to the south.

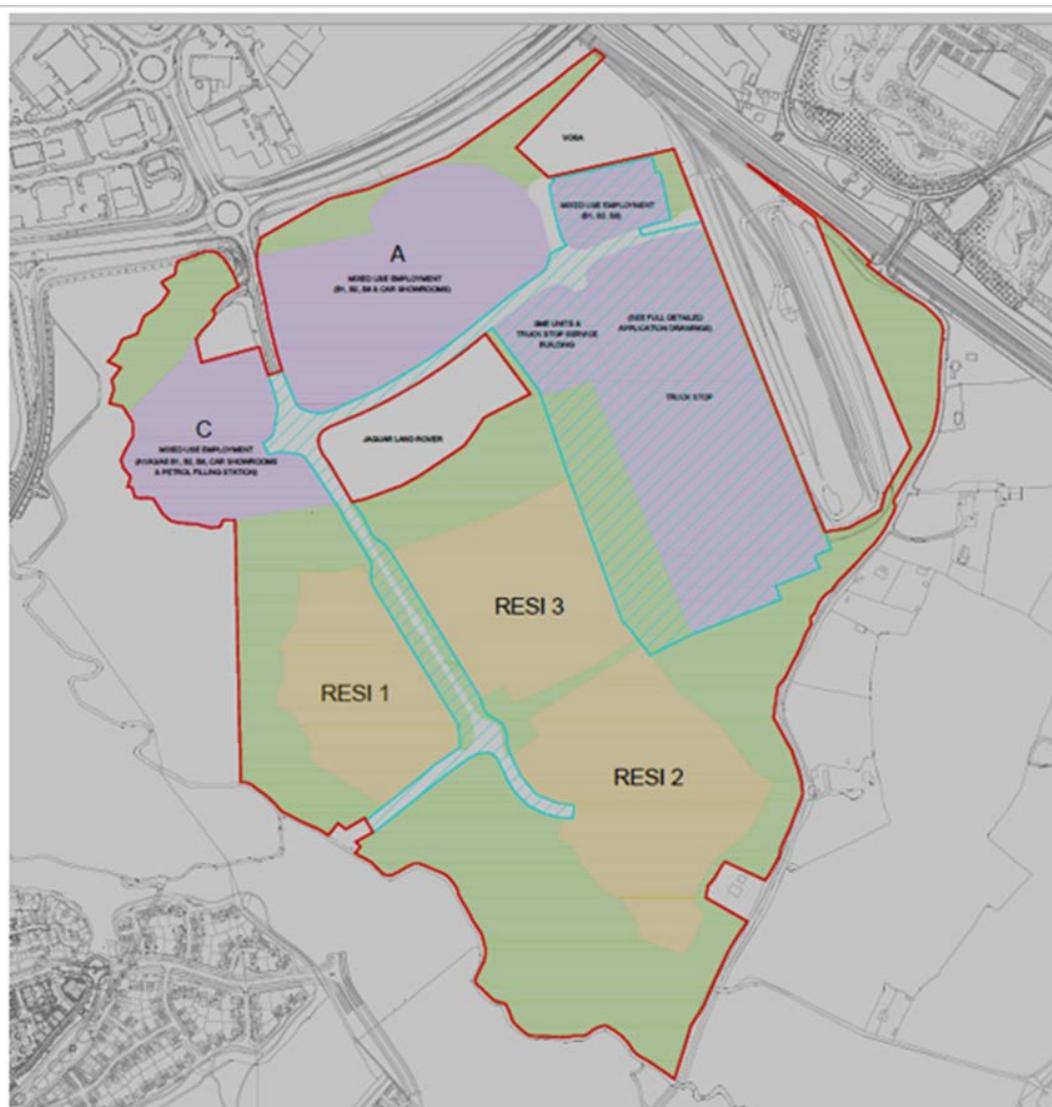


Figure 11: Employment Zones A & C and residential zones

54. A mix of building heights is likely in the commercial zones, with buildings between 1 and 4-storeys in height, depending on market demand and the nature of each use. The taller buildings are likely to be any office buildings, with other forms of development likely to require lower buildings.

(OUTLINE) Commercial / employment - Zone A

55. This zone covers an area 5.68 hectares at the northern end of the site adjacent to Waterbrook Avenue and Arrowhead Way and would include the following:-

(i) Mixed Class B1 (including B1a office), B2, B8 uses up to a maximum of 17,288 sq.m. The applicant has agreed that a planning condition can be imposed limiting Class B1a office uses to a maximum 15,000 sq.m. and has confirmed that, in any event, the site is not considered to be one for substantial office development

(ii) Some of the 17, 288 sq.m floorspace is also identified as having potential to be located within Zone C. The applicant states that the exact quantum and location of uses on the site would be subject to market demand and would be determined at the reserved matters stage alongside other layout considerations such as parking, landscaping and SUDs.

(ii) Car showroom. The maximum floorspace for this use would be 4,995 sq.m and, again, the suggestion is that it could also be located in Zone C. No end user is identified at present.

(OUTLINE) Commercial / employment - Zone C

56. This Zone is located in the north-west corner of the site covering an area of 3.22 hectares located on the western side of Waterbrook Avenue. It would include the following;-

(i) Class A1 superstore of up to 2,323 sq.m - this is proposed as a substitution of the 2017 planning ('reserved matters') approval for a similarly sized foodstore at the Finberry local centre. The applicant states that a smaller store would be provided at Finberry through a separate planning application to be made to the Council and consequential changes to the existing s.106 agreement for that site. A request for pre-application advice on that alternative provision at the Finberry local centre has recently been received from one of the joint applicants for the current application and is being reviewed.

(ii) Class A3/A5 drive through restaurants of up to 1,332 sq m - no end user is identified at present.

(iii) Mixed Class B1 (including B1a office), B2, B8 uses up to a maximum of 17,288 sq.m - again, the exact quantum and location of uses on the site would be subject to market demand and determined at the reserved matters stage. This total floorspace is also identified as being located over Zone A and Zone combined. As stated further above, as a result of negotiations, a cap via planning condition to a maximum 15,000 sq.m of Class B1a office uses is proposed by the applicant.

(iii) Car showroom of up to 4,995 sq.m - again, the suggestion is that it could be located in Zone A. No end user is identified at present.

(iv) Petrol filling station - this would comprise an x 8 pump station with an ancillary convenience retail unit of c.500 sq.m. In response to my queries on the floorspace that is proposed, the applicant has confirmed that that the size of the unit responds to a format that would include retail concessions with generous circulation space between each concession. Whilst details of the building are reserved for future consideration, its general location is proposed to be restricted to an area with the PFS parameter plan as it is regarded as the most appropriate part of the site for the facility taking into account geological conditions. **Figure 12** below shows the PFS location hatched blue.



Figure 12: Location of proposed PFS (hatched blue)

(OUTLINE) Residential – up to 400 homes

57. The applicant proposes up to 400 homes located on 13.32 hectares of land located in the central and southern parts of the site. Although all matters are reserved for future consideration, no illustrative 'proving' layout has been provided beyond a basic zoning masterplan.
58. As deposited, the identified Residential Zone (Res 1) extended partially within the designated Green Corridor on its western side. The southern residential zone was also shown extending into the existing tree screen located along the southern boundary of the site with Cheeseman's Green lane. The arboricultural survey submitted with the application shows a total area of

2,149 sq.m of group of Class B category trees being removed to facilitate the residential development. As a result of my concerns, amended plans have been submitted that show;-

(a) the pulling back of the zones from any incursion into the boundaries of the defined Green Corridor (that contains a Local Wildlife Site), and,

(b) the pulling back of the zones from Cheeseman's Green Lane in order to retain a strong tree screen to that Lane.

59. The majority of homes are envisaged by the applicant as being between 2 and 3-storeys in height with some buildings possibly up to 4-storeys in height at key locations where visual focus is appropriate. Access into the 3 Zones would be from Waterbrook Avenue and a secondary street system within each Zone. Waterbrook Avenue would be continued southwards from the existing southern-most roundabout and the aforementioned road link to Finberry would be developed. **Figure 13** below shows the Residential Zones in greater detail with the link road to Finberry circled in black. Figure 13 shows the residential zones clear of the Green Corridor boundary (that is shown with a dashed line) as well as the amended boundary with Cheeseman's Green Lane showing retained woodland/trees.



Figure 13: Residential zones

(OUTLINE) Open space and landscaping

60. The applicant states that 21.6 hectares of open space would be provided offering recreational opportunities for residents of the proposed homes, enhancement of visual amenity, landscape and ecological mitigation and SUDs features such as swales and attenuation basins. This proposition includes the following:-
- (i) The south-western part of the site would provide informal open space and a play area. This area is located within the floodplain of the East Stour and includes part of the designated Green Corridor and the Willesborough Dykes SNCI.
 - (ii) A woodland linear park between the residential and commercial area would be developed as informal public space serviced by pedestrian/cycle routes. This area would also be developed as part of the SUDs for the site with a variety of water features. The linear park would also connect with a landscaped area located between the eastern side of the residential development and the relocated truck-stop. Swales and detention ponds would be developed in this area. The boundary of this space with the relocated truck-stop would include a new shrub/hedge and tree planted bund between 5m and 6m in height bund.
 - (iii) Waterbrook Avenue and the main east-west access roads would be designed as broad tree lined boulevards with swales and drainage ponds alongside them.
 - (iv) The applicant identifies that the frontages of development areas to these spaces would be green and open, with substantial planting taking place within and around car parking areas and screening less attractive areas such as service yards.
 - (vi) The northern part of the site alongside the A2070 Southern Orbital and either side of Waterbrook Avenue would be designed to form a green frontage to the site.
 - (v) A landscape masterplan has been provided which includes indicative footprints and parking areas and landscaping for the commercial areas of the site as well as the aforementioned woodland linear park separating commercial development and the truck-stop from residential areas. This is shown in **Figure 14** below.



Figure 14: Landscape master plan

The applicant's additional supporting information

61. The applicant has supplied a Viability Assessment with the application on a confidential basis. This contains sensitive commercial data. The applicant has underwritten the Council's costs in taking forward an independent expert review of the case made. I deal with the outcome of the review in the Assessment section of this report.

62. The applicant has produced an Environmental Impact Assessment and other supporting documents.

Environmental Impact Assessment

63. An environmental impact assessment has been provided with the application. The purpose of Environmental Impact Assessment (EIA) is to identify the likely significant effects of a proposed development, positive or negative, to some aspects of the environment whether natural or man-made.
64. The Environmental Statement supplied includes as appendices various supporting technical surveys including transport assessment, flood risk assessment, arboricultural impact assessment, travel plan, ecological surveys and contamination report archaeological survey. There is a degree of overlap between the contents of the ES and stand-alone versions of the reports and so the summaries set out in the paragraphs further below are from the ES.

(a) Traffic & Transport (TT)

TT1 - A traffic and transport assessment has been undertaken to assess the likely significant effects of the proposed development on the capacity of the local road network, road safety, pedestrians and cyclists in combination with the other proposed/permitted developments in south Ashford.

TT2 - The existing site entrance from the Orbital Park Roundabout has existing permission to be upgraded to form a new improved roundabout junction with increased operational capacity referred to as the 'Bellamy-Gurner Junction'. As a site identified in the Core Strategy the new junction would therefore have in-built capacity to facilitate the proposed development without the need for further works. Similarly, the M20 Junction 10a construction would have in built capacity to facilitate the proposed development without further work.

TT3 - A modelling exercise of the Romney Marsh Road (RMR) roundabout west of the site has been undertaken. This identified that the in-combination effect of the proposed development with other developments would result in that roundabout operating at 'over capacity'. Proposals for an upgraded signalised RMR roundabout have therefore been designed to mitigate these effects which would, in part, be funded by the applicants. Subject to this, no significant effect on the operation of this junction is predicted and no likely significant effects on road safety, pedestrians and cyclists are identified.

(b) Socio-Economic (SE)

SE1 - The construction of the proposed development would lead to an associated increase in employment primarily in the building industry. Once operational it is considered that the proposed development would result in a substantial beneficial effect on employment in the town creating some 944 direct jobs. It would result resulting in a slight beneficial effect on the Borough's housing supply. No significant adverse socio-economic effects are predicted.

(c) Air Quality (AQ)

AQ1 - The air quality assessment considers the potential effects of the proposed development during construction and post-completion on ambient air quality and subsequently existing and future human and ecological receptors.

AQ2 - In terms of dust at construction stage, through good practice and implementation of appropriate mitigation measures it is expected that the release of dust would be effectively controlled and mitigated, with resulting effects considered to be 'not significant'. Mitigation would take the form of a dust management plan to be secured through provision of a Construction Environmental Management Plan (CEMP) by way of a planning condition.

AQ3 - The anticipated number of heavy good vehicle (HGV) movements over the anticipated 10-year construction period would be below the Institute of Air Quality Management (IAQM) threshold values for assessment and it can therefore be concluded that emissions from HGV movements during construction would have a negligible effect on ambient air quality

AQ4 - The potential air quality impacts associated with traffic arising from the completed development demonstrates that impact of trips arising during the operation of the proposed development, is considered to be low / imperceptible on ambient air quality. The significance of the effect on human receptors is predicted to be not significant in accordance with the Environmental Protection UK (EPUK) guidance. No significant effects on ecological receptors including the nearby Hatch Park SSSI are identified.

(d) Noise & Vibration (NV)

NV1 - A full noise assessment considering both the construction and post construction effects of the development has been undertaken utilising relevant British Standards and guidance. The assessment considers both the effects of the development during construction on existing residential receptors and future and existing residential receptors post-completion of the development.

NV2 - During construction/demolition, building works would only be permitted from 0700-1800hrs Monday to Friday and 0700-1300hrs on Saturdays with no working permitted on Sunday or Bank Holidays without express written permission of the Council.

NV3 - Additional mitigation is to take the form of a CEMP setting out the methods the appointed contractor would employ and adhere to in order to minimise noise emissions. This would include a 2.5m acoustic fence at strategic locations when working in proximity to neighbouring properties.

NV4 - Similarly for vibration, a vibration construction method statement would be required as part of the CEMP setting out construction methods and how the relevant guidance values would be achieved

NV5 - Subject to the implementation of the NV3 & NV4 above, no significant effects on noise sensitive receptors in proximity to the site are envisaged during construction and demolition.

NV6 - With regard to noise effects from the completed development, both existing and proposed human receptors have been considered. The assessment highlights that the proposed development would need a number of mitigation measures in order to meet required external and internal noise levels both within and in proximity to the site. These would include;-

- (i) an acoustic fence along the southern boundary of the commercial development east of Waterbrook Avenue
- (ii) a 4m landscape/acoustic bund along the western boundary of the truck-stop
- (iii) a 5m acoustic fence along the southern boundary of the proposed truck stop
- (iv) a 3m acoustic fencing along the boundary with the Brett Aggregates site where the existing acoustic fence does not extend.
- (v) provision of electrical charging points in the truck-stop and the prohibition of the use of generators by HGVs in the truck stop except in emergencies.
- (vi) appropriate glazing and ventilation specification for new residential properties closest to the commercial/truck stop elements of the site.
- (vii) consideration at the detailed (reserved matters stage) such that properties in proximity to the truck stop/commercial elements are positioned

such that gardens and habitable rooms are screened by the building itself.

NV7 - the assessment concludes that subject to the above mitigation the proposed development would not result in significant noise related effects during the daytime or night time for existing and proposed human/residential receptors.

(e) Ground conditions (GC)

GC1 - This analysis identifies areas of the site that may contain potential contamination. Where a risk of potential contamination exists an intrusive ground investigation would be required prior to development. In the event that contamination is identified during the intrusive investigation, remediation would be undertaken.

GC2 - An asbestos survey would be undertaken for the existing truck stop buildings prior to any redevelopment works.

GC3 - Subject to implementation of the (mitigation) measures no significant adverse effect on ground water, human health or biodiversity are envisaged.

(f) Ecology (E)

E1 - There are no statutory nature conservation designations within immediate proximity to the site and the nearest Hatch Park SSSI lies approximately 1.7km north of the site on the opposite side of the M20 motorway. There is a non-statutory Local Wildlife Site (South Willesborough Dykes) adjacent to the site's western boundary contiguous with the East Stour. No significant effects on these sites were identified in the assessment.

E2 - A Phase 1 habitat survey of the Site was undertaken in 2016 with further updates in late 2016 and 2017. The areas of greatest ecological interest around the site include the woodland along the south-eastern boundary of the site and grassland in the south of the site. The botanical value of the site is considered to be low, with the exception of the presence of violet helleborine along with the common spotted orchid, and bee orchid.

E3 - A full suite of targeted protected species surveys recorded the presence of the following species: A medium population of great crested newts, several species of bat commuting/ foraging over the site, low populations of reptiles, nationally scarce species of aquatic invertebrates and breeding birds. The proposed development, without appropriate mitigation, would result in significant adverse effects on these protected species through disturbance, loss of habitat, lighting and possible hydrocarbon pollution. A comprehensive

package of mitigation measures is therefore required including;-

- obtaining a great crested newt impact licence from Natural England
- improvement of the retained open space on the western side of the site so as to provide habitat for aquatic invertebrates and great crested newts through a series of ponds and marshland habitat types
- translocation of orchids on the site
- capture and relocation of reptiles and great crested newts prior to the commencement of development
- creation of new ponds in the central area of retained open space
- creation of scrub and grassland habitat for reptiles
- the prohibition of vegetation clearance during the breeding bird season
- careful lighting design in accordance with Bat Conservation Guidelines.
- a legally secured Landscape and Ecologically Management Plan (LEMP) setting out the detailed design of the habitats required, their ongoing maintenance and monitoring programme (to include remedial action in the event that any of the mitigation measures prove ineffective).

E4 - The assessment concludes that subject to the above mitigation measures there would be a number of minor adverse effects on the protected species assemblage on the site but which are not considered significant beyond the local level. The only exception to this is a short to medium term significant adverse effect on the aquatic invertebrate assemblage on the site resulting from the loss of suitable habitat and the time taken to establish mature replacement habitat.

(g) Landscape and visual effects (LV)

LV1 - The site is not affected by any national or local designations for landscape quality and the quality of the landscape in and around the site has been assessed as being low. The effects of the development on the local landscape would be adverse in nature but negligible in terms of significance.

LV2 - Though there are some views in the direction of the site from high ground within the Kent Downs AONB to the north east, the site is not discernible in these views and the proposed development would have no

effects on these wide, expansive views which already include the urban area of Ashford and the large buildings within it. There would, therefore, be no effects on the setting of the Kent Downs AONB.

LV3 - There would be some low level visual effects for properties around the site to the south west, and for users of the Public Rights of Way through the site and to the south west, and also for users of local roads, though none of these effects are considered significant.

LV4 - The new development would however extend the light sources into an area which is itself presently mainly unlit (with the exception of the existing truck stop)

LV5 - The present somewhat degraded nature of the site (which helps to reduce adverse landscape and visual effects during the day) would not be apparent at night, so the overall level of impact would be slightly greater at night time than for the day time. The effect, whilst falling in the 'slight adverse' category, would not be significant given the site's context. No significant residual landscape or visual effects are identified in the assessment.

(h) Cultural Heritage (CH)

CH1 - There is a designated Scheduled Monument ('A moated site and associated earthworks 460m south east of Boys Hall') located c.350m north of the site. There are five Grade II buildings within 500m of the site boundary and Grade I listed St Mary's Church, Sevington.

CH2 - The assessment concludes that given the existing context of the site, the retention of existing screening vegetation along the boundary and the intervening Brett Aggregates site that the proposed development would not result in significant effects on the setting of these designated heritage assets.

CH3 - A programme of archaeological and palaeo-environmental field investigations is required to be implemented to fully record and assess the Site's potential. This would be secured by way of planning condition.

CH4 - Subject to the method of preservation by record no significant residual effect on the archaeological resource on the site is considered to result from the proposed development.

(i) Cumulative Effects (CE)

CE1 - The ES has considered the potential cumulative effects of the proposed development in combination with other developments within the local area.

Cumulative effects can occur where more than one individual impact may lead to a more significant effect when considered in combination.

CE2 - Following the implementation of the mitigation measures set out by the relevant technical specialists the development is not considered to result in any significant adverse cumulative effects on the environment.

CE3 - Conversely the proposed development would result in significant beneficial cumulative effects in combination with the other developments considered in south Ashford on employment and the Borough's market housing supply.

In respect of the amendments to the application, the applicant is satisfied that none of the changes made would call into question the robustness of the proposed development assessed for the purposes of the ES and that if the Council wishes planning conditions limiting the upper limits for various uses would be acceptable. The applicant identifies that;-

(a) the provision of additional uses in the centre of the proposed residential development (Class A3 and A5 uses alongside the Class A1 uses originally stated) would not raise any issues of substance in terms of increased trips or matters relating to such uses that have not already been assessed by the ES and,

(b) the amendments to the application in terms of the provision of a 7m high acoustic fence at the southern end of the proposed truck-stop together with the further clarifications provided by the applicant's noise consultant constitute further information and there is no need to provide a formal update to the ES.

Other supporting documents

Planning Statement

65. Waterbrook Park is a site that has been allocated for development for a number of years. The application follows lengthy and detailed pre-application discussion with officers, Council Members, statutory undertakers, members of the public and other stakeholders. The details of the scheme follow and further this process and are considered to best balance policy aims of the emerging development plan having regards to character opportunities and constraints of the site.
66. The scheme seeks to boost housing and commercial floorspace within the Borough providing approximately 1,800 new jobs and an improved and

expanded truck-stop to address issues with illegal parking of HGV's in the locality.

67. High quality open space is integral to the scheme and would include formal and informal play provision.
68. The application is supported by an ES and supporting reports. These help to inform the proposals to demonstrate that the scheme subject to appropriate mitigation will not have any adverse impacts in regards to landscape, ecology, air quality, noise contamination, flood risk, heritage assets, archaeology or transport.
69. The applicant's viability report demonstrates that the proposed development would not be viable if affordable housing and financial contributions are to be provided albeit allowance has been made for contributions towards SATS (subject to further viability testing).

Transport Assessment (TA)

70. The development has been the subject of extensive transport and traffic analysis. The TA makes reference to the previous schemes for Waterbrook.
71. By applying agreed Trip Rates and Distribution profile, the proposed development would generate in the order of 10.25DUs. It was agreed with the highway authority that where a significant impact associated with the proposed new development at Waterbrook Park is identified on the local highway network, a technical assessment would be undertaken.
72. The TA establishes that traffic associated with the Waterbrook Park development would have a maximum impact of approximately 6.4% increase in traffic in the PM Peak Hour period on the Romney Marsh Road roundabout (RMR) junction at the western end of the A2070 Southern Orbital.
73. A traffic signal scheme is suggested for RMR not only to mitigate the impact associated with the development proposals at Waterbrook Park but to accommodate the traffic associated with growth and future developments to the end of the Ashford Local Plan period. The type and extent of the mitigation measures at RMR is however the subject of on-going discussions with KH&T.
74. Waterbrook Park would be within suitable walking and cycling distances to key health, employment, retail, education, and public transport facilities. The ability for the development to be serviced by buses has informed the application.

75. It is considered 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.

Statement of Community Involvement

76. The NPPF para 155 promotes early and meaningful engagement and collaboration with neighbourhoods local organisation and businesses. In relation to the proposal this process included;-
- Pre application presentation to Members of the Planning Committee in August 2017.
 - Design Review by Design South East was held in June 2017. The Panel's comments are attached as **Annex 2** to the report.
 - A public exhibition held in July 2017 at the KICC building on Waterbrook Avenue.
 - Members of Mersham and Sevington Parish Council being invited to attend the Design Review and the public exhibition. Comments made by Parish Council been taken into account.
 - A website has been set up to provide further information about the proposals.
 - Other stakeholders have been consulted in developing the environmental impact assessment, including KCC, Environment Agency and Natural England.

Design and Access Statement

77. This outlines the design evolution of the scheme and the overarching vision for Waterbrook Park. It focuses around the following key principles underpinning the full and outline elements of the application namely;-
- promotion of high quality, distinctive and complimentary design appropriate in terms of scale, appearance, density and distribution.
 - integration within Ashford's built fabric with great attention paid to the scale and character set by the neighbouring Finberry development whilst utilising site specific characteristics to create an individual identity and sense of place.

- meeting the challenges of the site's ecological, flooding, landscape and historic context.
- the need for a responsive and sustainable development
- the need for the development to be sensitive to the wider South Willesborough Dykes area with regards to views into and out of the site and to have good connections to the Green Corridor.
- the need to promote sustainable energy use and consumption both in the masterplan layout and in in terms of built form.
- the need to strive to provide innovative and exemplary landscape and access design.

BREEAM Assessment

78. A pre-assessment reported submitted in relation to the detailed elements of the scheme (the truck-stop and the SME units) states that a BREEAM 'very good' rating is achievable for both building types.

Flood risk

79. The site is not considered to be subject to significant or unmanageable flooding from the sources identified in the Flood and Water Management Act 2010 (FWMA). Surface water runoff would be discharged to the East Stour River at controlled rates in line with the Council's adopted SUDs SPD.
80. Attenuation facilities have been sized to manage the 1 in 100 annual probability storm including 40 % climate change allowance. Treatment of surface water would be provided by the various proposed SUDs components shown on the outline surface water management plan.
81. Maintenance of the surface water management scheme would be undertaken by a combination of a private management company, Southern Water, and Kent County Council.

Arboricultural

82. This includes a survey of trees comprising eleven individual trees, twenty eight tree groups, three woodland groups and one hedgerow. A Tree Survey Schedule is provided. Two individual trees and one woodland group are identified as Category 'A' (high quality good condition) due to their high

arboricultural merit, landscape value and ecological importance. Three individual trees, twelve tree groups and two woodland blocks are Category 'B' (high quality but potential for defects result in slightly lower value) and six individual trees, sixteen tree groups and one hedgerow are Category 'C' (indifferent formal condition: should not be viewed as a constraint but potential to be retained).

83. The schedule identifies the following existing trees to be removed:-

Individual Trees (annotated in red)

T1 crack willow Category C1
T10 ash Category C1
T11 cherry plum Category C1

Tree Groups (annotated in blue)

G1 crack willow Category C1+2
G5 mixed Category C1+2
G6 mixed Category C1+2
G7 pedunculate oak Category B1
G8 mixed Category C1
G10 mixed Category C1+2 - Remove 278m2 section
G13 mixed Category C1 - Remove two individual trees
G14 goat willow Category C1+2
G15 mixed Category C1+2
G18 mixed Category C2 - Retain 2127m2 section
G23 beech Category B1
G24 mixed Category C
G25 mixed Category B1+2 - Remove 439m2 section
G26 mixed Category B1+2 - Remove 855m2 section

Woodland Group (annotated in orange)

W1 mixed Category B1+2 - Remove 40m2 section
W2 mixed Category B1+2 - Remove 855m2 Section
4.5 Hedgerows
H1 hawthorn Category C2

84. All remaining arboricultural features would be retained and protected during the proposal development to maintain standards of local visual amenity and to ensure continued screening for existing areas of public access and adjacent private residential properties.
85. The applicant proposes that the loss of trees as a direct result of the proposed development would be mitigated by extensive replanting. Additional planting is

recommended on the site's southern boundary to mitigate the loss of privacy that would result from the proposed removal of trees within Woodland Group W2 and Tree Group G26 adjacent to Cheeseman's Green Lane.

Planning History

The planning history listed below relates to the wider Waterbrook site including the rail sidings where there have been a number of planning applications.

Planning application 93/00432/AS: New access road arrangement serving new lorry park and emergency lorry and coach parking area with truck stop derv station and freight clearance facility to include landscaping to the site: Planning Permission granted 16/6/1993

Planning application 93/01056/AS New access road serving truck-stop lorry park derv station and freight clearance facility Planning Permission October 1993

Planning application 02/00645/AS Use of existing railhead for supply of aggregates to the general construction market: planning permission granted

Planning application ref 04/01104/AS Use of existing railhead for supply of aggregates to the general construction market; appeal against non-determination dismissed February 2009

Planning application 06/0004/AS: Construction and operation of a waste transfer station: Planning Permission granted May 2008

Planning application 06/0005/AS: A planning application to retain rail sidings for the export and import of mineral, screen and crush material to produce recycled aggregate, storage of aggregate and hot road-stone and concrete production together with engineering works to create a screening bund and provide for flood and surface water management and also including landscape and habitat creation: Planning Permission granted May 2008

Planning application ref 07/01188/AS Development of a vehicle testing facility, vehicle and plant storage and maintenance facility and B1, B2 and B8 small business units together with associated highway and earthworks: appeal against non-determination appeal allowed

Planning application 10/01010: Extend the period during which planning permission 06/00004/AS may be implemented until 8 May 2014: Planning Permission granted

The waste transfer station application involves the erection of a building for the transfer of both municipal solid waste and construction and demolition waste.

Mineral planning permission 06/0005/AS (permanent retention of railhead, importation of aggregate and demolition/construction waste, crushing and screening plant, concrete batching and silos for hot road-stone)

Planning application 10/00294/AS: Variation of Condition (I) of planning permission 02/00645/AS to extend the period for the retention and operation of the existing rail aggregates depot until 8 May 2014

Planning application 10/00295/AS: Application to extend the time scale for the implementation of planning permission 06/00005/AS (Rail aggregate depot) until 8 May 2014

Planning application ref 11/00621/AS: Proposed minor re-alignment to approved site access intended to serve the waste transfer station permitted under ref: AS/06/0004: Planning Permission granted 21/11/11

Planning application ref 11/01330/AS: Development of a vehicle testing facility, a vehicle & plant storage/maintenance facility and class B1, B2 and B8 small business units together with associated highway & earthworks on land: Planning Permission granted 5/4/13

Planning application ref 14/00490/AS Variation of condition 29 11/01330/AS - To substitute drawings that will amend VSA Plot and building, match spine road layout approved (and started) under planning permission ref: AS/11/621 and make consequential layout changes Planning Permission granted 26/3/15

Planning application ref 15/00948/AS: Variation of condition 9 on Planning Permission Reference 14/00490/AS for the landscape/acoustic band as constructed along the north-eastern edge of the VOSA building plot as per drawing no. B495/015 Rev D shall be maintained in perpetuity to ensure sufficient noise attenuation for Orchard Cottage: planning permission granted 21/9/15 bund gone

Planning application ref 15/1166/AS Section 73 application to vary conditions (2) and (12) of planning permission AS/11/621 to vary the earthworks and marginal buffer to reflect revised modelling for the river East Stour: planning permission granted (KCC) 3/11/15

Planning application ref 16/00427/AS: Erection of a car sales showroom, servicing workshops, ancillary offices, facilities, external display and sales, parking, facilities, landscaping and access. Planning permission granted: 14/12/16 8 m high does not cover whole site

Planning application ref 16/00600/AS: Temporary use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of temporary accommodation; Planning permission granted temp 4 weeks 2016

Planning application ref 16/01192/AS: Permanent use of the site as a high output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation: Planning permission granted KCC

Application ref 16/00008/EIA/AS EIA Scoping request for land north of Cheeseman's Green Lane, Ashford (Waterbrook Park)

Planning application ref 17/00038/AS: Section 73 application for proposed variation of condition (3) of planning permission AS/16/1192 to accommodate improved noise mitigation measures in respect of operations associated with Network Rail's Track Maintenance Train: Planning permission granted

Consultations

Application as deposited

Ward Member: The Ward Member, Councillor Bartlett, is not a Member of the Committee and has not made any representations in respect of the application.

Mersham and Sevington Parish Council: object commenting;-

- i. The density of the housing has been increased from 300/350 at consultation to 400.
- ii. There is no provision for affordable housing on this application.

- iii. There is no provision made for infrastructure, doctor surgery, health centre, play park etc.
- iv. Finberry residents were promised a supermarket within walking distance of their homes, so the proposed re-siting of the supermarket does not meet this criteria at all.
- v. The additional HGVs predicted would also produce increased traffic congestion at the new Waterbrook round about, bringing increased levels of noise and pollution to the residents of Finberry.
- vi. Site preparation for housing would entail clearing enormous quantity of contaminated land from the existing lorry park leading to even more noise and air pollution in the vicinity, with subsequent increase in HGV movements to remove the contamination.
- vii. There is an existing gas main running across Waterbrook which does raise further concerns with regard to safety with an increased HGV capacity on the site.
- viii. Waterbrook is historically a flood plain with a large number of naturally occurring springs on the site with felled trees on site it does raise concerns about the flood attenuation proposals for the site, and the possibility of an even greater risk of over-flow pollution from a bigger lorry park into the nearby river and tributary.
- ix. The rural nature of Cheeseman's Green Lane and the adjoining grade 1 and 2 listed properties is compromised by this proposal, with noise, air pollution, lack of maintenance of the tree boundaries, footpaths, ditches, and frequent flooding of Cheeseman's Green Lane due to heavy ground-works around the Waterbrook site.
- x. Cheeseman's Green Lane has always been accepted as not-accessible for any new development as the lane has several sharp bends, limited visibility for access any property, and needs to be kept clear for emergency vehicles to have quick access to properties in the area, or when A2070 is blocked.
- xi. There is already a continual flow of traffic through this lane from Kingsnorth and Bridgefield throughout the day, and this will increase as more properties are completed at Bridgefield by 2019, or until there is a proper access road to 2070 for these properties. Any properties built in this location would not only breach the naturally occurring acoustic bund, but also pose additional road safety issues on this narrow lane.

- xii. This current proposal to demolish the existing lorry park and re-site and even larger one closer to the existing properties would cause even more disruption and distress during the lengthy process of demolition, removing contaminated land, and then subsequent reconstruction the residents will be subjected to intolerable levels of noise, air, and light pollution for some considerable time, making it impossible to continue to enjoy homes and gardens and the rural nature of this area.
- xiii. The natural hedgerow and trees on southern boundaries that are currently in place have been badly neglected over the years, For this planted barrier to be properly effective it needs immediate attention to retain and maintain the existing wooded area with re-planting to create much wider, denser and higher bunds.
- xiv. The lighting levels proposed for the lorry park of 8m are too high and consideration should be given to the proposals discussed at the consultation to reduce the height and light pollution.
- xv. Larger volume of HGVs travelling between 2/3 sets of traffic lights on A2070 creating tailbacks and congestion will create further access difficulties for Sevington South residents from Church Rd onto A2070, as there will no longer be the option to access to A20 via Highfield Lane.
- xvi. The increased movements of 2000 HGVs per day will increase traffic on the 2070 and add to pollution and traffic congestion for all existing residents and businesses in this vicinity. With further increase of traffic from developments at Finberry, Bridgefield , Newtown still not complete, and there are 8,000 homes due at Chilmington Green, 550 for Pentland Jarvis homes due for Kingsnorth, 350 Taylor Wimpey homes due for Sellindge, plus all the smaller developments around the outlying villages around Ashford.
- xvii. The proposed re-sited lorry park will only cater for the HGV demand at the present level, so will not be sufficient for the forecast 10% annual increase of freight vehicles, so it would seem to be more sensible to utilise land adjacent to the A20 /U19 at Sevington, already designated as a 24/7 industrial estate, to build a full scale HGV park immediately accessed by J10a, capable of the handling the increased demand for the future and lessening the HGV demand on the 2070.
- xviii. The Waterbrook site is primarily an industrial one and although the current issue of HGV parking is key, the whole issue of economic viability (planning document p.54 5.18) brings into question the logic of permitting housing development on this site when it fails to address the local demand for affordable housing , or any S106 agreement to meet the infrastructure

required for this density of housing, to permit this to proceed under that premise would create a poor precedent for future development.

ABC Culture and the Environment: comment as follows:-

'At a potential 400 dwellings the development is required to provide public open space both on and off site.

Informal public open space will be required to a value of £144,800 capital and £130,000 commuted sum, 1.93ha in area; if the open space is sub-divided then individual open spaces must be a minimum of 0.25ha.

Play space will be required to a value of £216,400 capital and £265,200 commuted sum, 0.46ha in area, to be provided as one complete space and not sub-divided.

Informal open space provided as part of the development must be integrated within the built development, entirely overlooked, genuinely useable and fully accessible all year round. The public open space must include all the necessary infrastructure and planting to create a quality landscape scheme.

The following locations will not count towards the area of required informal public open space:

- Flood zone areas
- Necessary drainage features such as attenuation ponds
- Landscape required as ecological mitigation

Landscape required as mitigation for noise, and visual screening to the lorry park and adjacent commercial areas.

More detail will be necessary on the approach for SUDS. SUDS design must be considered in terms of a landscape feature and as an important part of the green infrastructure; concrete headwalls and kee-klamp style railings will not be approved. The design must not be of a uniform, engineered approach, and must add value to the landscape character.

The proposed open space and soft landscaping must be mindful of the impact on the East Stour river, which is designated Green Corridor. The policy within the Local Plan provides recommendations also.

The scheme must provide several high quality links to the Finberry development to the west.

The play space as shown is not acceptable, located within flood zone 2 and sandwiched between two main roads. Public open space, both designed for play and informal recreation must be properly integrated within built development, not within a flood zone and as part of a high quality legible landscaped route.'

ABC Environmental Protection: initially raised a number of issues and following the receipt of further information from the applicant raise no objection and comment as follows;-

[A] It is important to note that; an assumed 15dB(A) reduction in all internal values below has been used (based on a window being partially open for ventilation). However Note 3 (p64 BS8223:3014) clarifies that this value can vary significantly depending on the window type and the frequency content of the external noise. This figure can, and perhaps should have been, adjusted by researching the existing window types at the sensitive receptors. Indeed the older BS8223:1999 suggested a value for partially open windows of between 10-15dB. This means that it could equally be assumed that the internal levels quoted below could be up to 5dB higher (i.e. the difference between 10-15dB).

[B] It is also worth noting that our comments are based upon guidance (BS8233:2014, BS8223:1999, WHO Community Noise guidance, WHO Night noise guidelines for Europe) and should not be quoted as legal limits. Having said the above, the limits are based on relevant research which highlights the adverse effects that high levels of noise may have, including medical effects. The following are useful summaries (extracted directly from the documents):

Table 4.1: Guideline values for community noise in specific environments.

Specific environment	Critical health effect(s)	LAeq [dB]	Time base [hours]	LAmx, fast [dB]
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	
Inside bedrooms	Sleep disturbance, night-time	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

Effect	Indicator	Threshold, dB	
Biological effects	Change in cardiovascular activity	*	
	EEG awakening	L _{10,noise}	35
	Motility, onset of motility	L _{10,noise}	32
	Changes in duration of various stages of sleep, in sleep structure and fragmentation of sleep	L _{10,noise}	35
Sleep quality	Waking up in the night and/or too early in the morning	L _{10,noise}	42
	Prolongation of the sleep inception period, difficulty getting to sleep	*	*
	Sleep fragmentation, reduced sleeping time	*	*
	Increased average motility when sleeping	L _{10,noise}	42
Well-being	Self-reported sleep disturbance	L _{10,noise}	42
	Use of somnifacient drugs and sedatives	L _{10,noise}	40
Medical conditions	Environmental insomnia**	L _{10,noise}	42

Table 1
Summary of effects and threshold levels for effects where sufficient evidence is available

Effect	Indicator	Estimated threshold, dB	
Biological effects	Changes in (stress) hormone levels	*	
Well-being	Drowsiness/tiredness during the day and evening	*	
	Increased daytime irritability	*	
	Impaired social contacts	*	
	Complaints	L _{10,noise}	35
	Impaired cognitive performance	*	
Medical conditions	Insomnia	*	
	Hypertension	L _{10,noise}	50
	Obesity	*	
	Depression (in women)	*	
	Myocardial infarction	L _{10,noise}	50
	Reduction in life expectancy (premature mortality)	*	
	Psychic disorders	L _{10,noise}	60
	(Occupational) accidents	*	

Table 2
Summary of effects and threshold levels for effects where limited evidence is available**

Source - WHO Community Noise & night noise guidelines for Europe

[C] In terms of the information provided in the Grant Acoustics letter we would highlight the following:

(a) Daytime/Evening impacts - NB: BS8233:2014 guideline values are 40dB(A) – this is including a 5dB(A) relaxation based on development being necessary/desirable.

(b) The mentioned daytime/evening levels at NSR2 will increase the existing noise environment by up to 6dB(A). This change will be perceptible to these existing residents and have a moderate effect. The report highlights existing noise levels of: NSR1 – 34-47dB(A) internally – externally 49-62dB(A) and NSR2 – 32-39dB(A) internally – externally 47-54dB(A).

(c) Based on the proposed development going ahead the resulting noise levels are calculated to be: NSR1 – 41-47dB(A) internally – externally 54-62dB(A) and NSR2 – 38-41dB(A) internally – externally 53-56dB(A).

(d) NSR1 will go from being sometimes above and sometime below the relevant criterion to always being above, with no change at the top end of this range. NSR2 will go from being always below the criterion level to sometimes above and sometimes below, with the lower end of this range being closer to the criterion limit (than prior to development), and a 2dB(A) increase at the top end of this range.

(e) It is therefore our opinion that the change is potentially more than simply negligible, although the increase at the top end of the range is small.

(f) Night 2300-0500 – NB: BS8233:2014 guideline values of 35dB(A) – this is including a 5dB(A) relaxation based on development being necessary/desirable.

(g) The report highlights existing noise levels of: NSR1 – 36dB(A) internally – externally 51dB(A) and NSR2 – 32dB(A) internally – externally 47dB(A).

(h) Based on the proposed development going ahead the resulting noise levels are calculated to be: NSR1 – 39 dB(A) internally – externally 54dB(A) and NSR2 – 36dB(A) internally – externally 51dB(A).

(i) NSR1 will go from being 1dB(A) over criterion level at current to +4dB(A) above the criterion level (the proposed development adding +3dB(A)). NSR2 will go from being below the criterion level to being 1dB(A) above (+4dB(A) increase resulting from the proposed development).

(j) We do not consider the impact to be insignificant in itself.

(k) Night 0500-0700 – NB: BS8233:2014 guideline values of 35dB(A) – this is including a 5dB(A) relaxation based on development being necessary/desirable.

(l) It should be noted that the assessment for this period is based on a one-off measurement on 20/06/18. There is no methodology or on site weather data provided for this assessment. At such it cannot be determined how representative the measured levels are. This should be considered an uncertainty when reviewing the data in this section.

(m)The report highlights existing noise levels of: NSR1 – 38 dB(A) internally –

externally 53dB(A) and NSR2 – 39 dB(A) internally – externally 54dB(A).

(n) Based on the proposed development going ahead the resulting internal noise levels are calculated to be: NSR1 – 41 dB(A) internally – externally 56dB(A) and NSR2 – 41 dB(A) internally – externally 56dB(A).

(o) This period highlights a level already above the criterion. With the development, both NSR1 and NSR2 are calculated to experience an increase of 6dB(A) above the criterion level. The development would result in a 3dB(A) increase over existing levels at NSR1 and a 2dB(A) increase over existing levels at NSR2.

[D] Windows open/closed

(a) The letter of clarification goes on to assume that those existing residents already have to have their windows closed (due to the levels they are already subjected to).

(b) This may not necessarily be the case and the report does not provide any evidence to support this assumption.

(c) It actually appears likely to us that residents without the benefit of alternative ventilation schemes are more likely to need to open windows, and will therefore have to balance exposing themselves to high noise levels with levels of thermal discomfort/over-heating. As we consider it entirely possible that these residents will have open windows in the warmer months, the assertion that the internal noise criterion is 'irrelevant' is somewhat questionable.

[E] External amenity space

(a) BS8233:2014 specifies the following criterion with regards to external amenity space

7.7.3.2 Design criteria for external noise

For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$ with an upper guideline value of 55 dB $L_{Aeq,T}$ which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.

(b) The report highlights that outside (at façade) the existing noise levels during the day are; NSR1 – 49-62 dB(A) and NSR2 – 47-54 dB(A) and that with the proposed development this is calculated to increase to; NSR1 – 54-62 dB(A) and NSR2 – 53-56 dB(A)

[F] CONCLUSION

(a) The above assessment extends to considering the LAeq levels 'prior to' and 'post' development. We believe the above goes some way to explain the potential impacts of the development in terms of noise. Whilst some increases may be imperceptible, they are not insignificant. Reference should be made to Para 120 of NPPF and the statement that the cumulative impacts of pollution should be taken into account.

(b) This assessment does not directly compare the proposed noise level against the background noise levels (L90) in line with BS4142:2014: the scope of which includes 'sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train or ship movements on or around an industrial and/or commercial site'. However it is clear from the tables that the resultant noise level from the development can be up to +20dB above the background (without any acoustic penalties being applied i.e. intermittency – horns etc.).

(c) BS4142:2014 provides clarification on the assessment of a calculated rating level, which states:

- a) Typically, the greater this difference, the greater the magnitude of the impact.
- b) A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.

(d) Contextually the environment at this location is already noisy and as such any direct comparison against the background L90 levels should take this into account. Context however does not dismiss the need for such assessment.

(e) Finally, there is a level of uncertainty associated with any acoustic survey, as such any figures should not be taken as 100 percent accurate, and in the case of this assessment the level of uncertainty is not quantified.

(g) If the LPA were minded to grant consent, then we would request the application of conditions in line with the mitigation proposed as part of this assessment.'

ABC Project Office Delivery Engineer: no objection and comment as follows;-

'I am satisfied with KCC's latest assessment and therefore have no objection. I would advise that their recommendations are taken forward and should permission be granted that the suggested Condition is attached to the application.'

ABC Community Safety and Wellbeing: makes the following comments;-

1. Waterbrook Avenue is a private street at present and so ABC cannot undertake civil parking enforcement.
2. It is an unknown whether the Employment Zones would have sufficient parking preventing on-street parking.
3. Once the street system at Waterbrook becomes adopted then civil enforcement could begin with a Traffic Regulation Order (TRO) in place. This would require signage.
4. If a TRO for the area (additional lines and recognition of existing markings) is to be undertaken by the Council rather than the highway authority, the s.106 agreement should reflect this. The estimated cost for the consultation, installation and enforcement of the scheme throughout the adoptable highway of Phases 1 & 2 of around £10k.
5. Furthermore, there is an overnight waiting ban for HGV's over 5 tonnes in the area surrounding Orbital Park as a result of the CPZ there. Some form of signage would be needed to prevent HGVs using streets at Waterbrook and an extension of the CPZ into the Employment Zones is requested: the tighter nature of new residential environments is generally unattractive for on-street parking of HGVs due to limitations on manoeuvring. Nevertheless, some consideration of lining controls to junctions should be covered by a TRO.
6. Bus shelters as requested by Stagecoach would be supported.

[HoDM&SS comment: The applicant has confirmed that Waterbrook Avenue would be offered for adoption as would most other streets although some, especially in the tightest parts of the residential zones such as courts, mews, lanes and shared drives would probably could remain private. Ensuring that Waterbrook Avenue and the Waterbrook Link Road are adopted/ built to adoptable standards and adopted can be a s.106 obligation to ensure that a future bus service can penetrate the site whether as a discrete service or as part of service forming a loop connecting Waterbrook and Finberry. The applicant is committed to a truck-stop management plan and working with HE in particular in terms of advanced signage on the M20 relating to truck-stop capacity. I propose that matters of TRO and CPZ are dealt with by a planning condition. That approach can provide for (i) an assessment of the need for any measures with the applicant and (ii) approval of an implementation strategy]

Southern Water: comment as follows;-

- 'No habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

- The exact position of the foul sewer and foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised. No development/tree planting should be located with 3m either side of the external edge of the sewer and no soakaways with 5m.
- 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 foul and surface water 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.
- We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.'

Environment Agency: no objection subject to attachment of planning conditions dealing with:

- Flood risk - at detailed design stage, this is required to be adequately and appropriately demonstrated that no part of the development will exacerbate flood risk. The EA comment that although the majority of the site lies within Flood Zone 1 (low flooding risk) the south-western boundary abuts the East Stour with a proportion of the west/south part of the site affected by its associated floodplain (being Flood Zone 3 and high risk of flooding). The EA comment that Flood Zone 2 does extend into part of the existing site but the applicant could, through undertaking land-raising works, reduce this risk. While land-raising activity falls under a previous approved permission, it must be ensured that the detailed reserved matters application that come forward fully consider the post-development flood risk from the finished developed site.
- Groundwater and contaminated land issues – need to be dealt with through a requirement to carry out site investigation, remediation and verification plan of identified / unidentified contamination.
- Infiltration of surface water drainage systems into the ground - not be permitted without the approval of the Local Planning Authority.
- Piling or any other foundation designs – use of penetrative methods not to be permitted without the approval of the Local Planning Authority.

Without these conditions, the EA considers that the proposed development poses an unacceptable risk to the environment and would object to the grant of planning permission.

Other comments from the EA are as follows;-

- i. The recommendations for the protection and improvement to the corridor of the East Stour contained in the Ecology chapter of the applicant's ES are recommended to be endorsed by the LPA.
- ii. A SUDs scheme should be incorporated into the detailed design to protect the East Stour from pollution during the construction phase and be provided in the landscape management/mitigation plan.
- iii. The presence of Great Crested Newts has been confirmed and the LPA need to consider if Natural England will issue a derogation licence. This is likely to require details of mitigation impacts upon species and it is suggested that double the number of ponds that would be lost is needed at the planning application stage rather than licensing process.
- iv. A buffer zone is recommended to be established to protect the East Stour corridor and prevent damage to water vole habitat.
- v. An informative is requested that any activities within eight metres of the East Stour may require an EA permit

Kent Police: comment in summary:

'The KDI advises and BREEAM compliance requires the applicant/agent to consult and seek advice from the local Designing Out Crime Officer (DOC0) or a suitably qualified security specialist. This is to design out the opportunity for crime in accordance with SBD guidance during or prior to the Outline Proposals stage (RIBA stage 2) or equivalent.

If this planning application is to be approved and no contact has been made with the DOC0 team by the applicant/agent, then we request that a Condition is included to ensure our involvement and address crime prevention.'

KCC Growth, Environment and Transport: comment as follows

KCC is supportive of the overall principle of the scheme, which reflects the allocation of this site within the emerging Local Plan for a commercially led mixed use scheme incorporating lorry parking and residential development.

KCC therefore supports the increase in provision of lorry parking to 600 spaces at the Waterbrook Park site. Inappropriate lorry parking causes a number of issues locally (including noise, anti-social behaviour, litter and human waste), as well as road safety concerns caused by dangerous parking locations. This proposal should help to alleviate some of the immediate need for lorry parking in the county.

KCC does however have the following objections:

Highways and Transportation: the provision of suitable traffic calming arrangements along Spine Road is required, alongside adequate parking arrangements for residential and commercial uses and amendments to the Transport Assessment (TA)

Public Rights of Way: the layout of the proposed development, which has significant implications on Restricted Byway AE350 and Public Bridleway AE667A; A number of options to overcome this are given.

Minerals and Waste: absence of information to justify developing on a mineral safeguarded site.

[HoDM&SS comment: please see further below a subsequent KCC representation on this issue]

Provision and Delivery of County Council Community Services: KCC has assessed the implications of the proposed development on existing KCC services and the required mitigation to provide sufficiently for this proposed development involves primary education, contributions to bring forward primary land, secondary education community, youth services, libraries and social care.

Biodiversity: KCC is satisfied that the ecological reports have carried out the required range of protected species surveys and taken into consideration the detrimental impacts of the proposed development. A European Protected Species Mitigation (EPSM) licence will be required, due to the impacts upon great crested newts resulting from the loss of ponds and terrestrial habitat. ABC will need to consider whether it is likely that an EPSM Licence from Natural England would be granted. CC recognises that there is sufficient retained habitat and suitable replacement provision for the loss of the breeding ponds within the design proposal and would expect that any lighting strategy considers any impacts upon biodiversity. KCC would welcome the formulation of a detailed Landscape and Ecological Management Plan (LEMP) to ensure that the ecological mitigation and enhancement measures are managed appropriately long term.

Heritage Conservation: KCC has reviewed the Heritage Assessment and raises a number of issues. KCC recommends planning conditions providing for

archaeological field evaluation works, a programme of archaeological palaeo-environmental work and a programme of heritage interpretation work'

KCC (Minerals and Waste): no objection and comment as follows;-

'As you can see from the previous correspondence, the Minerals and Waste Planning Policy Team had concerns for both safeguarded mineral deposits and the continued uninterrupted lawful (24 hour unrestricted) operational use of Sevington railhead (for aggregate importation).

Subsequent to the this position there has been verbal discussions with the applicant's agent regarding the apparent fact that the land where safeguarded minerals are present is being surcharged to bring up levels in accordance with a lawful planning permission that has sterilised any potentially viable minerals. Also, the need to incorporate an acoustic barrier between the proposed HGV parking area that will have 24 use and the adjacent and safeguarded Sevington aggregate railhead to address the requirements of Policy DM 8 of the adopted Kent Minerals and Waste Local Plan 2013-30 was verbally agreed.

Though the details of these matters have not been confirmed in writing, provided the surcharging of the area covered by a land-won mineral safeguarding designation is subject to a lawful planning permission and an effective acoustic barrier to the railhead and HGV parking area is incorporated into the proposed development then the Minerals and Waste Planning Policy Team of the County Council would not continue to raise an objection to the proposed development.'

Kent Chamber of Commerce: support and state;-

'The development was delayed awaiting the constriction of Junction 10a of the M20 motorway which has now commenced. Waterbrook Park will play a very important link to the further redevelopment of this area of Ashford. The chamber has continually lobbied for an increase in the size of the lorry park and is pleased to see this included on the application.

After discussions with the developers, we support the proposed increase in road width leading from the Waterbrook Park residential site to the existing Finberry development. Although there maybe policy issues regarding the 2,322 sqm A1 superstore, we would support this inclusion in the application.'

Health and Safety Executive (HSE): no objection and comment, in summary, as follows;-

HSE is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. HSE does not advise, on safety grounds, against the granting of planning permission for the proposed development.

KCC Heritage Environment, Planning and Enforcement: comment that there are some outstanding archaeological issues to be resolved and welcome further details on the following prior to determination of this application:

- a full report on Wessex Archaeology Site B needs to be formally submitted to the HER.
- a Waterbrook Archaeological Framework covering a phased programme of archaeological works including palaeo-environmental, post excavation and publication.
- heritage interpretation and details of preservation in situ sites is needed with long term management plans attached to the main sites of archaeological interest

KCC further comment that if the Borough Council is minded to determine the hybrid application at this stage, important archaeological concerns would need to be addressed through planning conditions and through measures to be agreed in a s.106 agreement. Planning conditions would should include the implementation of the Waterbrook Archaeological Framework, a programme of archaeological palaeo-environmental work and the implementation of a programme of heritage interpretation work.

Natural England (NE): no objection with comments summarised as follows;-

Statutory nature conservation sites – no objection based upon the information provided, NE advises the Borough Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - NE has not assessed this application and associated documents in terms of impacts on protected species. State that if the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the Borough Council should ensure that it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Network Rail: no objection. Request an informative that the developer must ensure that their proposal, both during construction and after completion of works on site, does not: encroach onto Network Rail land, affect the safety, operation or integrity of the company's railway and its infrastructure, undermine its support zone, damage

the company's infrastructure, place additional load on cuttings, adversely affect any railway land or structure, over-sail or encroach upon the air-space of any Network ; - Rail land, cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Kent Wildlife Trust (KWT): no objection is stated but, in summary, comment as follows;-

The following need to be addressed before KWT would find the application acceptable;-

- (a) The application is adjacent to local wildlife site AS19 South Willesborough Dykes which has come under pressure from nearby development and application must take into account potential impact and appropriate mitigation.
- (b) It is not clear if the outline part of the application overlaps with Local Wildlife Site (LWS) designation.
- (c) Concern is expressed that the proposed residential phases are adjacent to the LWS with no mention as to how recreation or other impacts would be avoided or mitigated.
- (d) There is no proposed enhanced buffer or management of recreation from residential phases in the application and that needs to be addressed.
- (e) Concern that run-off from the truck-stop does not reach the riverine environment of the LWS and this needs to be explored in more detail in the ecological section of the applicant's proposal so that there is no negative effect on the LWS designation – this is not clear at present.
- (f) A conservation management plan for the site is needed including areas of existing woodland within the boundary of the development and any enhancements that are proposed.
- (g) A sensitive lighting strategy is needed to avoid negative impacts on species/habitats. Lorry park activity, including evening lighting and noise levels, should be included in the consideration of impacts.

Natural England (NE): no objection and comment as follows;-

Statutory Nature Conservation Sites – no objection raised based upon the information provided. NE advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species – NE has not assessed this application and associated documents for impacts on protected species. NE has not reached any view whether a European Protected Species Licence (EPS) is needed (which is the developer's responsibility) or whether it might be granted. If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) NE advises that the Council should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

NHS Canterbury and Coastal CCG: no objection. Request a developer contribution to mitigate impacts on healthcare. Comment, in summary, as follows;-

Ashford CCG is now the body which will request section 106 health care contributions on behalf NHS England and would seek to apply this to meet the extra demands paced by the development on the local primary and community health care service.

The proposed development is expected to result in a need to invest in local surgery premises: Willesborough Health Centre (or its successor organisation) and/or the Local Care Centre Hub that provides enhanced primary care for the patients registered at the Willesborough Health Centre and which is the nearest practice to the proposed development. This contribution would be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

A contribution of £339,840 plus legal costs is therefore requested based on total capacity of 944 persons.

Highways England: no objection and state as follows;-

'Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A2070 and M20 around Ashford.

Having examined the above application, taking into account submitted information and all other material considerations, we understand that the proposals:

(a) Have been taken into account as part of the assessment of M20 Junction 10a;
and

(b) Will generate no more traffic on the A2070 in total in 2030 than agreed as part of the Ashford Borough Council Adopted Core Strategy 2008 (11 Development Units).

We are therefore proposing to provide the Council with a no objection to the proposal subject to the imposition of conditions etc. covering the following matters:

- (1) A contribution is made towards SPG6 (Supplementary Planning Guidance to the Ashford Borough Local Plan), equivalent to 9.5 Development Units (DUs).
- (2) No more than 1 DU (including existing 0.73 DUs) to be occupied until the construction and opening of the Bellamy-Gurner improvement.
- (3) No more than a total of 6.75 DUs (including existing uses) to be occupied until the construction and opening of M20 Junction 10a.

I would be grateful if you could confirm that this suggested approach would be acceptable in the circumstances.'

[HoDM&SS comment: in the light of the proposed delay to the construction and opening of the Bellamy-Gurner improvement and application 11/00473/AM02/AS received from Crest of which HE is aware, a view from HE has been requested as to item 2 above in order to ensure that movements associated with the truck-stop can be accommodated before that SRN improvement opens slightly later than planned. At the time of drafting this report that response is awaited. I will provide an update to the Meeting]

KCC Flood and Water Management: no objection, suggest wording for planning conditions and comment as follows;-

'Following our discussions with the LPA's case officer, we have considered that the issues around water quality, in particular from the lorry parking area, may be able to be dealt with satisfactorily by condition. This will require specific detail on the drainage elements required to achieve sufficient management and treatment of run-off appropriate for the site use.

With respect to the outline component of the application, we require that a full sustainable drainage strategy is provided that promotes multi-functional SuDS to provide additional benefits with a focus on high value green infrastructure, biodiversity and water quality. The present submission does not provide sufficient details on the outline elements of the scheme. We would also expect that this could be dealt with by a suitability worded condition but it should be noted that the management of surface water will to be demonstrated at the reserved matters approval stage given the implications on planning layout and appearance in particular.

We would reiterate that robust pollution controls will be required on site, as requested by Ashford Borough Council's Sustainable Drainage SPD to ensure that

developers maximise run-off (source) control opportunities early in the management train.

We would also recommend referring to the guidance within CIRIA's SuDS Manual to ensure that appropriate features are incorporated into the detailed design that provide sufficient control of surface water rate, volume and quality. The guidance in chapter 26 provides methods of demonstrating appropriate water quality management and we would expect this to feature within any submission for the discharge of drainage conditions.

Should your authority be minded to grant permission for the proposed development, we would recommend...conditions'

Stagecoach: comment;-

'We have had discussions with Cannon Consulting, and agreed bus stop positions in Waterbrook. Our view is that the proposed Waterbrook development warrants a bus service, but is of insufficient size to support a "bespoke" service. It would have to be run as an extension of an existing route. It is not clear at this stage how the proposed Waterbrook development will be connected to Finberry, nor when such a connection would become available, so no definitive plans have been finalised as to how this would be achieved. Regarding s.106 payments, yes, we would be looking for contributions to pump-prime the service. It is not possible at this stage to quote a figure. The proposed Waterbrook development warrants a bus service, but is of insufficient size to support a "bespoke" service. It would have to be run as an extension of an existing route. It is not clear at this stage how the proposed Waterbrook development will be connected to Finberry, nor when such a connection would become available, so no definitive plans have been finalised as to how this would be achieved

We would be looking for contributions to pump-prime the service. It is not possible at this stage to quote a figure, as, for the reasons stated in my email of 15 May 2018, we are not yet in a position to determine exactly how the proposed development would be served.'

[HoDM&SS comment: (A) The timing of the connection of the residential development at the southern end of the site to the Waterbrook Link Road to be constructed by the developers of Finberry can be the subject of a s.106 obligation – please refer to the proposal from the applicant set out in the Assessment section of this report.

(B) Stagecoach would need to make a commercial decision when to provide the site with a service related to number of occupations and extent of build-out of the employment zones. If the link road connection is provided, then there is opportunity

for a through service to Finberry and areas to the south of Captain's Wood at that site and opportunities to create a bus loop servicing Finberry and Waterbrook together.

(C) Notwithstanding the issue of connection, it may be that Stagecoach would wish to offer discrete temporary services to Waterbrook and Finberry. Whether any SPG6 funding could be provided to assist with that early provision can be a matter that is discussed further in due course but falls outside of the assessment of the current application.

(D) KH&T identify that the amendments made to Waterbrook Avenue are acceptable in terms of crossing islands and the provision of bus stops but Stagecoach would wish to see an additional set of stops worked into the detail of the edges closer to Employment Zone A and C with the intention that this would help meet the needs of employees and food-store customers. I have no objection to this – it can be addressed either through a further amendment to Waterbrook Avenue before a permission is issued or taken up at reserved matters application stage. My understanding of Stagecoach's position is that a bus service is unlikely to be provided along Arrowhead Way to the truck-stop but the walk from premises on that street would be a short one to bus stops provided on Waterbrook Avenue.]

Southern Gas Networks (SGN): comment there are high pressure pipelines in the vicinity of your proposed work area. SGN formally objects to this planning application until such time as a detailed consultation has taken place. It is essential that no work or crossing of this high pressure pipeline is carried out until a detailed consultation has taken place.

Southern Water: comment that:-

- No habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.
- The exact position of the foul sewer and foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised. No development/tree planting should be located with 3m either side of the external edge of the sewer and no soakaways with 5m.
- 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 foul and surface water 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. It is requests that a condition is attached to any planning permission preventing construction

until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

The River Stour (Kent) IDB: no objection and comment as follows;-

‘...happy for the details to be dealt with by condition. I would ask that the applicant be reminded of the need to obtain land drainage consent for any works affecting ordinary watercourses prior to commencement (we seem to be receiving more retrospective applications these days which creates unnecessary work for everyone).

This is a site that we should deal with together to ensure a consistent approach. I’ll liaise with (ABC Project Office) and (KCC Flooding) when further details are submitted.’

Neighbours: 10 comment /support and 5 objection representations received.

In summary the following points are made as comments and in support of the proposal;-

- (a) Kent needs all the lorry parking facilities the County can get to mitigate the nightly shortage of 3,000 truck parking spaces
- (b) It is better to have a potential flood on a lorry park that affect housing or retail use.
- (c) The drivers need somewhere to park which provides them with the facilities they need to wash and eat together with the use toilet facilities etc. This would stop them having to park in laybys which is unhealthy for them and also for the local residents who have to clear up the mess both human waste and rubbish that they leave behind.
- (d) Great ideas and great set of plans, however this plan should be set out that the lorry park is built FIRST as the need for this is greater than the need for housing at the moment in Ashford due to the current on-going projects already taking place.
- (e) If the entrance and exit is going to be the same as the current truck-stop, KCC and ABC need to look at the current signage on the approach to J10 from the Orbital Park roundabout as there is not enough warning or given information to allow lorry drivers to get in the correct lane stating which lane of the M20 is for London direction and which is for Folkestone direction.

[HoDM&SS comment: The general point about co-ordination between

strategic and local highway authorities to achieve better signage is accepted. The issue of lane signage information is one that the authorities can revisit.]

In summary the following points are made in objection to the proposal;-

- (i) Housing on an otherwise industrial site is not desirable and will cause disturbance.
- (ii) During demolition and reconstruction there would be intolerable levels of noise, air and light pollution.
- (iii) The natural hedgerow and trees on the southern boundary of the site are neglected thus reducing any natural acoustics benefit.
- (iv) The proposed planted barriers at the site would need to be wider, denser and higher bunds given the proximity of the truck-stop to dwellings.
- (v) The 8m high truck-stop lights could be reduced as lorries have headlights – this was suggested at consultation meeting 2017.
- (vi) An increase in traffic would arise and with an increased movement of 200 HGV's per day on the A2070 would add to pollution for residents and increased congestion on roads.
- (vii) By the applicant's own admission, a re-sited lorry park would only cater for HGV demand at present and not be sufficient for the forecast 10% annual increase. It would be more sensible to use SiteU19 at Sevington as a designated industrial estate with immediate access to M20 J10A.
- (viii) The density of the housing has been increased from 300/350 at consultation stage to 400.
- (ix) Finberry residents were promised a supermarket at that site and not at Waterbrook.
- (x) Clearance of the site for contamination will case increase noise and air pollution for residents.
- (xi) The D&A states some houses should have access onto Cheeseman's Green Lane which is unsuitable and would be out of character with the rural lane.
- (xii) The use of swales needs to take into consideration this site is historically a floodplain.

- (xiii) What will happen to the existing PROW as they have not been maintained or kept open by GSE?
- (xiv) New housing would need to provide a health centre as existing facilities are at ,or near to, capacity
- (xv) With regards to financial viability, it would be inappropriate to allow development to go ahead without the usual 106 contributions.
- (xvi) This development would destroy green and pleasant land forever.
- (xvii) There is a risk of overflow pollution from the truck-stop.
- (xviii) Is more housing in this area needed especially given floodplain issues? Finberry has still two phases to implement what with Chilmington Green, more housing in Kingsnorth, and Kennington.
- (xix) Instead of examining reports the Council should go out and see the saturated marshland between Finberry and the Lorry Park - where is the water supposed to go?
- (xx) The wildlife in this area has had enough disruption.
- (xxi) Why can't the Council keep the lorry park as an overflow lorry park and give drivers somewhere to go?
- (xxii) We don't need the extra housing - this is an industrial area and should be kept as such.
- (xxiii) Both roundabouts need to improve as a condition of the scheme. Approaches and exits should be widened so that there are extra lanes into and out of all sides. The Orbital Junction cannot cope with extra traffic let alone lorries.
- (xxiv) If the relocated and expanded truck-stop is granted permission it would be 60 metres from an objector's home and that relationship is considered by the objector as being detrimental to the quality of life that is enjoyed.
- (xxv) Residents already experience intrusive noise from the existing truck-stop from vehicles revving (warning sirens), engines revving and constantly running refrigeration units have to close windows to cut noise despite noise barriers on the bunds.

- (xxvi) The truck-stop would have detrimental health impacts and the existing tree screening promised has already thinned.
- (xxvii) Query that the noise survey and impact on Hogben Farm has not been correctly carried out in terms of noise monitoring and background noise.
- (xxviii) The ES agrees that houses up to 100m from truck stop would experience noise levels above the criterion (2db) and the design of dwellings and orientation must be considered here to provide good ventilation and thermal comfort. Hogben Farm (60m away) is a period property with poor insulation value so these mitigation measures would not apply in this instance. The statement that existing residents would have to keep their windows shut to achieve noise criteria is not acceptable and residents should be able to sleep without windows open
- (xxix) Objection is raised to only some refrigerator lorries being provided with plug-in points.
- (xxx) The containment of noise from the relocated truck-stop is of concern. The proposed mitigation involving erection of a 5 metre high barrier on the eastern side will be insufficient. The adjoining 6 metre barrier / bund facing Hogben Farm was found to be inadequate. The objector cannot see how effective mitigation measures can be achieved.
- (xxxi) Residents on an existing country lane should not have to look out over a 5 metre high acoustic barrier and see the tops from 6m/8m metre high lights.
- (xxxii) The truck-stop should remain at the original position at the lower end of the site and the whole site should have substantial tree screening.
- (xxxiii) A major reservation is expressed that the considerably faster run-off of rainwater would not be attenuated so that, during heavy rainfall, the fast run-off would contribute to any potential flooding of the wider area.

Application as amended

Kent Highways & Transportation: identify the amended plans and additional information overcomes previous concerns. A holding objection is raised in respect of the second of the two outstanding issues identified below-

- (1) In respect of bus services, it has been agreed with Stagecoach East Kent that Waterbrook Park , in itself, would not be large enough to warrant its own service. However, by combining it with Finberry via the provision of the Waterbrook Link

Road there may be sufficient patronage to warrant a service and so a planning condition is requested requiring that Link Road to be commenced within 12 months of the A2070 BG junction being completed with the Link Road open to traffic within 24 months.

(2) The applicant's proposed contribution towards RMR would not mitigate the applicant's impact. However, the position with viability issues is understood. The alternative to the £2,108,645 contribution requested is that the alternative 'flaring improvement scheme' for RMR is independently costed by KCC's cost consultants and the cost of that scheme form a section 106 agreement towards a junction improvement at RMR. This has been raised with the applicant but a response on the costs has not been received and so a holding objection is maintained as the applicant would not be mitigating their traffic impact at RMR and the proposals are considered to result in a severe impact on the existing roundabout due to increase queuing and vehicle delay.

[HoDM&SS comment: In respect of the Waterbrook Link Road, I agree that the timely provision of the Link Road will assist with consideration of a linked bus service by Stagecoach. I propose this to form a s.106 obligation rather than a planning condition.

In respect of the RMR, I set out in the Recommendation issues of (i) the viability case submitted by the applicant, (ii) the outcome of the viability review, (iii) the negotiated amount that the development could sustain if it is to be delivered, (iv) my approach to balancing mitigation in the proposed s.106 agreement and (v) my surprise that the RMR issue has been.

Neighbours: the consultation period is still running at the time of finalising this report. I will address this in the Update report.

Planning Policy

86. 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. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
87. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000 (saved policies)

ET4 – Business parks (including Waterbrook)

EN13 – Green Corridors

EN14 – Land adjoining the Green Corridors

EN31 – Important habitats

EN32 – Important trees and woodland

SH1 - Tenterden & Ashford town centres (comparison and convenience shopping)

TP6 – Cycle parking

LE5 – Equipped public open space

LE6 – Off-site provision of public open space

LE7 – Play facilities

LE8 – Play facilities

LE9 – Maintenance of equipped public open space

CF6 – Standard of construction of sewerage systems

CF8 – Renewable energy

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS7 – The Economy and Employment Development

CS8 – Infrastructure contributions

CS9 – Design Quality

CS10 – Sustainable Design & Construction

CS11 – Biodiversity and Geological Conservation

CS 12 – Affordable Housing

CS15 – Transport

CS16 – Retail

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

CS21 – Water Supply and Treatment

Urban Sites Development Plan Document 2012

U21 – Green Corridors

U23 – landscape Character and Design

U24 – Infrastructure provision to serve the needs of new development

The following are material considerations to the determination of the application;-

Ashford Local Plan to 2030

S16 – Waterbrook

'Land at Waterbrook is proposed for a mix of residential and commercial development together with a re-located and extended commercial lorry parking facility. Detailed proposals for this site shall be developed in accordance with an approved masterplan that:-

a) provides a re-located 600 space lorry park on the eastern part of the site, adjacent to the aggregates facility;

b) provides an indicative 350 dwellings on the western and southern parts of the site;

c) provides a minimum of 22 hectares of commercial development;

d) ensures the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site;

e) provides suitable mitigation to deal with noise, visual impact and artificial lighting to restrict the impact of the new development on the new residential properties to be developed on the site and the existing properties along Cheeseman's Green Lane, Finberry and Church Road, Sevington;

f) provides vehicle access from the A2070 and to the Finberry development with no access from the Waterbrook site to Cheeseman's Green Lane;

g) provides new pedestrian and cycle routes throughout the development and connections to existing urban and rural routes;

h) protects and enhances the East Stour river corridor local wildlife site;

i) contributes to the improvement of the green corridor that runs through the site;

j) includes a full flood risk assessment prepared in consultation with the Environment Agency;

k) ensures that any land contamination issues are satisfactorily resolved or mitigated;

l) provides 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;

m) provides a proportionate financial contribution towards the delivery of Highway England's scheme for a new M20 Junction 10a.

No residential development or any commercial development (beyond that with an extant planning permission) shall be occupied until the proposed scheme for M20 Junction 10a is complete, in accordance with policy TRA1.'

SP1 – Strategic objectives

SP2 – Strategic approach to housing delivery

SP3 – Strategic approach to economic development

SP4 – Delivery of retail and leisure needs

SP5 – Ashford Town Centre

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU3a – Residential development in Ashford urban area

HOU12 – Residential space standards (internal)

HOU14 – Accessibility standards

HOU15 – Private external open space

EMP1 – New employment sites

EMP6 – Fibre to the Premises

EMP9 – Sequential Assessment and Impact Test

EMP11 – Tourism

TRA3(a) – Parking standards for residential development

TRA3(b) – Parking standards for non-residential development

TRA4 – Promoting the local bus network

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7 – Road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV2 – Ashford Green Corridor

ENV6 – Flood risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV11 – Sustainable design and construction (non-residential)

ENV12 – Air quality

ENV13 – Conservation and Enhancement of Heritage Assets

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, sport, play and open spaces

IMP1 – Infrastructure provision

IMP2 – Deferred contributions

IMP4 – Governance of public community space and facilities

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011(now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) 2012

89. 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 following sections of the NPPF are relevant to this application:-
90. Paragraph 216 states in relation to the stages of preparing a Local Plan that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
91. Key points from the NPPF material to the application are as follows:-
- (a) the presumption in favour of sustainable development (para 14)
 - (b) ensuring the vitality of centres (para 23-27)
 - (c) promoting sustainable transport (para 29-41)
 - (d) delivering a wide choice of high quality homes (para 47-55)
 - (e) requiring good design (para 56-68)

- (f) promoting healthy communities (para 69-78)
- (g) meeting the challenge of climate change and flooding (para 97-98 and 100-104)
- (h) conserving and enhancing the natural environment (para 109)
- (i) conserving and enhancing the historic environment (para 126)
- (j) facilitating the sustainable use of minerals (para 142-149)
- (k) use of planning conditions and obligations (para 203-206)

The National Planning Policy Guidance (NPPG)

Assessment

The main issues for consideration are as follows;-

- (a) The principle of the proposals i.e. how the redevelopment of the site would fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses
- (b) Whether the current status of the Ashford Local Plan 2030 prevents a decision being reached on the application in advance of the outcome of the Examination in Public
- (c) Layout issues: key planning policies, the view of the Ashford Design Panel and the applicant's proposition of a Development Brief helping shape the detailed design approach to OUTLINE elements of the application
- (d) Whether an expanded truck-stop could realistically be located in an alternative position at the application site and, if not, whether the proposed location of the differing uses for the site is appropriate
- (e) (FULL application) the acceptability of the design and layout of the truck-stop (including the scale, massing, design and appearance of the drivers' services building) as well as the approach to boundaries, mitigating noise and lighting impacts on existing residents and future residents and the important role of a truck-stop management plan
- (f) (FULL application) the acceptability of the SME units in terms of layout,

parking provision, scale, massing, design and appearance and their relationship with existing and proposed uses

(g) (FULL application) the acceptability of the interventions within the site to help calm traffic speeds through the residential neighbourhood and provide potential locations for future bus stops

(h) (OUTLINE application) the acceptability of the non-retail elements proposed for Employment Zone A in terms of ability to accommodate floorspace quantum in an acceptable layout alongside matters of landscaping, SUDs and impact on public rights of way as well as the acceptability of the proposed scale parameters to the intended buildings

(i) (OUTLINE application) the acceptability of the elements proposed for Employment Zone C in terms of ability to accommodate the proposed floorspace in an acceptable layout alongside matters of landscaping, SUDs and impact on public rights of way as well as the acceptability of the proposed scale parameters to the intended buildings

(j) (OUTLINE application) the outcome of retail impact assessment, the proposition in relationship to Finberry Local Centre and the mechanism for ensuring that replacement development of an acceptable scale for that Local Centre is delivered

(k) (OUTLINE application) the acceptability of the boundaries to the residential zones with adjoining land including (i) the truck-stop and employment zones, (ii) the Green Corridor and (iii) Cheeseman's Green Lane

(l) (OUTLINE application) the acceptability of the applicants' proposition in terms of the maximum number of homes applied for, related density and housing typology assumptions, the intended approach to place-making / creation of character areas, SUDs and areas where through the formulation and adoption of a Development Brief I would expect detailed design to evolve further as part of achieving high quality design

(m) (OUTLINE application) the acceptability of the approach to on-site facilities serving future residents, the acceptability of the applicant's approach adjacent to the Green Corridor and the facilities that can be worked into the detailed layouts of the residential zones

(n) (HYBRID) the acceptability of the proposal on the setting of listed buildings in the locality

(o) (HYBRID) the acceptability of the traffic impacts arising from the proposal

on the local and strategic highway network

(p) (HYBRID) Mitigating the impacts of proposed development: the policy starting point for contributions secured by s.106 agreement

(q) (HYBRID) The applicant's viability case

(r) (HYBRID) Viability: conclusion & negotiated s.106 contributions

92. I deal with these in each of the sub-sections below.

(a) The principle of the proposals i.e. how the redevelopment of the site would fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses

93. The Core Strategy seeks to ensure the creation of sustainable development and high quality design (CS1), development that creates jobs and homes in acceptable locations (CS2), protection of the Town Centre (CS3), use of brownfield sites in the Ashford Urban Area (CS4), new development areas involving Waterbrook accommodating employment and residential uses (CS5), delivering an improved economy for the Borough through new development in appropriate locations (CS7), accommodating site specific impacts through the use of planning agreements (CS8), delivering high quality design (CS9) and sustainable design and construction (CS10 – now non-residential only), avoiding harm to geological and biodiversity interests and wherever practicable delivering their enhancement (CS11), the importance of delivering affordable housing (CS12), deliver of a range of homes (CS13), ensuring development is acceptable in transport terms (CS15), meeting the community's on-site and off-site needs (CS18), ensuring against flood risk (CS19), delivering acceptable sustainable drainage for the disposal of surface water (CS20) and ensuring adequate water supply and wastewater treatment (CS21). The Council's adopted SPDs accord with these Core Strategy policies as does the Urban Sites and Infrastructure DPD 2012 in addressing green corridors (U21), landscape character and design particularly at the edge of the urban area (U23) and on-site and off-site infrastructure (U24).

94. The saved Policies in the Ashford Borough Local Plan 2000 to which I have referred in the Policy section of this report accord with the approach taken in the Core Strategy and do not need repetition here.

95. All of the above accords with the approach set out in the NPPF.

96. Turning to emerging local planning policy, the Ashford Local Plan 2030 seeks to focus development to appropriate locations as part of a strategic balance with other critical planning objectives (SP1), provide for the majority of housing at Ashford in acceptable locations (SP2), deliver economic

development in acceptable locations (SP3), meet retail and leisure needs with a centre first approach (SP4), deliver high quality design (SP6), deliver a mixed of residential and commercial development together with a relocated and extended commercial lorry parking facility at Waterbrook (S16), provide for affordable housing (HOU1), deliver acceptably sized homes (HOU12), ensure accessibility for a range of user needs (HOU14), provide acceptable external space to meet the needs of residents (HOU15), provide an appropriate range and mix of dwelling types and sizes (HOU18), provide for new employment (EMP1), promote fibre to the premises (EMP6), require a centre first approach to matters of retail sequential assessment and impact test (EMP9), support strategic transport schemes that remove impediments to growth (TRA1), provide for acceptable levels of residential and non-residential parking (TRA3(a) & (b)), promote the local bus network (TRA4), plan for pedestrians (TRA5), provision for cycling (TRA6), ensuring development is well located to the primary road network and can be accommodated in capacity terms (TRA7), Travel Plans, Assessment and Statements (TRA8), planning for HGV movement, conserving or enhancing biodiversity (ENV1), protecting the Green Corridor (ENV2), ensure landscape character and design is taken into account (ENV3a), minimise light pollution and promote dark skies (ENV4), protect important rural features including rural lanes (ENV5), reduce flood risk (ENV6), deliver water efficient homes (ENV7), ensure adequate water supply and wastewater treatment (ENV8), deliver sustainable drainage (ENV9), deliver sustainable design and construction for non-residential uses (ENV11), promote a shift to low emission transport at major developments to minimise impact of emissions on air quality (ENV12), avoid loss or substantial harm to the settings of listed buildings (ENV13), respond to archaeological potential for sites (ENV15), meet the community's needs (COM1), provide for recreation, sport, plan and open space through a variety of approaches with potential for exceptions in viability situations (COM2), provide for allotments (COM3) and the expansion of cemeteries (COM4), meet the additional requirements of infrastructure arising from the development through measures such as s.106 agreements (IMP1), viability review and use of deferred contributions (IMP2), governance of community space and facilities (IMP4).

97. All of the above accords with the approach set out in the NPPF.
98. Against this background, the principle of the development of Waterbrook for a mixed use of homes, employment development and an expanded and relocated truck-stop accords with existing local, emerging local and national planning policies.
99. Policy S16 for the site specifically identifies that sewerage connection will be required (part l), a full Flood Risk Assessment will be required to be prepared in consultation with the EA (part j) and that any land contamination issues are satisfactorily resolved or mitigated (part k).

100. In respect of sewerage connection, while this can form a planning condition I would not make this a prior to commencement condition: prior to occupation will allow discussion between the parties on the matters raised. In respect of flood risk, the application has been submitted with an Assessment and this has been taken into account by the EA: the EA raise no objection. In respect of land contamination, this can be addressed by planning condition. Therefore, the proposal would in my opinion accord with the provisions of policy S16 (j, K & I).

101. I deal with other & specific policy issues in the sub-sections further below.

(b) Whether the current status of the Ashford Local Plan 2030 prevents a decision being reached on the application in advance of the outcome of the Examination in Public

102. The Council's proposed allocation for the site is set out in Policy S16 of the 2017 submission draft ALP 2030. The policy proposes relocation and expansion of the truck stop together with residential development and employment producing commercial development. It was accepted at the recent Examination in Public session on the policy proposal for this site that although the wording does not actively identify retail development, equally, it does not prevent it on the proviso that retail development would need to be considered against the sequential assessment and impact tests set out in the NPPF, policies SH2 of the ABLP 2000 (save for the issue of demonstration of 'need' which is no longer a requirement), policy S13 in the Core Strategy 2008 and proposed Policy EMP9 in the ALP 2030.

103. The Inspectors' Post Hearings Advice relating to the Examination in Public was recently received by the Council. This does not indicate any concerns or issues with Policy S16 or raise any other matters that would have a bearing on consideration of the hybrid application by the Council now.

104. Accordingly, given that that the Plan is at an advanced stage, my view is that there is no impediment to determination of the application. In reaching that conclusion I give particular weight to the strategic benefits that the expanded truck-stop facility would bring both to the Borough and Kent and the challenging timeline for delivery as outlined by the applicant (and the impact that any delay in determination of the application would therefore have).

(c) Layout issues: key planning policies, the view of the Ashford Design Panel and the applicant's proposition of a Development Brief helping shape the detailed design approach to OUTLINE elements of the application

105. The adopted development plan and the emerging development plan are at one with each other in that achieving high quality places for people to live, work, use and enjoy remains central to the Council's planning approach. The majority of the policies set out in the Planning Policy section of this report

therefore would have a direct bearing on layout. Although the range of uses that is proposed for Waterbrook Park represents a design challenge, I see no reason why the site, with care, cannot be successfully developed.

106. The (D & A) is helpful in explaining (i) how the hybrid scheme has evolved (through pre-application discussions and the comments of the Ashford Design Panel) as well as (ii) the matters considered important to shape a high quality design with its own identity and informing the applicant's approach to the indicative master plan that has been submitted.
107. A matter that I have raised with the applicant – which has led to the proposition of a planning condition requiring the preparing and approval of a Development Brief before any applications for reserved matters can be entertained – is my concern that the place shaping ideas in the D & A could easily be overlooked at detailed application stage and, in some instances, do not in my opinion give a strong enough steer on key design and layout information.
108. I am particularly concerned that Employment Zone C around the existing KICC building will need a design that recognises the sensitivity of its visual and landscape context close to the Green Corridor and the LWS embedded within. In my opinion, this context does not come forward strongly as driving the indicative master plan. There is scope for a combination of layout, building form, scale, massing and appearance to helping soften visual and landscape impacts and, in so doing, create a sensitive transition at an important edge. I will expect the designers of the proposed food-store, drive-through restaurants and other facilities to understand that sensitive context and come forward with innovative and appropriate designs. Approaches that soften the impacts of buildings such as use of visually 'warm' materials strong landscaping and green roofs/living walls would all be appropriate here. There are important existing pedestrian connections through the Green Corridor from the northern side of Finberry into this part of Waterbrook: a pleasing sense of arrival for those users would be needed. I set out in section (i) below my concerns about the acceptability of the applicant's vertical scale for buildings parameters in relation to this zone.
109. The comments of the Design Panel are attached as **Annex 2**. I summarise below the key themes below that will need to be taken forward in the Brief;-
- (i) DP1 (BRING LANDSCAPE INTO INTERIOR OF HOUSING) 'The impressive landscape setting should be the starting point for the design, but at present this elements appears to be relegated to the edges of the development acting as buffers rather than as an integrated part of the scheme. Bringing more the landscape setting into the interior of the housing area to promote identity would help in this regard.'
- (ii) DP2 (INTEGRATED WATER MANAGEMENT) 'Water management is a

key aspect of the setting and function of this site...at the moment the design does not fully capitalise on the opportunities that this brings. A strategy that fully integrates a connected water management network with its role on adding character and identity within the site, that also adds ecological and recreational value is needed.'

(iii) DP3 (SENSE OF ARRIVAL TO RESIDENTIAL) 'A distinct and stronger landscape gateway announcing arrival within the residential area would help...a narrow traffic calmed street that crosses water could be a way of achieving this...whatever the details of the chosen design solution, the aim here should be to ensure a sense of arrival to the new housing, and to make sure that the experience of this differs from arriving in the commercial portion of the site.'

(iv) DP4 (OFFICES AT PARK EDGE) 'Consider moving offices so that they appear to sit within an expanded parkland and avoid placing the parking for the offices next to the park edge. Placing the office buildings here would also provide additional visual and acoustic screening from the main road and lorry park for the benefit of people within the park and adjacent homes.'

(v) DP5 (LORRY PARK) 'Within the lorry park, landscape and particularly trees should be added where possible. A green framework for this space will help improve the experience for users. A lighting strategy that avoids light pollution and keeps the skies dark for the benefit of local residents should be developed. In time the operation of this facility is likely to evolve as technology changes how we manage road freight, so a strategy exploring the future-proofing of the lorry park should be considered.'

(vi) DP6 (PLACE-MAKING IN RESIDENTIAL AREAS) 'More visioning around what kind of places within the site are to be created is needed, which can then help guide decisions...the current movement structure lacks hierarchy so establishing broad place-making principles across the site will help to solve this issue, improve sight lines and provide traffic calming features within the street to moderate traffic speeds where needed.'

(vii) DP7 (GREEN AND BLUE GRID IN RESIDENTIAL AREAS) 'There is scope to give every home on this site a strong relationship with its green and blue assets, be it through bringing landscape assets further into the site or through ensuring the mesh of streets allows for visual links onto the parks and water bodies.'

(viii) DP8 (RESIDENTIAL CORE GREEN SPACE) 'The green space planned centrally for the residential area needs a clear character and identity and a deeper understanding of who will be using this area. Visually linking this space to the parkland edge will help it fit into the wider landscape offer.'

110. I am pleased to note that the importance of creating an 'identity' for Waterbrook Park is accepted by the applicant in the D & A. An overarching 'vision' can be set out in the proposed Development Brief informed by successful place-making precedents from other schemes: all of the issues raised by the Design Panel can feed into that vision.
111. I would wish to see the translation of the concepts driving the indicative masterplan into an urban design framework as part and parcel of the proposed Brief. A framework can help deliver overarching 'vision' into place-making by providing a clear steer to those taking forward future phase/parcel/plot level design and layout work.
112. In conclusion, on the proviso that a Development Brief is taken forward and addresses issues of identity and key design / urban design / layout matters arising therefrom then the proposal would accord with policies ET4, EN13, EN14, EN31, EN32, TP6, LE5, LE6, LE7, LE8 of the ABLP 2000, policies CS1, CS2, CS9, CS10, CS11, CS18, CS19, CS20 of the Core Strategy 2008, policies U21, U23 and U24 of the Urban Sites DPD 2012 and policies S16, SP1, SP2, SP4, SP6, HOU1, HOU3, HOU12, HOU14, HOU15, EMP1, TRA3(a) and (b), REA4, TRA6, TRA7, ENV1, ENV2, ENV6, ENV9, ENV11, COM1, CON2 and IMP1 of the Ashford Local Plan 2030.

(d) Whether an expanded truck-stop could realistically be located in an alternative position at the application site and, if not, whether the proposed location of the differing uses for the site is appropriate

113. The issue of whether the truck-stop could be expanded in its current location has been raised by an objector.
114. Supporting paragraph 4.175 to Policy S16 identifies that the most suitable location for the expanded facility would be in the northern part of the site adjacent to the existing rail head that is used for mineral, waste, aggregate, waste transfer and other similar 'industrial' activities. Therefore, the Plan envisages clear advantages in grouping an expanded truck-stop with those activities.
115. Furthermore, the land take involved with the expanded truck-stop could not be accommodated in the Employment Zone A located to the north of Arrowhead Way and to the west of the access road to the VOSA facility. The land area here is insufficient to achieve the scale aspired to with landscaped bunds and, in any event, even a reduced size truck-stop would have an adverse visual impact on the A2070 frontage to the site and the visual quality of the entrance into Waterbrook Avenue. It would also impact on Public Right of Way AE350 that runs through this part of the site. The truck-stop could not realistically be split to straddle Arrowhead Way on both sides either: a large part of the southern side of that street has been sold to Jaguar.

116. Employment Zone C located to the west of Waterbrook Avenue is smaller than Zone A and so could not accommodate an expanded truck-stop. This part of the site borders the floodplain and Green Corridor (through which a LWS passes) and a truck-stop would have an adverse visual and landscape impact.
117. Expanding the truck-stop in its current location would, in my opinion, have an adverse impact on the quality of route through from the adjacent Finberry development. It would also have a major implication as to where the quantum of residential development helping enable the truck-stop financially could be realistically located. Effectively, the approach would mean splitting up residential development into one larger area 'sandwiched' between the existing rail siding industrial use area on one side and an expanded truck-stop on the other together with one smaller residential area west of Waterbrook Avenue but, to all intents and purposes, also adjacent to the truck-stop. These relationships would not be acceptable.
118. My conclusion is that the proposal, which follows the approach in Policy S16 part (a) ('relocated 600 space lorry park') part (b) ('dwellings on the western and southern parts of the site') and part (d) ('segregation of uses through the provision of substantial landscaping screening'), represents the best site layout by seeking to group the truck-stop with the rail siding land to minimise landscape and visual impact and then create a strong landscaped buffer containing elements helping to mitigate noise on both existing nearby residents and new occupiers on the site. The potential to park 'early hours' departure vehicles as far to the north as possible on the expanded truck-stop is also a benefit of the approach taken in the application.
- (e) (FULL application) the acceptability of the design and layout of the truck-stop (including the scale, massing, design and appearance of the drivers' services building) as well as the approach to boundaries, mitigating noise and lighting impacts on existing residents and future residents and the important role of a truck-stop management plan
119. The 2-storey drivers' services building adopts a contemporary architectural style that, in my opinion, would fit well with the context of the use and would sit comfortably with the style of the nearby VOSA building. The massing of the building would be varied with elevations that would be articulated. Changes in external cladding materials would combine with these articulations to provide an interesting looking building that would be able to be visually distinguished from the nearby SME units and thus assist way-finding. I particularly support the use of visually warmer materials as part of the elevations: they help visually 'soften' the exterior and create a sense of welcome at the drivers' main entrance.
120. The layout would allow for users to sit outside on both eastern and western sides in good weather: the latter would be a soft landscaped space with an

attractive prospect to the adjacent Woodland Linear Park and would also benefit from a favourable sunny aspect. The applicant has confirmed that the drivers' services building would be accessible by those living and working at Waterbrook Park. I have no objection to the scale, massing and style of the security gatehouse building.

Truck-stop boundaries & lighting impacts

121. The approach to the truck stop boundary treatments is one that is context driven.
122. I support the provision of a high shrub and tree planted bund to the long western elevation of the truck-stop. This would help screen parked HGVs in the landscape and from nearby proposed uses (including residents of new homes) and, together with the reductions in lamp column height, has the potential to assist reduce light spillage to areas where lights cannot be dimmed for reasons of operational safety.
123. The northern boundary to the site would be tree-planted which would assist with screening in the landscape as well as presenting an attractive boundary with Arrowhead Way and the SME units that are proposed on the opposite side of the street. I support this approach.
124. The approach to the eastern boundary is to remove the linear bund that exists and relocate that to the western boundary of the truck-stop. The nature of the proposed use and the existing use of the rail sidings is such that deep screen tree planting on this boundary is not required.
125. The approach to the southern boundary provides for a limited return of the western edge bund to wrap around the corner and then tree planting adjacent to an acoustic fence. As a result of discussions with the Council's Environmental Protection team, the height of the fence would be increased to 7m.
126. Whilst this is an unusual height, the scope for using a lesser height fence with a greater depth landscaped bund is restricted due to the geometries of the site with Cheeseman's Green Lane to the south and the presence of a mature tree-screen belt along its western edge. I consider that retention of that screen is important to help screen the truck-stop within the landscape and retain the visually soft edge character of this part of the Lane. The tree screen would mitigate the visual impact of the 7m acoustic fence by filtering views. The fence would also lend itself to climbing plants on an external wire trellis: that approach would help create an outwardly softer boundary and I propose that a planting scheme is secured by planning condition.
127. The combination of landscaped tree-planted bunds, acoustic fences and use of 6m high lamp columns would in my view help reduce artificial light spillage

from the site which is a specific requirement of Policy S16(e) as well as the approach underpinning the Council's Dark Skies SPD. Furthermore, the proposed truck-stop management plan can reduce lighting by extinguishing lamp columns in areas of the truck-stop not being used and can dim lighting levels in areas that are being used to the lowest possible output necessary for safety.

Noise

128. Policy S16 identifies that the location of the expanded truck-stop is one that would place it relatively close to existing homes on Cheeseman's Green Lane. The home closest to the existing truck-stop – Pattison – would have an improved relationship due to the northwards relocation of the truck-stop. Policy S16(e) requires noise mitigation to 'restrict' the impact of the development on Cheeseman's Green Lane, Finberry and Church Road north of the railway lines and, importantly, does not require a nil (dB(A)) detriment scenario to be proven.
129. The applicant has confirmed that the jet-wash proposed within the truck-stop would operate on the same basis as it does at present – 08:00-18:00 – and would be happy to accept a planning condition restricting its use outside of that time period. That approach to noise management is supported.
130. The Council's Environmental Protection Team have assessed the applicant's updated assessment of noise from the proposed truck-stop proposals which now helpfully includes an assessment of both 'prior to' and 'post' development and a more detailed explanation of the likely impacts of the proposal. The proposal would not have an impact on Finberry or Church Road residents and the focus is on the closest noise receptors on Cheeseman's Green Lane.
131. The detailed Environmental Protection Team comments are reproduced in the Consultation section of this report but, essentially, it is accepted that the location is already one which is noisy and that has to be taken into account against existing guidance when considering the impacts of the noise that the proposed truck-stop facility would produce (notwithstanding some differences in professional opinion as to whether the 'negligible' and 'insignificant' impact terms used in the ES are an appropriate description).
132. Also taken into account by the Environmental Protection Team is the dB(A) relaxation where development that is 'necessary/desirable' in other planning terms is proposed. As I have stated in section (d) above, the Council has concluded that Waterbrook Park is an acceptable location for an expanded facility and the position chosen within the site represents the only realistic location.

133. Against the baseline of a noisy location (and accepting that there will always be a degree of uncertainty with acoustic surveys), I would accept that the impacts arising from the proposal during;-
- (a) the day-time/early evening (07:00-23:00) being a maximum 2dB(A) increase,
 - (b) the night-time period (23:00-05:00) being a maximum 3dB(A) increase, and
 - (c) the early departure period (05:00-07:00) maximum 3dB(A) increase
- represent values that taken as a whole may be difficult in practice to perceive. There are assumptions in the applicant's work in respect of how existing residents balance dealing with a noisy location and levels of ventilation necessary to achieve thermal comfort which will change according to season variations in temperature.
134. The Environmental Protection Team accept that the proposed truck-stop management plan would have an important role to play in the way that noise to existing and future residents could be minimised. The provision of charging facilities for refrigerated vehicles to prevent the unnecessary running of motors, the future proofing of the design to allow greater charging provision as the logistics industry changes, limiting the hours of operation for the jet-wash facility and the positioning of 'early departures' furthest away from Cheeseman's Green Lane noise receptors as well as occupants of proposed homes all have the potential to assist restrict the noise that would arise from the development.
135. A matter that will require particular attention will be the design of new homes on the eastern edges of the proposed residential zones. In essence, the presence of homes at this edge would form a barrier helping to reduce noise transmittance further within the site. The homes at the edge would need careful thought as to how to balance ventilation for thermal comfort on one hand with noise levels as a result of open windows on the other. The location of bedrooms – being sensitive rooms during the night-time period –will need to be balanced with the creation of an acceptable street scene that would provide an attractive frontage to the buffer zone (and one that would help ensure safety in that zone through overlooking from windows). A contemporary design approach would, in my opinion, offer greater possibilities in this respect compared with more conventional plan layouts.
136. In conclusion, I am satisfied that the design and layout of the truck-stop (including the scale, massing, design and appearance of the drivers' services building) is appropriate pursuant to policies EN31, EN32, CS1, CS2, CS7, CS9, CS10, CS11, CS18, CS19, CS20 & CS21 of the Core Strategy 2008, policies U23 and U24 of the Urban Sites DPD 2011 and policies S16 (a, d &

e), SP1, SP3, SP6, EMP1, TRA7, ENV6, ENV8, ENV9, ENV11, ENV12 and IMP1 of the Ashford Local Plan 2030.

137. I am also satisfied that the hard and soft landscaping approach to boundaries, mitigating noise and lighting impacts on existing neighbours and future residents are acceptable pursuant to ALP 2030 Policy S16 part (e) specifically, and, generally policies EN13, EN14, EN31, EN32 of the ABLP 2000, policies CS1, CS7, CS9, CS11, CS18 of the Core Strategy 2008, policies U21 and U24 of the Urban Sites DPD 2012 and policies S16 (d & e), SP1, SP6, EMP1, ENV1, ENV2 and ENV12 of the ALP 2030.

(f) (FULL application) the acceptability of the SME units in terms of layout, parking provision, scale, massing, design and appearance and their relationship with existing and proposed uses

138. The layout adopted for the SME units seeks to contain parking away from the street frontage by grouping it between the x4 buildings located on the northern side of Arrowhead Way and to the rear and side of the single SME building adjacent to the truck-stop services building. In the case of the x 4 building grouping, the facilities would now have the required amount of parking provision pursuant to the Council's non-residential parking standards set out in TRA3(b) of the ALP 2030. This has resulted in an increase that can be absorbed by positioning some parking over the high pressure gas main corridor that runs south of the VOSA site: the layout approach continues the theme of containing parking between buildings wherever possible with provision for landscaping which is supported from a street scene and quality design perspective.
139. As far as I understand, the provision of car parking and vehicle circulation space above the gas main is acceptable. The x4 grouping of SME units would, however, require the diversion of PROW AE350. This applicant would need to pursue the acceptability of such a diversion with KCC: I have no objection to the change in its alignment before it enters the rail siding area beyond the application site.
140. The scale of the SME units (which would contain a mezzanine floor) is acceptable and together with a consistent massing would fit stylistically with the approach taken to the nearby VOSA building. The visual appearance of the units would be enlivened by the proposed use of colour with subtle references to the palette that is proposed for the truck-stop services building.
141. In visual terms, the difference in levels between this part of the site and the much higher A2070 Southern Orbital to the north together with proposed buildings in Employment Zone A to the west is such that the SME buildings would have limited visual impact on the qualities of the wider landscape and so the proposed location is supported.

142. The uses that are proposed no longer include Class B1a (office use) which I support: the use for other industrial employment purposes would be a better fit with the adjacent VOSA site, the permitted operations within the rail sidings and the truck-stop facility. The application description has been amended accordingly.
143. In conclusion, I have no objection to the SME units in terms of layout, parking provision, scale, massing, design and appearance and their relationship with existing and proposed uses and I consider the proposed approach would accord with the provisions of policies ET4 and TP6 of the ABLP 2000, policies CS1, CS2, CS7, CS8, CS9, CS10, CS15, CS19, CS20 and CS21 of the Core Strategy 2008, policy U24 of the Urban Sites DPD 2012 and policies S16 (c & d), SP1, SP3, SP6, EMP1, EMP6, EMP9, TRA3(b), TRA5, TRA6, TRA7, ENV6, ENV8, ENV9, ENV11, ENV12 and IMP1 of the ALP 2030.

(g) (FULL application) the acceptability of the interventions within the site to help calm traffic speeds through the residential neighbourhood and provide potential locations for future bus stops

144. The applicant has confirmed that the main roads within the site would be offered for adoption, including Waterbrook Avenue which would ultimately provide connection with the Finberry development. That proposal will assist future provision of a bus service. Other roads will be discussed for adoption when detailed design work is taken forward. In respect of residential parcels, if these are not offered for adoption, the need for an indemnity agreement if the Council is to collect refuse and recycling is understood by the applicant.
145. In response to comments made about the need to calm the speed of traffic travelling along Waterbrook Avenue, the applicant has supplied an amended plan that proposes an additional crossing point benefitting pedestrians and cyclists. This is shown on **Figure 15** below.

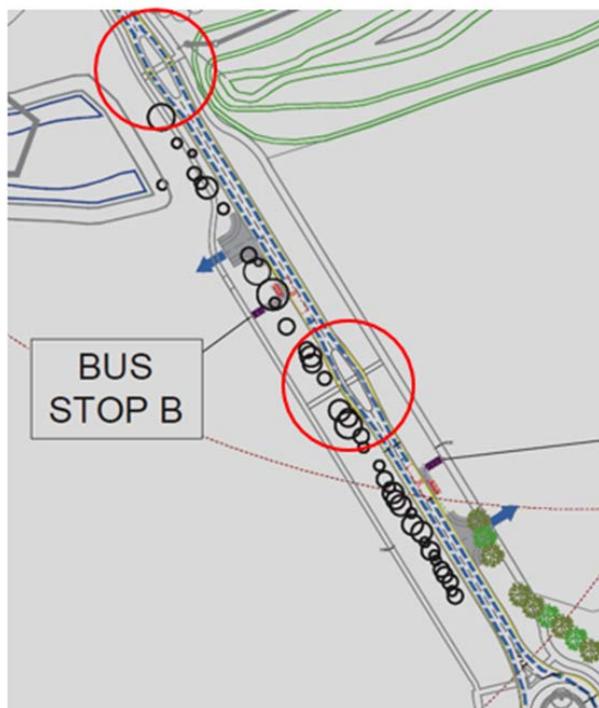


Figure 15: Crossing points on Waterbrook Avenue

146. Both of the crossing islands shown involve a small amount of horizontal deflection and lane narrowing to help reduce speeds. No hard or soft landscaping detail is, at present, shown. I would also wish to see consideration given to vertical deflection in order to create a generous raised table crossing point which would help slow vehicles in advance of the through route used by pedestrians and cyclists. These matters can be refined further with KH&T through the adoption process and through a landscaping condition.
147. Indicative locations for bus stops are shown on Waterbrook Avenue. Given the central location, I have no objection to their provision but ultimately this can be finessed through more detailed discussions with KH&T and Stagecoach. My understanding is that Stagecoach would not wish to run a service along Arrowhead Way but would wish to see an additional pair of stops provided on Waterbrook Avenue closest to Employment Zones A & C. The detailed layout in that part of the parcels either side of Waterbrook Avenue site is not for consideration in this application but I consider that there is scope for an additional pair to be accommodated here to help people travel to work by means other than the car and people using the proposed retail food-store. I propose to deal with the provision of x 4 bus stops by planning condition.
148. In conclusion, subject to the caveats I have outlined in respect of issues to be finessed, I consider that the proposal would accord with policies CS1, CS9, CS15 and CS18 of the Core Strategy 2008, policy U24 of the Urban Sites

DPD 2012 and policies S16 (g), SP1, SP6, HOU3a, TRA4, TRA5, COM1 and IMP1 of the ALP 2030.

(h) (OUTLINE application) the acceptability of the non-retail elements proposed for Employment Zone A in terms in terms of ability to accommodate floorspace quantum in an acceptable layout alongside matters of landscaping, SUDs and impact on public rights of way as well as the acceptability of the proposed scale parameters to the intended buildings

149. Alongside the consideration of commercial parking for the FULL elements of the hybrid application, the Transport Assessment has been amended to ensure that the correct parking standards are used in relation to proving that the quantum of development applied for could be accommodated in Employment Zone A with acceptable levels of parking. KH & T do not object to the application and I am satisfied that the proposed floorspace could be provided within the scale parameters identified (between 1 and 4-storeys in height) in an acceptable manner.
150. The proposed limitation of Class B1a office to a maximum 15,000 sq.m – effectively representing the baseline position for this site – is acceptable bearing in mind the sequential ‘centre’ first approach. I agree with the applicant that a sequential assessment does not need to be made in the light of the baseline position. In any event, any Class B1a offices developed at this location would tend to be uses that would not be best suited to a town centre location and, ultimately, provision would depend on market demand. The 15,000 sq.m limitation would also reduce the number of car parking spaces needing to be provided in the Zones with consequential benefits to layout.
151. As per the approach to the SME units, the applicant’s D & A suggests containing parking by buildings as the design ethos. I agree with that approach albeit that there are some elements of the illustrative master plan that depart from that concept and, in my opinion, the radial design for a large area of parking within Zone A is perhaps more artistic than likely to come forward at detailed design stage. Nevertheless, the need for parking to be integrated into the layout of the employment Zones to ensure its presence does not spoil street frontages is a matter that can be refined through the preparation of the proposed Development Brief.
152. PROW AE350 passes through Employment Zone A on an east to west alignment. The east-west alignment of the high pressure gas main prevents new buildings within a defined corridor and, in my opinion, the option suggested in discussion with KCC for diversion into that corridor, would be a sensible option to pursue. I would wish to see the corridor treated as part of the green grid structuring the whole site. Plot landscaping and tree-planting can be designed to link harmoniously and strongly with that corridor as well as softening building frontage and car parking areas. Saved Policy ET4 of the Ashford Local Plan – requiring 20% of land to be soft landscaped - remains

the yardstick for an employment development at the edge of the Urban Area zones that feels and looks green.

153. Although the applicant's FRA identifies that surface water run-off would flow to Basin A located in the Woodland Linear Park 'buffer' area, I can see no reason why water management within Employment Zone A cannot use a range of above ground techniques as part of a blue grid that would complement the green grid and thus help create identity. These techniques need not have an excessive land take. The application does not state it but I can see no reason why permeable paving cannot be used to help control run-off. These blue and green grid issues can be explored further through the proposed Development Brief.
154. In conclusion, I am satisfied that the quantum of development that is proposed for Zone A is acceptable in parking terms and would not impact on the centre first approach to Class B1a office space provision. Furthermore, PROW AE350 could acceptable be diverted without losing its character and green and blue grid issues are capable of being accommodated. I consider that the proposal would therefore accord with policies ET4, EN31, EN32 and TP6 of the ABLP 2000, policies CS1, CS2, CS7, CS8, CS9, CS10, CS11, CS15, CS18, CS19, CS20, CS21, policy U24 of the Urban Sites DPD 2012, policies S16 (c, d & i), SP1, SP3, SP6, EMP1, EMP6, TRA3(b), TRA4, TRA6, TRA7, TRA8, ENV1, ENV6, ENV8, ENV9, ENV11, ENV12, COM1 and IMP1 of the ALP 2030.
- (i) (OUTLINE application) the acceptability of the elements proposed for Employment Zone C in terms of ability to accommodate the proposed floorspace in an acceptable layout alongside matters of landscaping, SUDs and impact on public rights of way as well as the acceptability of the proposed scale parameters to the intended buildings
155. Alongside the consideration of commercial parking for the FULL elements of the hybrid application, the TA has been amended to ensure that the correct parking standards are used in relation to proving that the quantum of development applied for could be accommodated in the Employment Zone C with acceptable levels of parking. KH & T do not object to the application and I am satisfied that the proposed floorspace could be provided within the scale parameters identified. Although a food-store would be likely to have a maximum commercial 2-storey scale and the x2 drive thru restaurants and a x 1 petrol filling station with ancillary sales building would be likely to be single storey, the general scale parameters identified for this Zone indicate between 1 and 4 storey high development. My assumption is that this parameter is to give scope for a taller Class B1a office building whether it is located in Zone C or the larger Zone A.
156. The proposed limitation of Class B1a offices to a maximum 15,000 sq.m at Waterbrook Park – whether that would all within Employment Zone A or split

between that Zone and the smaller Zone C – is acceptable and, as per further above, takes into account the baseline position and the sequential ‘centre’ first approach. However, I consider that the Green Corridor edge context of Zone C dictates that a 4-storey office design would be inappropriate and so I propose a condition to limit buildings to be developed at Zone C to no more than 2-storeys in height. Zone A provides better contextual scope for the development of a taller B1a office development subject to market demand.

157. The existing KICC building in this Zone is sensitively nestled into the landscape at present by shrubs and tree planting. Whilst the applicant’s proposals to alter the arrangement due to a change in access arrangements are generally acceptable I would want the - unusual quality tree here – to be retained and for the overall detailed design approach at reserved matters stage to be one that ensures that the visually the impact of new surfacing and buildings is ‘softened’ as far as possible with tree, shrub and hedge planting that is appropriate to the floodplain landscape (such as Crack Willows) and margins of the Green Corridor as per Policy U23 of the Urban Sites DPD. This will also help accommodate PROW and paths from the west entering this area in a pleasing manner. An abrupt hard edge and a path arrival into a large area of car parking will not be acceptable.
158. In my discussions with the applicant I have also identified the need for investigation of the ability to create an edge swale similar to the waterbody that exists to the north of KICC. This would help deal with surface water run-off from development in this Zone, reduce reliance on sub-surface cellular storage of surface water and be appropriate in place-making terms with the Green Corridor. The same point that I make above relating to the design of car parking for the KICC building would equally apply to the other proposed commercial uses. A sensitive hard and soft landscaping approach is needed together with the use of buildings to visually contain parking and reduce its impact west of the Zone.
159. The approach to lighting of paths and parking areas in this Zone will be important in order to prevent light spillage, generally, and to mitigate the impact of the Green Corridor, the LWS embedded within and the biodiversity and habitat, specifically.
160. In acknowledgement of my concerns, the applicant has prepared a CGI to give an indication as to how new development could look at the Green Corridor edge. This is shown as **Figure 16** below. It does not form part of the application but is for information only.

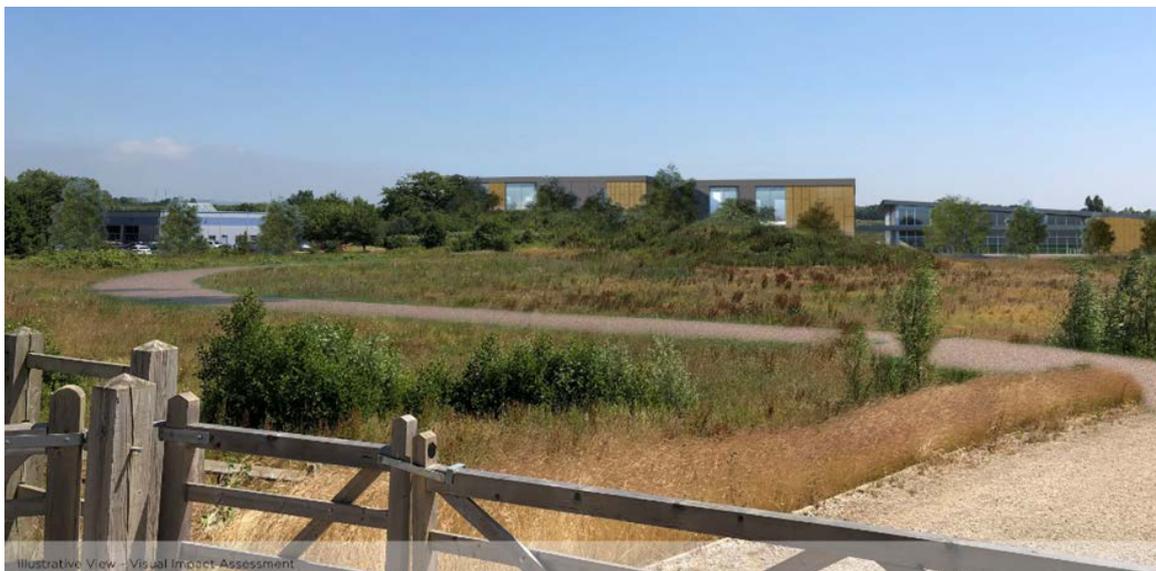


Figure 16: From right to left (KICC building, commercial building, food-store)

161. In my opinion, this CGI underpins the approach I suggested further above in terms of acceptable storey height scale. I accept that the fine detail of this Zone can be considered at reserved matters stage but there are a number of ways that could help finesse the layout to overall benefit alongside the boundary and parking treatments I mention further above, namely;-
- (a) combining the A5 drive-thru units into one single space (thus reducing land take for vehicle access and circulation),
 - (b) considering whether the A1 retail floorspace would be better moved eastwards closer to Waterbrook Avenue where, together with design it could help deliver a building with landmark qualities (thus helping achieve quality elevations at the gateway into the site from the A2070) and have a greater commercial presence encouraging custom, and
 - (c) designing the A1 retail floorspace building in a contextually sensitive manner to the adjacent landscape and Green Corridor. The use of soft timber cladding, glazing, green living walls and green roof could all work well here as part of a contemporary design.
162. Subject to these caveats, my conclusion is that the proposals for this Zone can be accommodated and so the proposal would accord with policies ET4, EN13, EN14, EN31, EN32, SH1 and TP6 of the ABLP 2000, policies CS1,

CS2, CS7, CS8, CS9, CS10, CS11, CS15, CS18, CS19, CS20, CS21, policies U21, U23 and U24 of the Urban Sites DPD 2012, policies S16 (c, h & i), SP1, SP3, SP6, EMP1, EMP6, TRA3(b), TRA4, TRA6, TRA7, TRA8, ENV1, ENV2, ENV6, ENV8, ENV9, ENV11, ENV12, COM1 and IMP1 of the ALP 2030.

(i) (OUTLINE application) the outcome of retail impact assessment, the proposition in relationship to Finberry Local Centre and the mechanism for ensuring that replacement development of an acceptable scale for that Local Centre is delivered

163. The application contains a proposal for the creation of retail, ancillary retail and food-store floorspace in employment Zone C. The food-store floorspace is, to all intents and purposes, the proposed relocation of an approved (but unconstructed) food-store from within Finberry local centre to Zone C.
164. The applicant has presented information concerning the lack of market demand for the size of the facility at Finberry local centre but corresponding market interest for a similarly sized facility at Waterbrook. The proximity to the A2070 and scope for attracting passing trade is understood to be a factor informing market interest for the food-store as well as the x 2 drive thru restaurants and the PFS with ancillary retail space within which concessions would be located.
165. Notwithstanding the interest in Waterbrook, the applicant has presented market interest in delivering a small scale food-store of c.400 sqm at Finberry local centre (along with x 3 small retail units and a pub/restaurant) and has also requested pre-application discussions on an amended proposal for that centre.
166. The adopted development plan requires a centre first approach. This is identified in saved Policy SH2 of the ABLP 2000 (albeit the issue of 'need' in that policy has been superseded as a requirement) and noteworthy is that saved Policy S13 of the Core Strategy 2008 makes direct reference to Finberry as having a local centre designation with supporting paragraph 5.8 to Policy CS5 making direct reference to establishment of a local centre in the location known as Finberry. Policy S16 of the Core Strategy adopts a centre first approach.
167. The emerging development plan continues the centre first approach. Policy SH4 identifies the approach to delivery of retail and leisure needs within the Plan period and makes reference to the role of local centres. Policy EMP9 concerns the sequential test and impact assessment and follows the approach set out in the NPPF by requiring applications not located within designated centres – such as local centres - to be satisfactory in the sequential and impact terms.

168. The applicant has submitted a retail impact assessment and has underwritten the full costs of its independent expert review. In summary, the outcome of this process is as follows:-

(a) The applicant's analysis of alternative centre sites – the sequential test - in Ashford is accepted.

(b) The status of Finberry local centre is important in term of impact assessment because that is a policy protected local centre rather than simply being an alternative 'out of centre' location. Finberry needs a suitable facility within the local centre to accord with the aforementioned policy approach and to ensure that the local needs generated at Finberry would be able to be met by a facility in a location accessible by foot, cycle and car and which works well with place-making and character area creation.

(c) If the quantum of the development applied for at Waterbrook Park is considered essential to enable the delivery of the relocated and expanded truck-stop facility at that site then whilst Policy S16 does not specifically include that neither does it prevent that subject to the outcome of sequential and impact assessment.

(d) The provision of the retail food-store development has the potential to adversely impact on the provision of a suitable replacement facility at Finberry local centre. Adverse impact can be avoided by requiring a s.106 obligation that prior to a food-store being developed at Waterbrook Park planning permission is in place for a suitable replacement facility at Finberry local centre and a contract has been let for such a facility.

(e) The x 2 drive-thru restaurants that are proposed fit with the location of the site and are reasonable in context terms as well as sequential and impact terms.

(f) The facilities forming part of the PFS, whilst at the larger end of the ancillary retail floorspace spectrum, are acceptable as these would form a different offer to that forming a suitable replacement facility at Finberry local centre i.e. they would offer a number of 'on the go' concessions with more generous circulation space between concessions and so would be a quite different retail proposal than a small food-store. In this respect, the applicant has shared images of a similar facility at Spalding in Lincolnshire which show the type of concessions and the spacious layout of the interior: an extract is shown below as **Figure 17**.



Figure 17: Proposed approach to ancillary retail at the PFS

169. Members' will recall that the linkage between one retail proposal and ensuring that it does not adversely impact on the delivery of a sequentially preferable retail development in another protected location has similarities with the issues considered in relation to the iMAX proposal at Eureka Leisure Park in Ashford Council's (and ensuring that it did not undermine the delivery of the cinema proposal at Elwick Place. By adopting a similar approach, the enabling role of the retail development applied for at Waterbrook Park that is necessary to help deliver the expanded truck-stop can be controlled can avoid adverse impact on the delivery of a suitable replacement for Finberry local centre.

170. Subject to the caveat that;-

(i) provision of retail floorspace at Waterbrook is only acceptable as part of the enabling development necessary to facilitate the delivery of the relocated and expanded truck-stop,

(ii) commencement of the delivery of an acceptably sized retail food-store provision at Finberry local centre (to be approved pursuant to a future planning application to the Council) before works could commence on the out of centre retail food-store proposal for Waterbrook subject of this application would need to be secured by a s.106 obligation, and,

(iii) the ancillary retail forming part of the PFS is subject of a planning condition that prevents it being occupied by a single retailer and has to be a facility containing a number of retail concessions grouped together with circulation space,

my conclusion is that the proposal would be acceptable and accord with the

provisions of policies SH2 of the ABLP 2000 and policies S13 and S16 (c) of the Core Strategy 2008.

171. I do not consider that the departure from the 'protected centre first' policy approach set out in the adopted development plan (and proposed to be continued in the emerging plan) provided these caveats are taken forward would represent a departure from the development plan viewed as a whole, especially given Policy IMP2 of the ALP2030 which expressly identifies an approach that allows consideration of viability issues and the wider planning benefits that might arise from a development proceeding.
172. I set out further below in this report the issues of viability that have been reviewed and concluded.
- (k) (OUTLINE application) the acceptability of the boundaries to the residential zones with adjoining land including (i) the truck-stop and employment zones, (ii) the Green Corridor and (iii) Cheeseman's Green Lane
173. A key part of the applicant's master plan approach to the site is the separation of the residential zones from the truck-stop and the employment zones. This area would form a landscaped green buffer (the 'Woodland Linear Park') offering a variety of informal public open space needs together with paths supporting pedestrian and cyclist needs. The fine detail can be refined at reserved matters stage but as a matter of principle I consider the approach to be acceptable.
174. The Linear Park already includes water bodies with potential for further expansion to form an important part of the SUDs scheme for the site. The provision of SUDs within the truck-stop is not realistic and so the remainder of the site will need to 'work harder' to ensure that achieving the required run-off rates is done in a manner that delivers a number of other surface level advantages: this is the approach in the adopted SUDs SPD.
175. The depth of the Linear Park would vary. The east-west axis area south of the land sold to Jaguar would be an average of 80m deep and the north-south axis area between the truck-stop and the eastern edge of the residential zones would be 65m deep. The eastern edge of the latter would include a new bund shrub and tree planted varying in height from 5-6m as part of the noise mitigation edge to the truck-stop. As I have identified further above, the relationship of this edge with the truck-stop with the nearest edges of residential Zones 2 and 3 would dictate an innovative approach to residential plan layout and street scene in order to create satisfactory place-making and an acceptable standard of amenity.
176. Turning to the western edge, the amended plans from the applicant overcome my concerns that, as deposited, residential Zone 1 would encroach into the defined boundaries of the Green Corridor. This would no longer be the case.

Similar to my comments on the approach to Employment Zone C, I would expect detailed design to provide a contextually appropriate edge to the adjacent and nearby Green Corridor as per the requirement of Policy U23 of the Urban Sites DPD. Thoughtful combination of plot and street design together with appropriate hard and soft landscaping will be needed.

177. In respect of the southern edge of the site, the amended plans also remove residential Zone 2 from the Green Corridor leaving a relatively small area directly adjacent to it. The same design and layout points made in the preceding paragraph would apply. **Figure 18** below is an extract from the illustrative landscape master plan and shows the residential zones shaded in light yellow with the boundaries of the Green Corridor dashed in green.



Figure 18: Amended illustrative landscape master plan

178. Turning to Cheeseman's Green Lane, as Figure 18 shows, besides the relocation of residential Zone 2 from encroachment on the Green Corridor has been coupled with its movement in a north-west direction so as to ensure retention of the strong existing tree-screen to Cheeseman's Green Lane.
179. In my opinion, this is a welcome change to the proposal. It would help provide a more sensitive edge adjacent to / close to the Green Corridor and would

also retain the existing deep screen of the Waterbrook site to the Lane and the more open landscape beyond. This would help ensure that homes developed in this part of the site do not have a jarring visual impact on that landscape and respect the more secluded feel and visual character of this part of the Lane.

180. The plans make no provision for creation of vehicular access to Cheeseman's Green Lane in accordance with part (f) of proposed Policy S16.
181. In conclusion, I consider that the relationships that are proposed would be acceptable and, subject to more detailed consideration at reserved matters stage, would accord with policies ET4, EN13, EN14, EN31 and EN32 of the ABLP 2012, policies CS1, CS9 and policies CS11, policies U21, U23 and U24 of the Urban Sites SPD 2012, and policies S16 (d, e & h), SP1, SP6, HOU3a, ENV1 and ENV2 of the ALP 2030.

(l) (OUTLINE application) the acceptability of the applicants' proposition in terms of the maximum number of homes applied for, related density and housing typology assumptions, the intended approach to place-making / creation of character areas, SUDs and areas where through the formulation and adoption of a Development Brief I would expect detailed design to evolve further as part of achieving high quality design

182. The application is stated as 'up to' 400 dwellings as part of the outline element. However, as is pointed out by consultees, the (submission draft 2017 version) ALP 2030 Policy S16 suggests an 'indicative' residential capacity of up to 350 dwellings. Since deposit of the application, there are two issues that need to be borne in mind here, namely:-
- (i) the amendments made to the residential zones adjacent to the Green Corridor reduce them in size, and,
- (ii) 400 homes – rather than a lesser 'up to' figure – has been used for the applicant's Viability Case (and the assessment thereof).
183. Accordingly, a lesser figure would have a direct impact on viability and the associated extent of any s.106 contributions that the application could sustain and still be deliverable.
184. Achieving high quality design that creates character, distinctiveness and sense of place remains a continuing overarching Policy theme in the Council's Development Plan documents. The approach in Policy CS9 of the Core Strategy is proposed to be continued in Policy SP6 of the ALP 2030.
185. There is no 'proving plan' provided with the application to illustrate how the headline figure applied for could be provided on the site (including the related dwelling typology and mix) while delivering character and sense of place. That

- mentioned, there is no requirement in Policy S16 to do so and as the application is a HYBRID the more 'zoning based' approach to the master plan with some indicative detail shown for the Employment Zones is reasonable.
186. The D&A does, however, suggest that the approach taken at Finberry would support the headline figure applied for. My conclusion from testing this is that 'up to' 400 dwellings has scope to be achieved at Waterbrook Park but care would be needed beyond c.370 homes to ensure that parking provision, storey height, housing typology and housing mix are all appropriate and support strong place-making and character areas. The residential part of the site would form a second entrance into Finberry and so needs to have an appropriate style, character and ambience.
187. I would wish to see 'green and blue grid' helping to structure the layout of the 3 residential zones: as stated further above, this has a strong role that can be used to build upon the natural relationship of the site to the floodplain, the LWS and the Green Corridor as a good way of creating an identity for homes at Waterbrook Park. The master plan shows illustrative connections within the residential zones to the exterior: these can be developed further in terms of managing surface water and creating attractive landscaped paths and usable areas of informal open space.
188. In broad terms, the application proposes highest density in the 'centre'. This is defined as being the area around the southern-most roundabout on the site although some diagrams in the D & A suggest that the centre would also involve land adjacent to Waterbrook Avenue to the north of that roundabout. Care would be needed here to ensure that the layout, built form and scale supports place-making but does not become overbearing, monotonous or inappropriate. Elsewhere, the approach suggests density diminishing towards the edges of the residential Zones: I would support that as particularly appropriate for the Cheeseman's Green Lane edge and the western edge of the site.
189. The D & A suggests that the scale of dwelling-houses would generally be of a 2 and 2.5 (rooms in the roof) storey height with a reduced number of 3-storey apartment buildings (including any with ground floor level non-residential Class A1/A3/A5 uses located in the centre close to public open space containing a play facility) and occasional use of 4-storey buildings. In respect of the latter, there is currently one apartment building at Finberry that is approved at 4-storeys in height: most apartments at Finberry are, however, 3-storeys high. I would accept that the occasional use of 4-storeys would be appropriate as a means of enhancing the role of a building as a landmark terminating a vista but, generally, I would wish to keep other apartment to 3-storey heights in order to manage skyline and landscape impacts.
190. Besides central locations, apartments could also be used at movement junctions (nodes) within each residential Zone – which would further assist

legibility by providing something visually different to surrounding residential forms - and at gateways/entrances. Without a proving layout, the number that could be successfully accommodated and assist achievement of the headline 'up to 400' home threshold represents an unknown. Care would be needed to ensure that hard edges are not provided where that approach would create a visually inappropriate character.

191. I support the measures suggested by the applicant to calm traffic speeds along Waterbrook Avenue: crossing points in and around the southern roundabout would need to be designed that accommodate anticipated pedestrian and cyclist flows in a safe and visually attractive manner.
192. I agree with the applicant's suggestion that it would be sensible to deal with these issues through a Development Brief to be submitted for approval pursuant to a planning condition. This would need to be before or at the same time as applications for approval of reserved matters. A Brief would help provide a strong steer to those taking forward the detailed design of plots/parcels and zones (both residential and commercial).
193. Given the uncertainties in terms of the headline number of homes applied for and the diminished site area as a consequence of boundaries being pulled back from Cheeseman's Green Lane and the Green Corridor, it would be important to ensure that the extent of high, medium and lower density character areas is agreed through the Development Brief process so that the consequential impact on scale, place-making, housing typology, housing mix, layout, parking, external open space, cycle parking, public open space and green and blue grid is all factored into applications for approval of reserved matters. An informative can be attached identifying the reduction in the size of the residential zones as an amendment made to the application to deal with other planning concerns.
194. In conclusion, and subject to these matters being resolved through the proposed Development Brief, I consider that the proposal would accord with policies EN13, EN14, EN31, EN32, TRA6, LE5, LE7,, LE8, LE9 and CF6 of the ABLP 2000, policies CS1, CS2, CS8, CS9, CS11,CS15, CS19, CS20 and Cs21 of the Core Strategy 2008, policies U21, U23 and U24 of the Urban Sites and Infrastructure DPD 2012, policies S16 (b, d, e, f, g, h & i), SP1, SP2, SP6, HOU1, HOU3a, HOU14, HOU15, TRA3(a), ENV1, ENV2, ENV6, ENV7, ENV8, ENV9, COM1, COM2 and IMP1 of the ALP 2030.

(m) (OUTLINE application) the acceptability of the approach to on-site facilities serving future residents, the acceptability of the applicant's approach adjacent to the Green Corridor and the facilities that can be worked into the detailed layouts of the residential zones

195. The applicant's widening of the scope of non-residential facilities to be provided in the residential zones represents an improvement on the Class A1

- retail use facility identified in the application as initially deposited. Class A3 (food & drink) and Class A5 (hot food takeaway) uses in addition would be appropriate for a small local centre. The Class A3 use would work well with a play facility embedded in the public open green space that is proposed here.
196. The applicant is aware that the Council would not adopt public open space or play space and SUDs embedded within it. Responsibilities for future maintenance of this part of the layout would be a private matter and most likely dealt with via a maintenance / management company and levy of a service charge as per Finberry. Details of the proposed arrangements can be submitted for approval pursuant to a planning condition. That approach would accord with proposed policy IMP4 of the ALP 2030.
197. In respect of the provision of an on-site play facility, this would need to be targeted towards younger children as at the eastern end of the Finberry development provision will be made for a large District Equipped Area of Play with facilities suiting older children. The link road between Finberry and Waterbrook Park will provide easy connectivity to the site and will include off-carriageway cycle connectivity enabling older children to travel independently to it.
198. The hard cycle-path and footway system shown on the plans would give attractive movement options and alongside Waterbrook Avenue and through to the Woodland Linear Park that would act as a buffer between employment land and the truck-stop and the residential zones. It can be developed and refined further at reserved matters stage but together with areas to sit and enjoy/use green spaces it has the potential to provide an attractive asset to residents. A good route through to the divers' services building can assist in the use of that facility beyond just truck-stop users.
199. On the Green Corridor frontage, the applicant's proposition is for a more naturalistic user experience as befits the sensitive relationship. Mown paths with occasional flared spaces are shown with some areas provided near to existing water bodies. Although this area is floodplain margins, the intention to sensitively connect the residential community with the Green Corridor is welcomed: it is preferably to a hard edge. Policy U23 of the Urban Sites and Infrastructure DPD requires this type of sensitive / complementary approach.
200. I have no objection to the approach on the proviso that the land here is, inevitably more 'compromised' during and after periods of wet weather and so the public open space experience would alter accordingly. However, I consider a sensible balance is being taken between this type of experience and the use of uncompromised public open space within the residential zones and Woodland Linear park meeting open space so that the public open space need of residents can be met. Whilst I note the views of Cultural services that all in formal POS should be fully accessible at all times I am mindful that requiring an increase in uncompromised open space would be likely to have

an impact on development viability and this has informed my approach in this specific case.

201. Sports provision cannot realistically be dealt with at Waterbrook Park. I consider that an off-site contribution can be made to assist the delivery of sports facilities at Finberry Community Centre pursuant to a s.106 obligation. In terms of allotments, in the light of the applicant's viability case, my suggestion is that these are directly provided embedded within an on-site green space in a similar way to that approved by the Council for Bilham Farm area of Finberry: the extract in **Figure 19** below is from 09/00081/AS which shows intended delivery as part of a flared green corridor between the ecological zone of the site and Captain's Wood.



Figure 19: Possible way allotments could be integrated into open space

202. In conclusion, there is no need for a cemetery contribution and I am willing to forego a contribution towards strategic parks in the light of viability issues set out further below but otherwise I consider that the approach to facilities including use of buildings in the local centre and quantum of public open space and facilities to be provided on-site and via an off-site financial contribution is acceptable and would accord with policies EN13, EN14, EN31, EN32, LE5, LE7, LE8 and LE9 of the ABLP 2000, policies CS1, CS2, CS8, CS9, CS11, CS18, CS19 and CS20 of the Core Strategy 2008, policies U21 and U21 of the Urban Sites and Infrastructure DPD 2012, policies SP16 (d, g, h & i), SP1, SP6, HOU3a, TRA5, TRA6, ENV1, ENV2, ENV6, ENV9, COM1, COM2, IMP1 and IMP4 of the ALP 2030.

(n) (HYBRID) the acceptability of the proposal on the setting of listed buildings in the locality

203. The nearest listed building to the application site is Imber on Cheeseman's Green Lane. This is a two-storey grade II listed dwellinghouse. The land between Imber and the application site forms the tree-screen along the northern side of the Lane that wraps around the rail sidings. This gives this part of the Lane a strongly enclosed woodland edge character compared with a more open landscape on the eastern side of the Lane. North of Imber is the railway line corridor.
204. This strong sense of enclosure defines the setting of Imber as a listed building and this would not be impacted by the development given the distances involved to the relocated truck-stop and residential development further to the south-west. As such, I am satisfied that the setting of the building would not be harmed by the development: special regard to the desirability of preserving the setting that (Imber) possesses is the duty set out in S.66 of the Act and, necessarily, seeks to avoid harm.
205. The Grade II listed properties north of the railway lines on Church Road are, in my view, at such a distance from the application site that their settings would not be harmed by either the new buildings located near to the existing VOSA facility of the northern end of the proposed truck-stop.
206. Accordingly, I consider that the proposal would be acceptable assessed against the duty set out in s.66 of the Act as well as the same issues that are covered in policy CS1 of the Core Strategy 2008 and policy ENV13 of the ALP 2030.

(o) (HYBRID) the acceptability of the traffic impacts arising from the proposal on the local and strategic highway network

207. At the time of finalising this report, a final comment from KH&T is awaited. However, a number of issues raised by KH&T have now been resolved such as ensuring that the quantum of development on the employment land can be accommodated in respect of both FULL and OUTLINE elements of the application. I set out in sections (p) and (r) below the issue of the request from KH&T for a contribution towards an improvement to the RMR at the western end of the A2070 Southern Orbital.
208. At present, Waterbrook Avenue connects directly to the A2070 Orbital Roundabout. It would still do so in the reconfigured and signalised form of that junction (the so called Bellamy-Gurner scheme). That scheme is already permitted but yet to be constructed. Application 11/00473AM02/AS has recently been received from the developer of Finberry to delay the scheme's implementation in order to assist with traffic management issues while J10A is under construction. The supporting letter with the application identifies a

delayed start of April 2019 which would be one year later than was anticipated. HE is aware of that application.

209. Having assessed the Waterbrook Park application, HE raise no objection to the traffic impacts of the application - which it considers can be safely accommodated on the strategic highway network – subject to planning conditions. The HE’s suggested conditions seek to;-
- (a) limit the amount of development that can be occupied at the site (1 DU) until the construction and opening to traffic of the Bellamy Gurner scheme,
 - (b) restrict the occupation to a total of 6.75 DUs before the opening to traffic of J10A and
 - (c) require a 9.5DU based financial contribution towards J10A through an obligation to enter into a s.278 Highways Act agreement with HE.
210. The applicant has since written to HE to seek a relaxation in respect of (a) above, the thought process being that given HE’s apparent position in respect of the timing of the Bellamy-Gurner scheme set out above and the additional development that could be occupied at Finberry before that scheme is constructed, then the same degree of flexibility should be provided to Waterbrook Park. The applicant’s suggestion is that a maximum 2.5DU of development be capable of being occupied before the opening to traffic of the Bellamy Gurner scheme.
211. My understanding of the Bellamy Gurner scheme is that it would likely to take 12 months before it could be opened to traffic. In the light of this, and the practical time that would be involved with the implementation of the FULL elements of the Waterbrook park application (creation of the expanded truck-stop, development of the SME units) and the preparation and submission of applications for reserved matters in relation to the OUTLINE elements, the likely scenario is that occupancy levels at Waterbrook park would be unlikely to be constrained by HE’s suggested condition wording. At the time of finalising this report, a response from HE on this issue is awaited and I have built that into my Recommendation.
212. Subject to the resolution of this matter, my conclusion is that in terms of the strategic highways network, the proposed development can be accommodated in capacity and safety terms and so the proposal would accord with policies CS1, CS2, CS7, CS8, CS15 and CS18 of the Core Strategy 2008, policies S16 (f & m), SP1, SP2, SP3, HOU3a, EMP1, TRA3 (a) and (b), TRA4, TRA7, COM1 and IMP1 of the ALP 2030.
213. Subject to the development proposal making an appropriate contribution towards the RMR forming part of the local highway network, I reach the same

conclusion. I deal with KH&T's request and my proposed approach in the light of scheme viability in section (r) below.

(p) (HYBRID) Mitigating the impacts of proposed development: the policy starting point for contributions secured by s.106 agreement

214. Policy CS18 of the Core Strategy requires that infrastructure and facilities to meet the needs generated by the development should be provided. The same approach is taken in proposed policies IMP1 and COM1 of the 2017 submission version Ashford Local Plan. In respect of the latter, policy IMP2 sets out that proposals which do not fulfil this objective should not be permitted unless supported by extensive viability evidence that establishes why any deficit is deemed necessary to make the scheme viable and that there are wider benefits to go ahead: the NPPF takes a similar approach; I return to this further below in relation to the applicant's viability case.
215. Prior to deposit of the application the applicant identified that the development would be unable to bear the costs of contributions likely to be sought by the Council.
216. Policies CS8 and CS18 of the Core Strategy 2008 and policies COM1, COM2 and IMP1 of the ALP 2030 set out the policy compliant approach. The starting point in terms of s.106 contribution requests pursuant to development plan policy is as follows:-
- | | |
|---|---------------|
| (i) Highways England – DU based contribution to J10A (£ | tbc) |
| (ii) KHT - contribution towards Romney Marsh Roundabout (RMR) improvement scheme | (£2,108,645) |
| (iii) KCC – primary and secondary education | (£2,924,172) |
| (iv) KCC – library book-stock | (£ 43,280) |
| (v) KCC – social care | (£ 22,564) |
| (vi) KCC – community learning | (£ 13,780) |
| (vii) KCC – youth service | (£ 11,164) |
| (viii) KCC – travel plan monitoring | (£ 10,000) |
| (ix) ABC – sports/informal natural space/play/allotments/strategic parks/cemeteries | (£ 1,156,000) |
| (x) ABC – s.106 monitoring duration of build | (£ 1,000) |
| (xi) CCG – local healthcare facility expansion | (£ 339,840) |

217. In addition, carbon off-setting in relation to commercial buildings and the BREEAM standards for relating to their sustainable design and construction would usually be captured by s.106 agreement obligation.
218. In respect of contributions towards J10A (the completion of which facilitates the strategic highway network impacts of the development applied for), the pooling restrictions in CIL Regulations mean that although contributions based on Development Units (DU's) are calculated using the Council's adopted SPG6 policy, a s.106 agreement is used to obligate that payment being made directly to Highways England through entering into an agreement under s.278 of the Highways Act.

(g) (HYBRID) The applicant's viability case

219. The applicant's viability case is that the development as applied for would enable the truck-stop development to proceed. As deposited with the Council, the case made was that the residential element of the application package could not sustain any s.106 contributions and no affordable housing would be able to be provided.
220. The applicant has since funded the complete cost of independent expert review by the Council's retained viability consultants, Bespoke PC. Commercially sensitive and confidential information has been provided alongside further clarification on costs, approach to yields and valuation comparables. Furthermore, at the request of Bespoke PC, an additional independent review of build and infrastructure costs (feeding into the main review) was undertaken, again completely funded by the applicant.
221. The applicant has supplied additional information to assist the viability review including confirmation that the sale receipt of the Jaguar land located on the southern side of Arrowhead Way has been taken into account as a receipt as part of the viability case that is advanced: the area of land already sold is larger than that which has been approved and does not form part of the current application. Any future proposals that come forward for that additional land sold to Jaguar would of course have to be determined against the policy situation as it applies at the time of application: my view is that the approach taken with the current application and in the intended Development Brief would provide a strong design and layout steer.

(r) (HYBRID) Viability: conclusion & negotiated s.106 contributions

222. The outcome of this process has enabled a conclusion to be reached.
223. The advice received from Bespoke PC is that it is accepted that the development could not sustain the full 'policy compliant' range of s.106

contributions and be taken forward due to the replacement truck-stop not being commercially viable. However, agreement has been reached on what the scheme could sustain as a more limited 'sub-optimal' s.106 contribution package alongside some affordable housing such that the development could be taken forward.

224. As a result, I have negotiated the following 'package' with the applicant that I consider would represent an acceptable level of mitigation and deal with the most pressing needs in terms of future residential occupiers as well as making reasonable non-residential contributions towards HE's J10A as well as KCC's intended off-site highway improvements at the Romney Marsh Roundabout.

225. The package would be for:-

(a) an SPG6 payment relating to the employment zone commercial, retail and truck-stop elements of the application only, and,

(b) a reduced scheme/contribution for the Romney Marsh Road roundabout alterations and a trigger to be agreed in respect of the contribution,

(c) the trigger for other matters (education, healthcare, on and off-site play) to be agreed and consist of the following:-

Infrastructure

- Highways England (DU's in relation to J10A)	(£3,135,000)
- KH&T (RMR scheme)	(£ 300,000)

Education

- KCC (Primary Ed. - new 2FE school)	(£1,000,000)
- KCC (Primary School land acquisition)	(£ 450,000)
- KCC (Secondary Ed. - Phase 1 N.Knatchbull)	(£ 800,000)

Healthcare

- CCG (expansion of Willesborough Health Centre)	(£ 340,000)
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Off-site sport / open space

- ABC (Finberry Community Centre sports)	(£ 500,000)
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Total £ 6,525,000

Affordable housing

10% provision on a shared equity/other for sale basis

Viability review

A mechanism to be provided in the s.106 for a review of values realised

against the valuation assumptions made. The review trigger to be agreed with excess receipts to be recycled to ABC and apportioned by ABC. The applicant's proposition is that the review should take place upon the occupation of the 200th dwelling. However, my concern is that the review (a) would need to take into account the values realised in respect of the Employment Zones and (b) a later trigger in relation to residential would also be needed. My suggestion is therefore that there is a first review 3 years after the implementation of the planning permission or the occupation of 100 dwellings whichever is the earlier and a second review 5 years after the implementation of the planning permission or the occupation of 300 dwellings whichever is the earlier. Both would need to be full scheme reviews and would aim to capture contributions foregone as set out above.

DU's

To be apportioned between GSE Waterbrook and AGPP in terms of the commercial development only with a clawback on residential if scheme viability improves.

Link Road connection to Finberry

Within 12 months of the Bellamy Gurner (BG) signalised junction being completed, construction to commence and thereafter be completed within 24 months of BG being completed to meet up with the road constructed on the Finberry side.

Allotments and on-site play

To be provided directly by the developer(s) of the residential zones within the public open space to be provided on site to the standards set out in the Green Spaces SPD.

Retail food-store

No commencement of a retail food-store at Waterbrook until a permission is granted for an acceptable replacement facility at Finberry Local Centre and a contract has been let for its construction.

s.106 monitoring

£1,000 p.a. for the duration of the build

226. In addition, to the above, financial obligations would be index-linked from the date of this committee.
227. In respect of J10A, it is agreed between the parties that the scheme generates 9.5 DU's based on the assessed traffic generation. If the full contribution was sought as requested by Highways England this would leave little or nothing for contributions elsewhere and resulting in a failure to mitigate

the impacts of the development. This authority has entered into funding arrangements with Highways England that will secure contributions up to an agreed level towards J10a. A number of such contributions have already been secured through s106 and s278 agreements and more will be forthcoming as other schemes come forward as a result of allocations in the new Local Plan. It is at this authority's discretion to seek such contributions, and in the past members have agreed not to seek fully policy compliant contributions to enable development to occur – for example at Conningbrook Park. In my view, there is a considerable benefit to HE of providing an enlarged lorry park that can reduce demand for lorry parking elsewhere. The scheme viability reviews may enable further contributions to be made in the future and the wording of the s278 agreement can enable this to happen.

228. In respect of the RMR improvements, I understand that there is an element of known safety improvements being required at this junction (that would necessarily fall to KH&T to address as local highway authority irrespective of the Waterbrook development) as well as funding to enhance the capacity of RMR from a number of proposed development sites that would have an impact on traffic through the RMR.
229. However, I have confirmed to KH&T that if there are other already permitted sites being developed which are now are considered by KH&T to have an unaccounted for impact on the capacity of RMR then that obviously cannot be pursued. Moreover, it would be inappropriate as a starting point (against the tests set out in the CIL regulations) to expect a smaller (maximum of 5) pool of contributors to resolve upgrading the capacity of RMR beyond appropriate funding to mitigate the impacts each contributors scheme would have.
230. It would, as an alternative solution, be open for KH&T to consider the use of agreements under s.278 of the Highways Act as a means of apportioning costs between a greater number of sites having an impact on RMR (as the CIL pooling restrictions would not apply with such an approach) and/or to seek alternative funding solutions. In any event KCC have advised that there is a more cost-effective solution that can be pursued at the junction.
231. I have expressed my surprise to KH&T why issues with RMR were not raised with the Council some time ago instead of coming to light only in recent months. I use the term 'starting point' further above because issues of viability need to be factored in. The outcome of the viability review is the c.£2,000,000 contribution sought by KH&T cannot be sustained by the development if a balanced approach to mitigation is adopted. The £300,000 sum negotiated with the applicant would represent the 5% impact that the applicant's TA identifies would arise from the proposal for Waterbrook: on that basis, the contribution would in my opinion be proportionate, fair and reasonably related

in kind and necessary in terms of the RMR upgrade works. I acknowledge that the 5% impact is disputed by KH&T, and that the applicant has been asked to get an alternative RMR scheme reviewed in terms of costs (with the assumption being a less costly scheme and a commensurately reduced proportional contribution) and, in the absence of that a holding objection is maintained by KH&T. I will update Members at the meeting on any progress on that RMR alternative.

232. In terms of the Stagecoach request for a 'pump priming' contribution towards an early service into the site, a specific amount has not been requested. Given the overall extremely tight viability situation and the compromises that are necessary as a result, I do not propose to take a sum forward. Ensuring Waterbrook and Finberry are linked from an early stage is however important and can be from a s.106 obligation. The applicant's proposition related to the delivery of the Bellamy-Gurner (BG) signalisation of the A2070 Orbital Junction is for commencement of the Waterbrook Link Road within 12 months of that opening of the BG and opening to traffic within 12 months thereafter. The current timeline being proposed by the Finberry developer (in discussion with HE) is for commencement of BG April 2019 with a 12 month duration to opening. Thus, on these timelines the applicant's proposed obligation would provide Waterbrook and Finberry to be linked by an all movements connecting road by April 2022.
233. As I have identified elsewhere in this report, it would be open for Stagecoach to consider whether a case for a discrete temporary service serving Finberry in the meantime: I understand that this has been discussed at the Quality Bus Partnership meeting and Stagecoach is looking into this further. Stagecoach will obviously need to make a commercial decision as to when a service can be provided into Finberry and Waterbrook when they are linked by the new connecting road and the extent of employment land build out and occupation of new home at Finberry and Waterbrook will have a bearing on that commercial decision. It could also be the case that the presence of the link road offers a more convenient loop regardless of that state of building out at Waterbrook compared with Finberry (which is more advanced). The proposed arrangements for the provision of bus stops on Waterbrook Avenue would be appropriate but I agree with Stagecoach that additional stops to the north would help service Employment Zones A and C and should be taken forward either now (through submission of a further plan to be approved under delegated powers) or in the future through the proposed Development Brief and when considering applications for the approval of reserved matters.
234. Emerging policy IMP2 of the Ashford Local Plan sets out that schemes that cannot afford policy compliant levels of mitigation will only be acceptable subject to the proposal having wider planning benefits. In this instance, the

relocated and expanded truck-stop would in my opinion deliver;-

(a) significant planning benefits for the Borough (in terms of creating an expanded facility close to the strategic road network that can assist with the approach being taken to prevent HGV parking in inappropriate locations elsewhere typically with adverse impacts on highway safety, the visual character of the environment and the amenities of local residents), and,

(b) significant planning benefits for Kent (providing a much needed additional facility in the absence of a clear approach to delivery of similar facilities elsewhere in good locations relating to the strategic road network).

235. In my opinion, those benefits would outweigh the harm that would arise from adopting a sub-optimal 'compromise' position in respect of obligations including the matter of upgrades to the RMR subject of the KH&T objection. The outcome of the viability review confirms that the development necessary to support the delivery of the expanded truck-stop cannot sustain policy compliant mitigation. Policy IMP2 deals with deferred contributions, viability review and the use of claw-back in respect of any deficit or sub-optimal'. The negotiated 'package' set out above would accord with that approach with reviews to be agreed as part of the s.106 agreement to ensure that any future values realised in excess of the valuation assumptions made now are recycled to 'top up' the level of s.106 contributions.
236. I am satisfied that the proposed balance between supporting transportation infrastructure upgrades and mitigating the needs of the residents of the new homes to be developed is an appropriate one and I therefore Recommend the application is approved. At the time of finalising the report, the special reconsultation to nearby residents on Cheeseman's Green Lane in respect of the additional acoustic information and the proposed 7m high acoustic barrier is still running. This expires 13th July: I take this into account in my Recommendation.
237. Pursuant to The Town and Country Planning (Consultation) (England) Direction 2009 (Circular 02/2009), the Secretary of State for Communities and Local Government would need to be consulted if Members resolve to grant planning permission for the development subject to a s.106 agreement because,
- (A) the quantum of retail floorspace involved with the application (Class A1 superstore of up to 2,323 sqm, Class A3/A5 drive-through restaurants of up to 1,332 sqm together with the ancillary convenience retail store of 508 sqm) would exceed 2,500 sqm, and,

(B) the application site would constitute an 'out-of-centre' retail location as set out in the Circular, and,

(C) the proposal would not be in accordance with one or more provisions of the development plan currently in force for the borough.

Planning Obligations

238. 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

239. 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) required by policy	Impact of Viability – Amount proposed for this application	Trigger Point(s)	
Page 110	<p>Affordable Housing (on site)</p> <p>Provide not less than 30% of the units as affordable housing</p>	<p>Provide on-site not less than 30% of the units as affordable housing on a 400 (units rounded up) =120 units.</p> <p>comprising 33 % Affordable Social rent units and 66% Affordable Home ownership products (including a minimum half of</p>	<p>Provide on-site not less than 10% of the units as affordable housing on a 400 (units rounded up) =40 units</p> <p>Breakdown to be agreed at Reserved Matters Stage</p> <p>Contribution</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, policy HOU1 and IMP2, of the Ashford Local Plan 2030 submission version 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</p>

<p>Page 111</p>		<p>which is Shared Ownership) and 4 wheelchair adaptable homes number of bedrooms and size of bedrooms to be specified.. The affordable housing shall be managed by a registered provider of social housing approved by the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's</p>	<p>towards the provision of off-site affordable housing in lieu of further on-site provision above 10% contribution to be agreed.</p>	<p>Deferred: payable if sale values rise in accordance with the viability reviews. Deferred Contributions received, as determined by Officers under delegated powers</p>	<p>scale and kind as based on a proportion of the total number of housing units to be provided</p>
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Page 112		nominations agreement Breakdown of size to be agreed at Reserved Matters Stage	Deferred contribution payable if Viability reviews		
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			justify it.		
2.	<p>Primary Schools</p> <p>Contribution towards a New 2FE Primary School at Kennington/Willesborough</p>	<p>£ 1,134 pe applicable r flat</p> <p>£ 4,535 per applicable house</p> <p>£0 for any 1-bed dwelling with less than 56 m2 gross</p>	<p>Pay regardless £1,000,000</p> <p>The remainder payable if sales values rise in accordance with the viability reviews below as determined by</p>	<p>Pay Regardless</p> <p>First 50% of the sum on 25% of homes occupied with the reminder on full occupation</p> <p>Any deferred</p>	<p>Necessary to increase capacity at the local primary school within the vicinity to meet the demand generated and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Ashford Local Plan 2030 submission version policies COM1 IMP1 and IMP2,, Developer Contributions/Planning Obligations SPG, Education Contributions Arising</p>

			Officers under delegated powers	Contributions received, as determined by Officers under delegated powers	<p>from Affordable Housing SPG (if applicable), 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 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 primary school pupils and is based on the number of dwellings.</p>
3.	<p>Primary School Land</p> <p>Contribution towards any land acquisition costs at Kennington /Willesborough new 2FE primary school.</p>	<p>£2363.93 per applicable house</p> <p>£590.98 per applicable flat</p>	<p>Pay regardless £450,000</p> <p>The remainder payable if sales values rise in</p>	<p>Pay Regardless</p> <p>First 50% of the sum on 25% of homes occupied with the reminder on full</p>	<p>Necessary as land for the school and the facilities built to be funded would be available to them pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2, Developer Contributions/Planning</p>

			accordance with the viability review below as determined by Officers under delegated powers	occupation Any deferred Contributions received, as determined by Officers under delegated powers	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 NPPF Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them. 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
4.	Secondary Schools Contribution towards the Phase 1 Norton Knatchbull School expansion	£ 4115.00 per applicable house. £ 1029.00 per applicable flat	Pay regardless £800,000 The remainder payable if sales values rise in	Pay Regardless First 50% of the sum on 25% of homes occupied with the	Necessary as no spare capacity at any secondary school in the vicinity to meet the demand generated and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Ashford Local Plan 2030 submission

			accordance with the viability review below as determined by Officers under delegated powers	reminder on full occupation Any deferred Contributions received, as determined by Officers under delegated powers	version policies COM1, IMP1 and IMP2, 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 NPPF. Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them. 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
5.	Junction 10A Contribution towards construction of junction 10A	Based on a total of 9.5 Development units(DUs) contribution for the	Pay regardless a total of £3,135,000	Section 278 agreement to be completed before the grant of	Necessary in order to meet the demand generated by the development and in the interests of highway safety pursuant to Core Strategy policies CS1,

<p>Page 117</p>	<p>of the M20</p> <p>To be paid through an agreement with Highways England under section 278 of the Highways Act 1980</p>	<p>development</p>	<p>The remainder payable if viability improves as a result of the viability reviews below as determined by Officers under delegated powers</p>	<p>planning permission.</p> <p>Payment of the contribution as per the section 278 agreement</p> <p>Any deferred Contributions received, as determined by Officers under delegated powers</p>	<p>CS2, CS15 and CS18, Urban Sites and Infrastructure DPD policy U24, and Ashford Local Plan 2030 submission version policies TRA1,IMP1 and IMP2 and guidance in the NPPF</p> <p>Directly related as occupiers will travel and the new junction 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 been calculated based on the estimated</p>
<p>6.</p>	<p>Local primary and community health service.</p> <p>Contribution towards the Willesborough Health Centre (or its successor organisation) and/or Local Care Centre hub that provides enhanced primary care for the patients</p>	<p>£360 per person</p> <p>1 bed unit @ 1.4 persons.</p> <p>2 bed unit @ 2 persons.</p> <p>3 bed unit @</p>	<p>pay regardless £340,0000</p> <p>Deferred contribution to be calculated on total occupancy</p>	<p>Pay Regardless Upon occupation of 75% of the dwellings</p> <p>Any deferred Contributions received, as determined by</p>	<p>Necessary as additional primary care premises are required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24 if applicable), saved Local Plan policy CF19, Ashford Local Plan 2030 submission version policies COM1 IMP1 and IMP2, and guidance</p>

Page 118	<p>registered at Willesborough Health Centre.</p>	<p>2.8 persons. 4 bed unit @ 3.5 persons. 5 bed unit @ 4.8 persons.</p>	<p>rate per Dwelling. Deferred contribution payable if viability improves in accordance with the below as determined by Officers under delegated powers</p>	<p>Officers under delegated powers</p>	<p>in the NPPF. Directly related as occupiers will use primary care facilities and the facilities to be funded will be available to them. 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 occupiers</p>
7.	<p>Romney Marsh roundabout Paymnet towards improvements that are a direct result of the impact of the scheme on the Romney Marsh roundabout</p>	<p>£ 300,000</p>	<p>Paid regardless</p>	<p>Pay Regardless Upon occupation of 75% of the dwellings</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 Ashford Local Plan 2030 submission version policies TRA1 IMP1 and IMP2, and guidance in the NPPF Directly related as occupiers will travel and the roundabout will be available to</p>

					<p>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</p>
<p>8. Page 119</p>	<p>Informal/natural Green Space</p> <p>On site provision of 1.93 hectares of useable space in accordance with the Green Spaces and Water Environment SPD</p>	<p>On basis of 400 dwellings, a minimum of 1.93 hectare of informal public open space to value of</p> <p>£362 per dwelling for capital costs</p>	<p>Provided regardless in relation to scheme to be approved by the Council at the reserved matters stage. Maintenance to be agreed.</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as additional equipped open space and play facilities required to meet the demand that would be generated pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2, Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use equipped public open space and play facilities and the open space and facilities to be provided would be</p>

					available to them.
9.	<p>Children’s and Young People’s play</p> <p>On site provision of 0.46 hectares of Childrens play facilities space in accordance with the Green Spaces and Water Environment SPD</p>	<p>On basis of 400 dwellings, a minimum of 0.46 hectare of children and young peoples play</p> <p>£541 per dwelling for capital costs.</p>	<p>Provided regardless on relation to scheme to be approved by the Council at the reserved matters stage. Maintenance to be agreed.</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as children’s and young people’s play space is 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, Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in</p>

					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
10.	<p>Allotments</p> <p>Onsite provision of 0.19 hectares. The allotments must be formed as one area and be compliant with the adopted Green Spaces and water Environment SPD.</p>	<p>On basis of 400 dwellings, a minimum of 0.19 hectares of allotments</p> <p>£258 per dwelling for capital costs</p>	<p>Provided regardless in relation to scheme to be approved by the Council at the reserved matters stage. Maintenance to be agreed.</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), Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments 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</p>

					<p>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>
<p>Page 11. 122</p>	<p>Outdoor Sports Pitches</p> <p>Contribution towards Finberry community centre, as part of the hub of facilities which provide outdoor sport provision including a 3G pitch</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for future maintenance</p>	<p>Pay regardless a total of £500,000</p> <p>. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under</p>	<p>Upon occupation of 25% of the dwellings</p>	<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</p>

Page 123			delegated powers		<p>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>
	<p>Link Road between Finberry and Waterbrook</p> <p>To provide connectivity between developments including facilitating bus provision.</p>	<p>Construction of the link road and bridge to connect with provision at Finberry.</p>	<p>Provided regardless</p>	<p>Commence within 12 months of the Bellamy Gurner (phase 2) junction being opened to traffic and completed in accordance with an agreed timescale.</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 Ashford Local Plan 2030 submission version policies TRA1, IMP1 and IMP2, and guidance in the NPPF</p> <p>Directly related as occupiers will travel and the new link road will be available to them.</p> <p>Fairly and reasonably related in scale</p>

					and kind considering the extent of the development and because the amount has been calculated based on the estimated
13.	Retail food store Provision of local centres.	Prior to the commencement of construction for the food store within zone c a contact being let and construction commencing on any agreed provision for food retailing at Finberry Park	Provided regardless	Provided regardless	Necessary Directly related Fairly and reasonably
14.	Social Care Contribution towards the building of increased capacity at Braethorpe Community Wellbeing Hub	£56.41 per dwelling	Deferred in full. A contribution payable if sales values rise in accordance with the viability review mechanism	Upon occupation of 75% of the dwellings Any deferred Contributions received, as	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, Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2, KCC Guide to Development

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 125</p>			<p>below as determined by Officers under delegated powers</p>	<p>determined by Officers under delegated powers</p>	<p>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>
<p>15.</p>	<p>Community Learning Contribution towards the reconfiguration of learning space at Ashford Gateway</p>	<p>£34.45 per dwelling</p>	<p>Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers</p>	<p>Upon occupation of 75% of the dwellings</p> <p>Any deferred Contributions received, as determined by Officers under delegated powers</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), Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use</p>

					<p>community learning facilities and the resources to be funded will 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>
16. Page 126	<p>Libraries and Archives contribution towards the reconfiguration and increase capacity of Ashford Gateway</p>	<p>£108.32 per dwelling</p>	<p>Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers</p>	<p>Upon occupation of 75% of the dwellings</p> <p>Any deferred Contributions received, as determined by Officers under delegated powers</p>	<p>Necessary as no spare library space available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF</p> <p>.</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</p>

<p>17.</p>	<p>Strategic Parks</p> <p>Contribution sought towards a surfaced path at Conningbrook Country Park, providing access to the play area and picnic areas, within the publicly accessible fields of the park (i.e. non-grazed areas).</p>	<p>£146 per dwelling for capital costs.</p> <p>£47 per dwelling for future maintenance</p>	<p>Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers</p>	<p>Any deferred Contributions received, as determined by Officers under delegated powers</p>	<p>dwelling</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 , Ashford Local Plan 2030 submission version policies COM1 and IMP1Public 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 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>
<p>18.</p>	<p>Youth Services</p> <p>Contribution towards Youth Outreach Service</p>	<p>£27.91 per dwelling</p>	<p>Deferred in full. The remainder payable if sales values rise in accordance with</p>	<p>Upon occupation of 75% of the dwellings</p>	<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,</p>

Page 128			the viability review mechanism below as determined by Officers under delegated powers	Any deferred Contributions received, as determined by Officers under delegated powers	<p>Ashford Local Plan 2030 submission version policies COM1, IMP1 and IMP2 , 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 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</p>
19.	<p>Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	Paid regardless	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</p>

					development and the obligations to be monitored
20.	Framework travel plan monitoring	£10,000	Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers	<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 Ashford Local Plan 2030 submission version policies TRA1 and IMP1, and guidance in the NPPF</p> <p>Directly related as occupiers will travel and the roundabout 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 been calculated based on the estimated</p>

<p>21.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 130</p>	<p><u>Deferred payments mechanism</u></p> <p>Review mechanism to ensure that improvements in scheme viability enable contributions foregone to be captured.</p>	<p>First viability review 3 years after the implementation of the planning permission or the occupation of 100 dwellings whichever is the earlier and a second viability review 5 years after the implementation of the planning permission or the occupation of 300 dwellings whichever is the earlier. Both to be full scheme reviews and aiming to capture contributions foregone as set out above to the value of all deferred</p>	<p>To be paid if the circumstances prevail</p>	<p>Agreed % of increases in values, above those in the viability appraisal</p>	<p>As set out above for each individual contribution that is Deferred in whole or part.</p>
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		contributions (indexed)			
Page 131	<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

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

Working with the applicant

241. 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

242. The principle of the development is in accordance with the adopted development plan and the emerging development plan. The adopted and proposed policies therein are in accordance with the provisions of the NPPF.
243. The proposed ALP 2030 is at an advanced stage. I consider that there is no impediment to determination of the application and in reaching that conclusion I give particular weight to the strategic benefits that the expanded truck-stop facility would bring both to the Borough and Kent and the challenging timeline for delivery as outlined by the applicant (and the impact that any delay in determination of the application would therefore have).
244. On the proviso that a Development Brief is taken forward and addresses issues of identity and key design / urban design / layout matters arising therefrom then the proposal would accord with policies ET4, EN13, EN14, EN31, EN32, TP6, LE5, LE6, LE7, LE8 of the ABLP 2000, policies CS1, CS2, CS9, CS10, CS11, CS18, CS19, CS20 of the Core Strategy 2008, policies U21, U23 and U24 of the Urban Sites DPD 2012 and policies S16, SP1, SP2, SP4, SP6, HOU1, HOU3, HOU12, HOU14, HOU15, EMP1, TRA3(a) and (b), REA4, TRA6, TRA7, ENV1, ENV2, ENV6, ENV9, ENV11, COM1, CON2 and IMP1 of the Ashford Local Plan 2030.
245. In the light of an objection suggesting the potential benefits of an expansion of the existing truck-stop in its present location, and notwithstanding the provisions of proposed policy S16 and how it suggests the site should be

- developed, I have considered whether this alternative could be a realistic planning proposition. I conclude that it would not and that the approach set out in S16 represents an acceptable approach to the development of the site.
246. I am satisfied that the design and layout of the truck-stop (including the scale, massing, design and appearance of the drivers' services building) would be appropriate pursuant to policies EN31, EN32, CS1, CS2, CS7, CS9, CS10, CS11, CS18, CS19, CS20 & CS21 of the Core Strategy 2008, policies U23 and U24 of the Urban Sites DPD 2011 and policies S16 (a, d & e), SP1, SP3, SP6, EMP1, TRA7, ENV6, ENV8, ENV9, ENV11, ENV12 and IMP1 of the Ashford Local Plan 2030.
247. Furthermore, I am satisfied with the approach to boundaries, mitigating noise and lighting impacts on existing neighbours and future residents and conclude the proposal is acceptable pursuant to ALP 2030 Policy S16 part (e) specifically, and, generally policies EN13, EN14, EN31, EN32 of the ABLP 2000, policies CS1, CS7, CS9, CS11, CS18 of the Core Strategy 2008, policies U21 and U24 of the Urban Sites DPD 2012 and policies S16 (d & e), SP1, SP6, EMP1, ENV1, ENV2 and ENV12 of the ALP 2030.
248. In terms of the SME units, I consider that in terms of layout, parking provision, scale, massing, design and appearance and their relationship with existing and proposed uses and I consider the proposed approach would accord with the provisions of policies ET4 and TP6 of the ABLP 2000, policies CS1, CS2, CS7, CS8, CS9, CS10, CS15, CS19, CS20 and CS21 of the Core Strategy 2008, policy U24 of the Urban Sites DPD 2012 and policies S16 (c & d), SP1, SP3, SP6, EMP1, EMP6, EMP9, TRA3(b), TRA5, TRA6, TRA7, ENV6, ENV8, ENV9, ENV11, ENV12 and IMP1 of the ALP 2030.
249. Turning to interventions to Waterbrook Avenue to help calm traffic speeds in recognition of the proposed new residential neighbourhood and the approach to bus stops, I conclude that subject to additional finessing and additional stops being worked into the site further to the north, the proposal would accord with policies CS1, CS9, CS15 and CS18 of the Core Strategy 2008, policy U24 of the Urban Sites DPD 2012 and policies S16 (g), SP1, SP6, HOU3a, TRA4, TRA5, COM1 and IMP1 of the ALP 2030.
250. In terms of the approach proposed for Employment Zone A, I am satisfied that the quantum of development that is proposed is acceptable and that PROW appears likely to be able to be diverted in an acceptable manner and that green and blue grid issues are capable of being built in to the approach to this part of the site. On that basis, I consider that the development would accord with policies ET4, EN31, EN32 and TP6 of the ABLP 2000, policies CS1, CS2, CS7, CS8, CS9, CS10, CS11, CS15, CS18, CS19, CS20, CS21, policy U24 of the Urban Sites DPD 2012, policies S16 (c, d & i), SP1, SP3, SP6,

EMP1, EMP6, TRA3(b), TRA4, TRA6, TRA7, TRA8, ENV1, ENV6, ENV8, ENV9, ENV11, ENV12, COM1 and IMP1 of the ALP 2030.

251. In respect of Employment Zone C, subject to architectural and layout approaches informing detailed reserved matter layouts to create a softer interface with the nearby Green Corridor edge, I consider that the proposal would accord with policies ET4, EN13, EN14, EN31, EN32, SH1 and TP6 of the ABLP 2000, policies CS1, CS2, CS7, CS8, CS9, CS10, CS11, CS15, CS18, CS19, CS20, CS21, policies U21, U23 and U24 of the Urban Sites DPD 2012, policies S16 (c, h & i), SP1, SP3, SP6, EMP1, EMP6, TRA3(b), TRA4, TRA6, TRA7, TRA8, ENV1, ENV2, ENV6, ENV8, ENV9, ENV11, ENV12, COM1 and IMP1 of the ALP 2030.
252. On the matter of retail development, this has been assessed in sequential and impact terms: the proposed Policy S16 designation of commercial development at Waterbrook does not restrict its ability to provide retail development and in the specific circumstances of this case that type of development has an enabling role as part of the viability considerations relating to the development of an enlarged and expanded truck-stop. The linkage to an acceptable replacement retail food-store to be developed at Finberry Local Centre is acknowledged by the applicant and that is important given the 'protected centre first' approach taken by local planning policy. Subject to that being addressed in the manner identified in section (j) of this report, I conclude that the proposal would accord with the provisions of policies SH2 of the ABLP 2000 and policies S13 and S16 (c) of the Core Strategy 2008. Whilst the out of centre approach that is proposed for Waterbrook is a departure from local planning policy it falls within the flexibility that is proposed in policy IMP2 of the ALP2030 in respect of approaching issues of viability and achievement of wider planning benefits.
253. The approach to the boundaries of the site would be acceptable. The amended plans reduce the impact of proposed development on Cheeseman's Green Lane (CGL) as well as the Green Corridor. The proposals do not provide for any vehicle connection to CGL. I consider that the development would accord with policies ET4, EN13, EN14, EN31 and EN32 of the ABLP 2012, policies CS1, CS9 and policies CS11, policies U21, U23 and U24 of the Urban Sites SPD 2012, and policies S16 (d, e & h), SP1, SP6, HOU3a, ENV1 and ENV2 of the ALP 2030.
254. Subject to detailed matters being resolved through the proposed Development Brief to ensure acceptable place-making, character areas, built form and layouts that are appropriate, I consider that the proposal would accord with policies EN13, EN14, EN31, EN32, TRA6, LE5, LE7,, LE8, LE9 and CF6 of the ABLP 2000, policies CS1, CS2, CS8, CS9, CS11, CS15, CS19, CS20 and Cs21 of the Core Strategy 2008, policies U21, U23 and U24 of the Urban Sites and Infrastructure DPD 2012, policies S16 (b, d, e, f, g, h & i), SP1, SP2, SP6, HOU1, HOU3a, HOU14, HOU15, TRA3(a), ENV1, ENV2, ENV6, ENV7,

ENV8, ENV9, COM1, COM2 and IMP1 of the ALP 2030. Acceptable levels of public open space, play facilities and allotments can be provided on site with off-site contributions assisting sports provision at the nearby Finberry development.

255. The proposal would not result in any harm to the setting of Imber, a Grade II listed home on Cheeseman's Green Lane.
256. My conclusion is that in terms of the strategic highways network, the proposed development can be accommodated in capacity and safety terms and so the proposal would accord with policies CS1, CS2, CS7, CS8, CS15 and CS18 of the Core Strategy 2008, policies S16 (f & m), SP1, SP2, SP3, HOU3a, EMP1, TRA3 (a) and (b), TRA4, TRA7, COM1 and IMP1 of the ALP 2030. I reach the same conclusion in respect of the impacts on the local highway network. The amount of development contributions towards J10A and RMR falls out of the Viability Review.
257. The proposal is subject of a Viability Assessment. This has been independently expertly reviewed. The outcome is that the development cannot sustain a planning policy compliant approach to affordable housing and cannot sustain full contributions in respect of other matters. A sub-optimal 'package' of contributions has been negotiated which includes 10% affordable housing, reduced contributions relating to RMR and J10A as well as contributions to KCC (education), the CCG (healthcare) and ABC (a mixture of on-site provision and off-site contributions dealing with open space and sports provision). Linkage of food-store construction at Waterbrook to construction of a replacement facility at Finberry is a requirement of the negotiated package as well as ensuring the delivery of the Waterbrook Link Road to enable the site to connect with Finberry benefitting everyday movement, travel to off-site play and opportunities for a commercial bus service operating in a loop serving both sites. That approach would, in my opinion, accord with the approach identified in Policy IMP2 of the ALP 2030
258. I conclude that the wider planning benefits of the proposal weigh in favour of a grant of planning permission with the package of measures that has been negotiated which seek to strike a reasonable balance between supporting transport infrastructure improvements to the strategic and local road network and meeting the needs of new residents.
259. Pursuant to The Town and Country Planning (Consultation) (England) Direction 2009 (Circular 02/2009), the Secretary of State for Communities and Local Government would need to be consulted if Members resolve to grant planning permission for the development subject to a s.106 agreement because,

(A) the quantum of retail floorspace involved with the application (Class A1 superstore of up to 2,323 sqm, Class A3/A5 drive-through restaurants of up to

1,332 sqm together with the ancillary convenience retail store of 508 sqm) would exceed 2,500 sqm, and,

(B) the application site would constitute an 'out-of-centre' retail location as set out in the Circular, and,

(C) the proposal would not be in accordance with one or more provisions of the development plan currently in force for the borough.

Recommendation

- (A) **Subject to no comments having being received within the time period relating to the special consultation to residents of Cheeseman's Green Lane living near to the site (in respect of the additional acoustic information supplied by the applicant and the proposed 7m high acoustic barrier) that in the opinion of the Head of Development Management and Strategic Sites raise fresh issues that are not assessed in this report and said issues cannot be addressed through additional or amended conditions, and**
- (B) **Subject to the notification to the Secretary of State in accordance with Circular 02/2009 in terms of the quantum of retail floorspace proposed in an out of centre location for retail uses and the development not being in accordance with one or more of the provisions of the development plan for the area and to his having indicated in writing that he is content for the Council to determine the application, or not responded within the period set out in the Circular, and**
- (C) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, in terms agreeable to the or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she sees fit,**
- (C) **Permit**
Subject to the following conditions and notes:

(A) GRANT OF FULL PLANNING PERMISSION

Time condition

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 at the end of this decision notice.

Reason: Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interest of visual amenity.

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 the visual amenity of the surrounding area

Walls and fences

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

Levels

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.

Parking

6.The area shown on the drawing numbers TBC as vehicle parking space, 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.

Cycle parking

7.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. The approved bicycle storage shall be completed in accordance with the approved details prior to the occupation of the relevant dwelling it serves 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

Landscaping

8.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.

Landscaping

9. The details of soft landscape works 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.

Landscaping

10. 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

Restriction use

11. The small and medium enterprises hereby permitted shall be used for B1 (b and c) B2 and B8 uses only and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In order that the unit provide adequate parking provision in the interests of highway safety.

Storage of oils, fuels or chemicals

12. For the truck stop, any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the water environment.

Truck-stop management plan & jet wash

13.(A) Prior to any the new truck-stop being open available for use, a Truck-Stop Management Plan (TMP) shall have been submitted to and approved by the Local Planning Authority in writing and shall include the following;-

(a) a minimum of 30 electricity charging points for refrigerated vehicles,

(b) the approach to be taken to minimise light spillage from the site including the time period when lights to zones within the truck-stop will be completely extinguished and the time period when lights will be dimmed to the lowest operationally safe levels and how the truck-stop facility will be managed to achieve both whenever possible,

(c) the provision for reducing noise through use particularly in relation to the management of overnight or early morning departures including directing HGV parking requiring such departures to the least sensitive locations of the truck-stop site relating to residential noise receptors both existing and newly created at Waterbrook Park,

(d) measures carried out in the construction of the truck-stop so as to future proof the easy future provision of a greater number of electricity charging points within the site to cater for increased patronage by refrigerated vehicles and/or changes in the logistics industry moving towards lower emission hybrid and/or electric vehicles requiring charging.

(B) Thereafter, the TMP shall be implemented in full and maintained unless the Local Planning Authority has agreed in writing to any variation.

14. The jet-wash facility for the new truck-stop shall only operate between 08:00-18:00 on any day.

Reason: In order to protect the amenities of existing and new residents by restricting noise and light spillage from the approved facility through active environmental management.

(B) GRANT OF OUTLINE PLANNING PERMISSION

Time condition

15. Approval of the details of the layout, scale, landscaping, appearance and access (hereafter called "the Reserved Matters") shall be obtained from the Local Planning

Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Reserved matters

16.a) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

b) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Development brief

17. (A) Prior to the first approval of any floorspace that is proposed pursuant to the grant of outline permission, a Development Brief shall have been submitted to and approved in writing by the Local Planning Authority setting out matters of the intended identity for Waterbrook Park and the place-making actions necessary to achieve that identity including approaches at phase, parcel, street and plot level underpinned by an urban design framework. The Development Brief shall include a time period for its future review as might be necessary.

(B) All applications for reserved matters approval (or any stand-alone full applications) submitted pursuant to this permission shall include a brief written statement identifying how the detailed design proposed is considered to comply with the design principles set out in the Brief.

Reason: To help ensure that the principles of development necessary to create a high quality context sensitive design for Waterbrook Park set out in a Development Brief to be agreed with the Local Planning Authority so that they can inform the work of prospective applicants in relation to phases, parcels and individual plots.

Restrictions on Use

18. The maximum gross internal floor space on the site which is used for uses in each Use Class in the schedule to the Town and Country Planning (Use Classes) order 1987 as part of the Outline development shall not exceed the following levels as set out in the Transport Assessment:

- (a) B1/B2/B8 - 17,288 sqm of which B1 (a) use shall not exceed 15, 000 sqm
- (b) 4995 sqm of car showroom
- (c) 2,323 sqm A1 foodstore
- (d) 1332 sqm of A3/A5 drive through restaurant
- (e) 508 sqm petrol filling station

Reason: In the interest of visual amenity and in order to keep any traffic associated with the development to acceptable levels in the interests of highway safety.

Restrictions on Use

19. The number of dwellings submitted at the reserved matters stage shall not exceed a total of 400 and shall be sited only within the area shown for residential (C3 use) on parameter plan drawing DHA/11113/06 rev A.

Reason: In the interest of visual and residential amenity and in order to keep any traffic associated with the development to acceptable levels in the interests of highway safety

Noise

20. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from the truck shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

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

Water efficiency

21. The dwellings hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

Reason: In order to carefully manage water supply given the level of household demand relating to available resource.

Flood risk

22. No development in any phase shall take place until the details required under the reserve matters condition shall demonstrate that requirements for surface water drainage can be accommodated within the proposed development layout. The sustainable drainage scheme shall be demonstrated to meet with the requirements of Ashford Borough Council's Sustainable Drainage SPD.

Reason To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development

23. The reserved matters details shall include details of the final levels for the development including slab levels of the buildings. The development shall be carried out in accordance with the approved levels.

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

Parking

24. The reserve matters details shall show adequate land, reserved for parking or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, 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 the land so shown as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

Design to encourage and facilitate cycling

25. No building shall be occupied until space has been laid out within that site for bicycles to be parked under cover in accordance with details that shall have been submitted to and approved by the Local Planning Authority and such cycle parking facilities shall subsequently be retained available for use by staff and visitors to the premises.

Reason: In the interests of promoting alternative modes of transport generally and, specifically, to ensure that each development plot provides an acceptable number of good quality cycle parking facilities to help facilitate transport choice for staff and visitors, to reduce reliance on the private car and to accord with the approach to car parking on the site pursuant to the SPG6 South of Ashford Transport Study.

26. Unless otherwise agreed with the Local Planning Authority, no building shall be occupied until cycle changing/shower facilities/drying facilities/locker facilities have been provided for that building (whether in that building or in an adjoining one or in a centralised facility within the site) in accordance with details that shall have been submitted to and approved by the Local Planning Authority and these facilities shall subsequently be retained available for use by staff and visitors to the premises.

Reason: In the interests of promoting alternative modes of transport generally and, specifically, to ensure that the necessary facilities for cyclists, both staff and visitors, are provided in order to reduce reliance on the private car and to accord with the approach to car parking on the site pursuant to the SPG6 South of Ashford Transport Study.

Framework and Workplace Travel Plans

27.(A) Prior to the first occupation of any building at the site, a Framework Travel Plan (FTP) shall have been submitted to and approved in writing by the Local Planning Authority. The FTP shall set the long term management arrangements for the FTP.

(B) The FTP shall include the overarching Travel Plan approach for the whole site and establish a threshold whereby occupiers of floorspace either are required to produce an individual Workplace Travel Plan taking forward the content of the FTP, or, due to small size, are required to adopt and work towards the targets and objectives of the FTP via a pro-forma/template (with said pro-forma/template to be agreed in writing by the Local Planning Authority as part of the FTP).

Reason: In order to help realise a sustainable pattern of development in the area,

comply with the provisions of the NPPF and the principles of sustainable development, assist smaller scale occupants of the site work towards Travel Plan objectives and targets and assist all other occupiers in the formulation of individual Workplace Travel Plans.

28. Within 7 months of first occupation of a building or any part of a building of a size identified in the FTP as necessitating a Workplace Travel Plan (WTP), WTP for the occupier of that floorspace that accords with Best Practice and the principles of (i) encouraging sustainable movement and (ii) reducing the reliance on the private motor vehicle as set out in the NPPF and builds on baseline survey work carried out by the occupier within a maximum 6 months of first occupation shall have been submitted to and (following consultation with the local highway authority) be approved by the Local Planning Authority. WTPs shall contain:

- (a) Details of measures designed to achieve and maintain an appropriate target modal split of travel to and from that building,
- (b) The contact details of an individual who will be appointed as WTP Co-ordinator within his/her job description and who will act as the contact point for the Local Planning Authority and the measures set out within the WTP,
- (c) A mechanism for information to be provided to the Local Planning Authority annually (or as agreed in writing) as to the implementation of the measures set out in the WTP, and
- (d) Proposed measures to maintain the appropriate modal split for the site and to monitor the performance of the WTP and appropriate measures to cover against failure to meet the agreed targets.

The agreed WTP for each occupier shall subsequently be implemented in full within 3 months of written approval by the Local Planning Authority and thereafter shall be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to realise a sustainable pattern of development in the area, to comply with the provisions of the NPPF and the principles of sustainable development and take forward the provisions of the FTP for the site.

Landscaping

29. At the same time as the submission of approved matters for approval, a survey of the development site as existing shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings and shall include, as

appropriate, the following information at a suitable scale:

- (a) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 75mm or greater at a point 1.5 metres above ground level.
- (b) A numbered tree condition schedule with proposals for removal of trees and for surgery or other works, where applicable, to retained trees.
- (c) Existing and proposed levels including, where appropriate, sufficient detail to allow proper consideration of existing tree protection.
- (d) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.
- (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.
- (f) Existing boundary treatments and forms of enclosure.
- (g) Existing structures, services and other artifacts, including hard surfaces.
- (h) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site.
- (i) Route of existing footpaths and public rights of way on and adjoining the site.
- (j) North point and scale.
- (k) Location map.

Reason: To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

30. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 10 years from the date of the completion of the development.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall

any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

31. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows.

32. All trees planted shall be protected against stock and rabbits when planted in accordance with details that shall have been previously agreed with the Local Planning Authority and such protection shall be maintained at all times.

Reason: In the interests of good forestry and amenity.

Landscaping implementation and maintenance: non-residential

33.(A) The landscaping schemes approved pursuant to this permission relating to non-residential development shall be carried out within 12 months of the final building on the plot being substantially complete and available for occupation.

(B) The Local Planning Authority shall be notified in writing of the completion of the approved landscaping works relating to the plot.

(C) Any tree or plants which, within a period of 10 years from the completion of those works, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless agreed otherwise by the Local Planning Authority in writing.

Reason: In order to mitigate the impact of non-residential development through the implementation of agreed landscaping for individual plots.

Landscaping implementation and maintenance: residential

34. (A) The landscaping schemes approved pursuant to this permission relating to residential development shall be carried out within 12 months of the last dwelling forming part of the application being substantially complete and available for occupation.

(B) The Local Planning Authority shall be notified in writing of the completion of the approved landscaping works.

(C) Any tree or plants which, within a period of 10 years from the completion of those works, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless agreed otherwise by the Local Planning Authority in writing.

Reason: In order to mitigate the impact of residential development through the implementation of agreed landscaping for individual plots.

Limitation of height in Employment Zone C

35. No building in Employment Zone C as defined on the approved plans shall be erected in excess of 2-storeys in height.

Reason: In order to limit the visual impact of new buildings in this area of the site on the wider landscape and the Green Corridor containing a Local Wildlife Site located adjacent/near to Zone C.

Petrol Filling Station ancillary retail

36.The ancillary retail floorspace forming part of the petrol filling station shall not be occupied by a single retailer.

Reason: The ancillary retail floorspace within the building is only acceptable in sequential and retail impact terms as an enabling development that would contain a number of retail concessions set within generous circulation space. A single retail occupier would adversely impact on the deliverability of a single retailer store within Finberry Local Centre located to the west of the application site.

Bus stops

37.An additional pair of bus stops on either side of Waterbrook Avenue close to Employment Zones A and C shall be provided in accordance with details (including a timetable for provision) submitted to and approved by the Local Planning Authority in writing and shall thereafter be implemented in accordance with the approved timetable.

Reason: In order to ensure that the employment land subject of this permission is properly served by facilities that will benefit employees and persons visiting or shopping with bus-stop facilities close to employment land thereby enhancing the attractiveness of that mode of transport.

Allotments

38.Prior to any application for approval of reserved matters for residential development, details of the location and extent of allotments embedded within public open space within the identified residential zones or at their margins shall have been submitted to and approved by the Local Planning Authority in writing. The details shall include long term management arrangements and a timetable for their provision. Thereafter, the approved allotments shall be implemented in accordance with the approved details.

Reason: Provision of allotments is proposed by the applicant to be on-site.

Gas boilers

39.All gas-fired boilers fitted to dwellings to meet a minimum standard of <40mgNO_x/kWh.

Reason: In the interest of amenity.

(c) CONDITIONS APPLICABLE TO THE GRANT OF FULL AND OUTLINE PLANNING PERMISSION

Limiting HGVs on the highway within the site

40. Prior to the construction of any new building floorspace approved pursuant to an application for approval of reserved matters, (i) an assessment of the need for any measures (through the making of any Traffic Regulation Order) to limit parking of HGVs in the interests of visual amenity, the amenities of residents and highway safety shall have been submitted to and approved by the Local Planning Authority and (ii) any identified implementation strategy shall be approved by the Local Planning Authority including the making of any Order(s) and arrangements for enforcement or any Order(s).

Reason: In order to ensure the HGV's park within the proposed truck-stop, do not park in other locations to the detriment of occupiers and residents of Waterbrook Park and do not park in locations that would be detrimental to highway safety.

Highways

41. Unless otherwise agreed in writing by the Local Planning Authority, no more than 1 DU (including existing 0.73 DUs) shall be occupied until the construction and opening of the agreed Bellamy-Gurner Improvement. References to "DU" mean development units as defined in terms of floorspace of certain Use Classes (and not trip rates) by the table in paragraph 6.2 of SPG6 (as amended by the Erratum) adopted June 2004

Reason: In the interests of highway safety

Highway capacity

42. Unless otherwise agreed in writing by the Local Planning Authority, no more than a total of 6.75 DUs (including existing uses) shall be occupied until the construction and opening of M20 Junction 10a. The references to "DU" mean development units as defined in terms of floorspace of certain Use Classes (and not trip rates) by the table in paragraph 6.2 of SPG6 (as amended by the Erratum) adopted June 2004.

Reason: In the interests of highway safety.

Code of Construction Practice

43. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on

Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority.

The code shall include;-

An indicative programme for carrying out the works

Measures to minimise the production of dust on the site(s) in compliance with IAQM Guidance put forward in Section 6 of SLR Report Ref: 402.07264.00001 of December 2017

Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)

Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)

Design and provision of site hoardings

Management of traffic visiting the site(s) including temporary parking or holding areas

Provision of off road parking for all site operatives

Measures to prevent the transfer of mud and extraneous material onto the public highway

Measures to manage the production of waste and to maximise the re-use of materials

Measures to minimise the potential for pollution of groundwater and surface water

The location and design of site office(s) and storage compounds

The location of temporary vehicle access points to the site(s) during the construction works

The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

Highways adoption

44. Before the first occupation of each building forming part of the development, the following works between that area and the adopted highway shall be completed:

(a) Footways/cycleways, with the exception of the wearing course,

(b) Carriageways, with the exception of the wearing course, including the provision of agreed turning facilities together with related highway drainage, including off-site works,

(c) Junction visibility splays, street lighting, street nameplates and highway structures if any.

The relevant wearing courses shall be completed within one year of the first occupation of the relevant building and the works as completed shall thereafter be retained and maintained.

Reason: In the interest of highway safety

Bus services

45. Prior to the occupation of any built development, details and a timetable shall be submitted to and approved by the Local Planning Authority in writing for the provision of bus stops (and additional bus stops on Waterbrook Avenue) which shall incorporate bus shelters, bus boarders and real time information displays. Details of their maintenance shall be provided at the same time.

Such works shall be carried out to the approved timetable and in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing. The bus stops & displays shall be maintained in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing.

Reason: In order to enhance public transport links to the site.

Archaeology

46. Prior to commencement of development the applicant, or their agents or successors in title, will secure the implementation of the Waterbrook Archaeological Framework in the following phases:

- 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;
- ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- iii) programme of post excavation and publication works.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

Archaeology

47. Prior to the commencement of development the applicant, or their agents or successors in title, will secure the implementation of a programme of archaeological palaeo-environmental work in accordance with a written specification and timetable

which has been submitted to and approved by the Local Planning Authority.

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

Archaeology

48. Prior to occupation, the applicant, or their agents or successors in title, will secure the implementation of a programme of heritage interpretation work in accordance with a written strategy and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly accessible to the public in accordance with NPPF paragraph 141

Groundwater and contaminated land

49. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: We have reviewed the 'Phase 1 Contaminated Land desktop Report' by Ensure (reference EN118/GSE/2017/R1 dated 20 October 2017) submitted to support this application. The report indicates the presence of potentially contaminating activities (aggregate processing and truck refuelling) and

recommends ground/groundwater investigations to assess these. The proposed new petrol filling station will need to be constructed in accordance with current regulations and guidance as indicated in the penultimate paragraph on page 23 of the report.

Groundwater and contaminated land

50. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

Groundwater and contaminated land

51. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater

Foundations

52. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground-waters. We recommend that where soil contamination is

present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

Sewerage SWS (includes surface water) remove surface

53. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and shall be installed in accordance with the approved details.

Reason. In the interests of providing sewerage disposal for the development.

Sustainable design and construction

54. The development shall be carbon neutral. Each building hereby approved shall be constructed to achieve:

a) a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'very good' standard comprising of the following minimum credit requirements:

- i) 'Excellent' standard in respect of energy credits
- ii) 'Maximum standard in respect of water credits
- iii) 'Excellent standard in respect of materials credits
- iv) under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 10% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, no work on each building shall commence until the following for that building have been submitted to and approved in writing by the Local Planning Authority:

- a) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements)
- b) Standard Assessment Procedure ("SAP") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed.

c) A BREEAM 'Design Stage' report and related certification produced by a registered assessor.

d) Details of the measures and LZC and other technologies to be used to achieve the BREEAM credit requirements and credit(s) specified above (as the case may be).

The development shall be carried out in accordance with the approved report and details.

The approved measures and LZC and other technologies for achieving the BREEAM credit requirements and credit(s)) specified above shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no building shall be occupied until a) and b) below have been submitted to and approved in writing by the Local Planning Authority for that building.

a) SAP calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions

b) a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

Reason: In order to: (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPFF

Monitoring

55. 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

Lighting

56. Full details of any external lighting (including fixtures, colours, any phasing, hours of operation) shall be submitted to and approved in writing by the Local Planning Authority before being installed on site; such lighting shall comply with the Institute of Lighting Engineers Guidance Notes in respect of the need to reduce light pollution to a minimum and thereafter such lighting shall be retained and operated maintained as approved. No other external lighting shall be installed without the written approval of the Local Planning Authority.

Reason: In order to avoid unacceptable light pollution of the area

Acoustic barriers

57. Prior to the commencement of the development hereby approved, details of all acoustic barriers, to be erected along the boundary(ies) of the development site, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

Reason: In the interests of preserving the residential amenity of the locality.

Air Quality monitoring

58. Six months Air Quality monitoring shall be carried out on completion of the development, as detailed in SLR Report Ref: 402.07264.00001 of December 2017. The results shall be submitted as a report to the LPA.

Reason: in the interests of residential amenity

Storage

59. There shall be no storage on the site other than within a building.

Reason: In the interests of visual amenity

Industrial processing

60. Industrial processing shall only take place in the building(s) identified on the approved plans.

Reason: In order to preserve the visual character of the property and the amenity of the surrounding area.

Commercial

61. The rating level of noise emitted from plant and equipment to be installed (determined using the guidance of BS 4142:2014) shall be at least 5dB below the ambient background noise level (L_{A90}) during both the daytime and night-time periods. Where there is a tonal element to the noise the rating level shall be at least 10dB below background.

Reason: To protect the amenity of the locality

Commercial and truck stop

62. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

Drainage (1)

63. Development shall not begin in any phase until a detailed sustainable surface water drainage strategy has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and discharged in accordance with the requirements of Ashford Borough Council's Sustainable Drainage SPD. The drainage scheme shall also expressly demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Drainage (2)

64. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards

Drainage (3)

65. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

Public rights of way

66. No development should take place over any public right of way until the confirmation of its diversion or extinguishment and certification of the new route has been provided by Kent County Council.

Reason: To ensure that public rights of way are properly safeguarded in the public interest.

Notes to Applicant

1. Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

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

2. 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.

3. The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.
4. In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.
5. The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.
6. Please be aware that the East Stour, is a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. As of 6 April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Any activities in, over, under or within eight metres of the top of bank may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact the Partnerships and Strategic Overview team at ps0.eastkent@environment-agency.gov.uk or our National Customer Contact Centre on 03708 506 506 or enquiries@environment-agency.gov.uk for more information. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss any issue the matter further with Southern Water, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Background Papers

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

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(01233) 330252 (Mark Davies)

Annex 1



Ashford Borough Council
Civic Centre
Tannery Lane
Ashford, Kent TN23 1PL

FAO: Lois Jarrett – Head of Development Management, Strategic Sites and Design
Roland Mills – Strategic Applications Planning and Development

25th June 2018

Dear Lois and Roland,

Following our recent meetings of the 7th and 21st June, I thought it would be helpful to write to reiterate my comments regarding the urgency and need for the hybrid application at Waterbrook Park to be taken to the July 2018 Planning Committee.

As I outlined at the meeting, the need for the improved Truck Stop facility is pressing, with the locality already experiencing considerable challenges with illegal overnight parking of HGVs on the public highway. Whilst it is acknowledged that the Council's relatively recent campaign to clamp and ticket illegal overnight parking has had some success, there is still a need to provide further controlled and secure parking facilities for HGVs. This is further compounded by the Government's decision to withdraw its plans for a further lorry park at Junction 11 of the M20.

In addition to the above, there is a real prospect that following Brexit on the 29 March 2019, border control measures may be installed at the UK and French ports. Therefore, there is a pressing need to provide additional capacity to ensure that space is provided for any delayed deliveries.

As such, to ensure that the enlarged Truck Stop can be operational for June 2019 there is a pressing need to ensure that a resolution to grant planning permission is given in July 2018. This would allow sufficient time following this for the conditions to be discharged and would enable a start of works in September/early October. As you will fully appreciate ground works will need to be completed before the onset of inclement weather during the winter months. Any postponement and deferral of the scheme to a subsequent planning committee, will likely result in a delay of approximately 10 months to a year before the Truck Stop is complete. This will have massive repercussions not only for Ashford, but also for Kent and the nation, as a whole.

I am grateful for your assistance to date and that we now have agreement on many of the pertinent issues at the heart of the application. I note that my project team will be in contact with you shortly to clarify outstanding minor matters. I hope the above is taken in the spirit it is intended and that this outlines the commercial realities of a delay in the granting of planning permission for this much needed development.

I look forward to hearing from you shortly with confirmation that the application will be reported to the July Planning Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D.H.', written in a cursive style.

Darrell Healey
chairman

Annex 2

d:se

Design Review

**Waterbrook Park
Ashford**



Waterbrook Park, Ashford

Reference: 628-969

Report of Design Review Meeting

Date: 15 June 2017

Location: Kent Chamber Of Commerce, Ashford Business Point, Waterbrook Avenue,
Sevington, Ashford, Kent TN24 0LH

Panel

Liz Gibney (Chair), Urban Designer

Guy Hollaway, Architect

Peter Neal, Landscape Architect

Robert Rummey, Architect/Landscape Architect/Urban Designer

Richard Warwick, Architect

Other attendees

Mark Chaplin, Ashford Borough Council

Jan Oakley Hills, Mersham and Sevington Parish Council

Gavin Murphy, Mersham and Sevington Parish Council

Darrell Healey, GSE Developments

Carleigh Westwell, DHA Urban Design (Outline Masterplan)

Jonathan Buckwell, DHA Planning

Jon Etchells, Jon Etchells Landscape

Mark Kirby, Cannon Consulting (Highways)

Site visit

A full site visit was conducted by the Panel ahead of the review

This report is confidential as the scheme is not yet the subject of a planning application



Summary

There are some strong concepts present in the design presented to the Panel, especially around the role of landscape and water on site. More work is needed to develop these concepts so that they fully maximise the sites assets and enhance land and landscape value. A clearer vision on how built form and landscape are better integrated will help in this regard. How the uses are distributed on site and how they interface with one another needs further work, and an approach to character and architecture for key edges should be developed at this stage.

Background

This review is of an outline application for up to 350 new homes and associated open space, a 600 space lorry park, and office uses. The review comprised of a site visit followed by a presentation by the design team.

Response to the wider context

The proposals provide a clear design framework, which when fully developed, should help to create a high-quality setting for the development. The impressive landscape setting should be the starting point for the design, but at present this element appears to be relegated to the edges of the development, acting as buffers rather than as an integrated part of the scheme. Bringing more of the landscape setting into the interior of the housing area to promote identity would help in this regard.

Water management is a key aspect for the setting and function of this site, and there are some interesting ideas shown. At the moment, the design does not fully capitalise on the opportunities that this brings. A strategy that fully integrates a connected water management network with its role in adding character and identity within the site, that also adds ecological and recreational value, is needed.

Managing the relationship between the residential uses on site and the other adjacent uses is a challenge, and the design team have responded well by giving thought to how the boundaries between uses could work. However, the current relationship between the residential use and the industrial uses in the wider area could be improved. At present, there is not enough differentiation between how these two areas of the site are approached. A distinct and stronger landscape gateway announcing arrival within the residential area would help to improve this aspect of the scheme, moving away from what might be a harsh and uninviting approach to the new homes on site. The current alignment of the existing road should be retained, along with existing areas of mature and semi-mature tree planting. A narrow, traffic calmed street that crosses water could be a way of achieving this whilst bringing the sites water assets to the fore. Whatever the details of the chosen design solution, the aim here should be to ensure a sense of arrival to the new housing, and to make sure that the experience of this differs from arriving in the commercial portion of the site.

Layout and public realm

There are some strong ideas within the design, such as the linear park and the way the residential element of the site sits within a strong parkland setting. However, opportunities to exploit the landscape setting, levels and edges are underplayed. The Panel recommend



looking at reconfiguring the relationship between the commercial/office development and the lorry park, as at present where elements are placed does not maximise the sites assets. The relationship between the linear park and the lorry park is uncomfortable and will likely degrade the quality of the linear park for users. Likewise, the office buildings are placed away from the sites main green assets, meaning that the value of proximity to the landscape is not maximised and people using the offices miss out on what is potentially a very pleasant aspect. Consider moving the offices so that they appear to sit within an expanded parkland, and avoid placing the parking for the offices next to the park edge. Placing the office buildings here would also provide additional visual and acoustic screening from the main road and lorry park for the benefit of people within the park and adjacent homes.

The concept of the linear park is supported, and should be a real asset to the site. However, some of the design decisions shown work against this strong concept. The relationship between the lorry park and linear green space has the potential to be problematic, with lorries backing onto this space. Further thought should be given to the levels across the park, its edge and the detailing of this boundary. This should ensure the security and operation of the lorry park is not at the expense of reducing the width or amenity of the linear park.

Within the lorry park, landscape and particularly trees should be added where possible. A green framework for this space will help improve the experience for users. A lighting strategy that avoids light pollution and keeps the skies dark for the benefit of local residents should be developed, perhaps through motion or on-demand lighting for pedestrians. In time the operation of this facility is likely to evolve as new technology changes how we manage road freight, so a strategy exploring the future-proofing of the lorry park should be considered.

At present, the design of the residential area looks to be overly dominated by the imposition of a loose road structure that works against legibility and way finding. More visioning around what kind of places within the site are to be created is needed, which can then help guide decisions about where to place routes and in what form. The current movement structure lacks hierarchy, so establishing broad placemaking principles across the site will help to solve this issue, improve sight lines and provide traffic calming features within the street to moderate traffic speeds where needed.

The grain of the development needs to have a strong rationale based on how the sites assets are to be enjoyed by residents. There is scope to give every home on this site a strong relationship with its green and blue assets, be it through bringing landscape elements further into the site or through ensuring that the mesh of streets allows for visual links onto the parks and water bodies. The green space planned centrally for the residential area needs a clear character and identity, and a deeper understanding of who will be using this area. Visually linking this space to the parkland edges will help it fit into the wider landscape offer. A landscape strategy is needed that defines recreational, educational and productive uses including the potential for food growing and orchards along with a long-term management framework.

Built form and materials

The main focus of this review was on the layout and setting of the proposal and the lorry park, so elements including architectural form, the selection of materials, sustainability standards, renewable energy and rainwater harvesting were not discussed in detail.



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