



PLANNING COMMITTEE

Notice of a Meeting, to be held as a **Virtual Meeting – on Microsoft Teams** in accordance with Regulation 5 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 on Wednesday, 15th July, 2020 at **5.00 pm (PLEASE NOTE EARLIER START TIME)**.

The Members of the Planning Committee are:-

Councillor Burgess (Chairman)
Councillor Blanford (Vice-Chairman)

Cllrs. Chilton, Clarkson (ex officio, non-voting), Clokie, Forest, Harman, Heyes, Howard, Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward and Wright

Please note: New earlier deadline now in operation

If additional written, pictorial or diagrammatic material is to be submitted to the Planning Committee relating to any item on this Agenda, this must be concise and must be received by the Contact Officer specified at the end of the relevant report, and also copied to Planning.help@ashford.gov.uk, before 3.00 pm on the Monday before the Meeting so that it can be included or summarised in the Update Report at the Meeting. Otherwise, the material will not be made available to the Committee. Material should be submitted as above at the earliest opportunity and you should check that it has been received.

IMPORTANT INFORMATION ABOUT THIS VIRTUAL MEETING:-

Please note the public cannot physically “attend” a Virtual Meeting. However any member of the press and public may listen-in to proceedings at this ‘virtual’ meeting via a weblink which will be publicised on the Council’s website at www.ashford.gov.uk at least 24 hours before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at the Civic Centre. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this virtual meeting will be the Councillors concerned, the officers advising the Committee, and the officers designated to address the Committee on behalf of any objectors, supporters, and Parish/Town/Community Councils and Community Forums affected who have registered in advance to ‘speak’ on the applications to be considered. This will take the place of the usual procedure for public speaking at the Committee’s regular meetings at the Civic Centre. In order to register for this, written notice must be given on the Council’s website at <https://secure.ashford.gov.uk/committeesystem/haveyoursay.aspx> or by email to membersservices@ashford.gov.uk **by 3.00 pm on the Monday before the meeting.**

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(c) and Appendix 4

2. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

3. **Public Participation**

3 - 4

To be informed of any arrangements made for public participation in the meeting, other than those set out in the Scheme of Public Participation for Virtual Meetings, as summarised below:

Summary of the Scheme of Public Participation for Virtual Meetings (referred to as “VMs”)

The public cannot physically “attend” a VM.

H.M. Government has recently changed the public’s legal right to attend meetings into a right to hear, by means of technology, the Councillors attending the VM remotely.

Written notice of a wish to speak (by means of the procedure below) **at a VM must be given, either to**

membersservices@ashford.gov.uk or on the Council’s website at <https://secure.ashford.gov.uk/committeesystem/haveyoursay.aspx>, by 15:00 hours on the second working day before the VM.

Hence, for example, for VMs of the Planning Committee on Wednesdays:-

(i) If there is no Bank Holiday on the Monday preceding the VM, written notice must be given by 15:00 hours on the Monday.

(ii) If there is a Bank Holiday on the Monday preceding the VM, written notice must be given by 15:00 hours on the Friday preceding the VM.

(iii) If the VM immediately follows the Easter Weekend, written notice must be given by 15:00 hours on Maundy Thursday.

Registering to speak at a VM confers **the right to submit a speech** as follows:-

(i) on a first-come, first-served basis, one speech in support of,

and one speech against, an item for decision, or

(ii) as a duly-authorized representative of a Parish Council¹ or Community Forum affected by an item for decision.

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4. **Requests for Deferral/Withdrawal**

5. **Minutes**

To approve the Minutes of the Meetings of this Committee held on 3rd June and 17th June 2020

<https://ashford.moderngov.co.uk/documents/g3863/Public%20minutes%2003rd-Jun-2020%2017.00%20Planning%20Committee.pdf?T=11>

<https://ashford.moderngov.co.uk/documents/g3821/Public%20minutes%2017th-Jun-2020%2017.00%20Planning%20Committee.pdf?T=11>

6. **Schedule of Applications**

- (a) **19/01736/AS - Land west of, New Cut Road, Chilham, Kent**
New Winery and Visitor Centre for Domaine Evremond Winery including vehicular access

5 - 50

¹ The term "Parish Council" includes Town Councils and Community Councils

- | | | |
|-----|---|-----------|
| (b) | 18/01861/AS - Land at Playing Fields and Linden Grove Primary School, Stanhope Road, Stanhope, Kent | 51 - 184 |
| | Outline application with all matters reserved, except the 3 main "Access" points off Stanhope Road into the site, for the construction of up to 205 no. dwellings and up to 64 no. bedroom Extra Care housing, replacement of the Ray Allen Children's Centre, together with the provision of open space, landscaping, drainage, infrastructure and earthworks. | |
| (c) | 19/00483/AS - Harvest House, Branch Road, Chilham, CT4 8DR | 185 - 232 |
| | Full planning application for the erection of 10 2-storey dwellings with associated access, parking, private amenity space and landscaping and provision of 5 no. additional parking bays for use in association with existing surgery | |
| (d) | 20/00039/AS - Land opposite Highdown west of, Mulberry Hill, Chilham | 233 - 258 |
| | Erection of 2 dwellings | |
| (e) | 19/01540/AS - Land rear of Minnis Moor Stables, Scots Lane, Brabourne, Kent | 259 - 274 |
| | Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking | |
| (f) | 19/0997/AS - Land between Doctors Surgery and 80, The Street, Appledore, Kent | 275 - 330 |
| | Proposed development of 12 new two storey dwellings consisting of 8 x 3 bed properties and 4 x 4 bed properties with associated parking, gardens and landscaping works including a proposed village planted linear park and pedestrian crossing. | |

Note for each Application:

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The Parish Council's/Town/Community Council's views
- (c) The views of 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

7 July 2020

Queries concerning this agenda? Please contact membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a Dispensation has been granted in advance, to speak and/or vote).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a Dispensation has been granted in advance, to participate in discussion and/or vote). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency or good governance reasons, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents’ groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, OR having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias (similar to that arising when a Member has made his/her views known in advance of the meeting), and require the Member to take no part in any motion or vote.

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council’s Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If in doubt about any matters that they may need to declare, Members should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer, the Deputy

Monitoring Officer, or other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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¹ The term "Parish Council" includes Town Councils and Community Councils

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| | |
|--------------------------------|--|
| Application Number | 19/01736/AS |
| Location | Land west of, New Cut Road, Chilham, Kent |
| Grid Reference | 06044/54893 |
| Parish Council | Chilham |
| Ward | Downs North Ward |
| Application Description | New Winery and Visitor Centre for Domaine Evremond Winery including vehicular access |
| Applicant | Mr P McGrath, C/O Agent |
| Agent | Mr C Noel, Strutt and Parker, 201 High Street, Lewes, East Sussex, BN7 2NR |
| Site Area | 1.61 ha |

Initial plans consultation

- | | | |
|------------------|-------|--|
| (a) 9/3S, 4R, 3+ | (b) S | (c) KHS/X, KCC LLFA/+, EA/X, SWS/X, KCC PROW/X, BHS/+, AONB/R, ABC ED/S, ABC Tourism/S, CTRG/S, KCC Bio/+, KAS/X |
|------------------|-------|--|

Amended plans consultation

- | | | |
|---------|-------|-----------------------------------|
| (a) 9/- | (b) S | (c) KCC LLFA/X, AONB/R, KCC Bio/X |
|---------|-------|-----------------------------------|

Introduction

1. This application is reported to the Planning Committee because it is a major application by virtue of its size and floor area.

Site and Surroundings

2. The site is within the North Downs Area of Outstanding Natural Beauty (AONB) approximately 1.6km to the north of the village of Chilham and approximately 1km to the west of Old Wives Lees. The wider landholding where vines are either currently or proposed to be planted, covers some

- 91ha. The wider site also includes a number of agricultural buildings to the north at Stone Stile Farm.
3. To the east of the site, running north-south through the valley leading from Chilham in the south to Selling to the north is New Cut Road. To both the east and west of this road the landscape rises to ridges with agricultural production, both arable and horticultural including fruit trees on the western rising slope.
 4. The site itself is split into two distinct components, the western field is currently laid out to fruit trees and the eastern field which falls away gently to the valley floor and New Cut Road, is arable. The landscape is characterised by shelterbelts which are predominately alder. The underlying geology is chalk. The agricultural classification of the land is grade 3 (moderate/good quality).
 5. The landscape more generally is characterised as being within Landscape Character Area 8 of the Kent Downs AONB, which is known as the Mid Kent Downs. This has the following characteristics:
 - Series of wide ridges and steep sided dry valleys
 - Extensive woodland coppice woodlands and large expanses of conifer woodland
 - Original ancient woodland
 - Larger arable fields on the plateaux
 - Hedgerow trees (prominent in parts)
 - Orchards and shelterbelts in places
 - Tiny, scattered villages linked by narrow lanes
 - Hop gardens and parkland
 6. Several public rights of way (PROWs) provide views of the site on approach from the north and from the opposite side of the valley to the east and a bridleway (AE9) crosses the site in a north-south direction following the edge of one of the shelterbelts of alder and joins into the wider PROW network within the area. PROW (AE5) runs adjacent to an unnamed road north of the site. The site is most visible from the public bridleway within the site and from the public footpath AE5. Views are also available from Grove Lane to the north of Old Wives Lees and some public access land on its eastern side.
 7. The trees within the site are largely confined to field boundary shelterbelts and fruit trees in the western field nearing the plateau of the western valley side. The site rises more gently on the western side of the valley from New Cut Road on the valley floor, with a gradient of approximately 1 in 22.

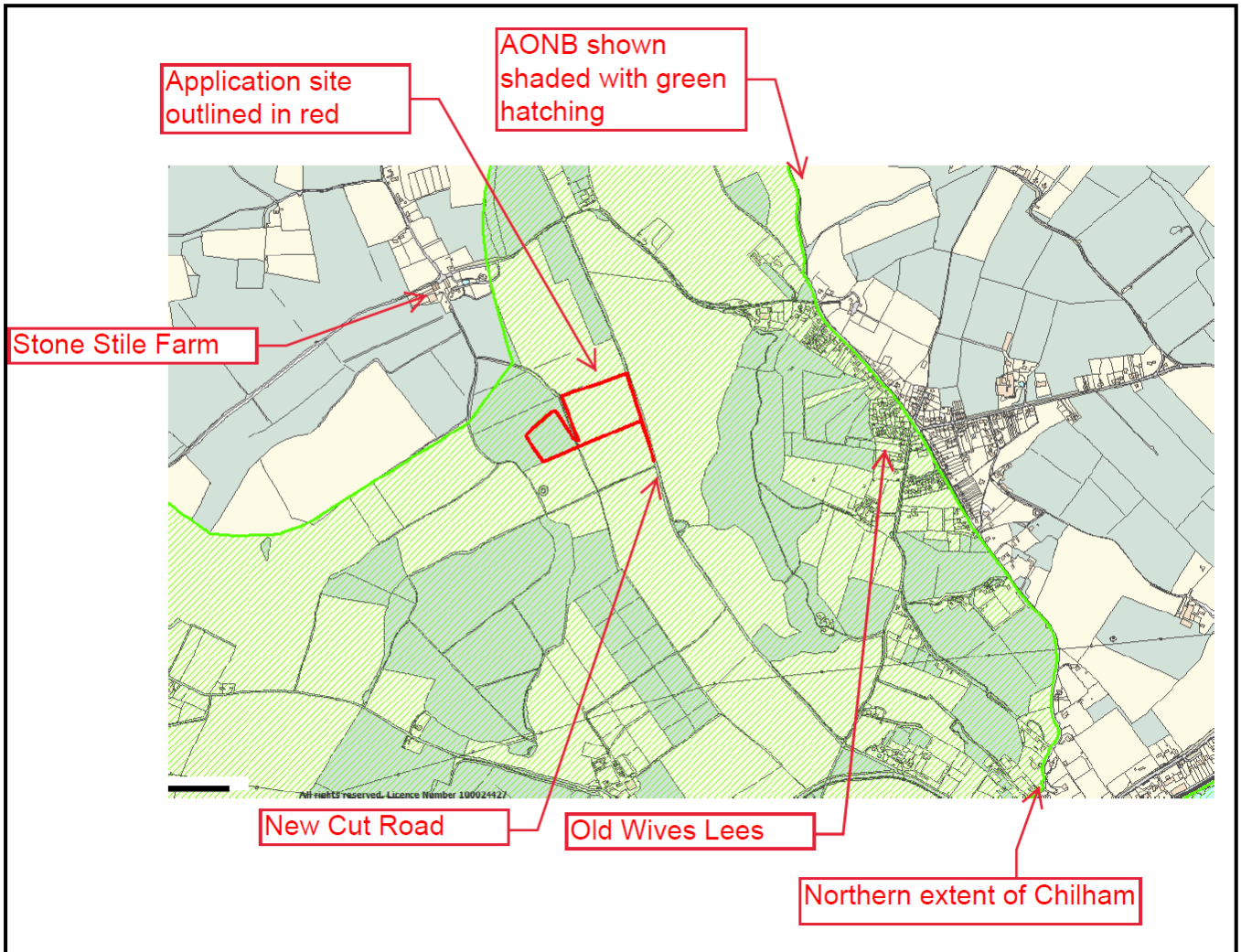


Figure 1 - Site Location Plan

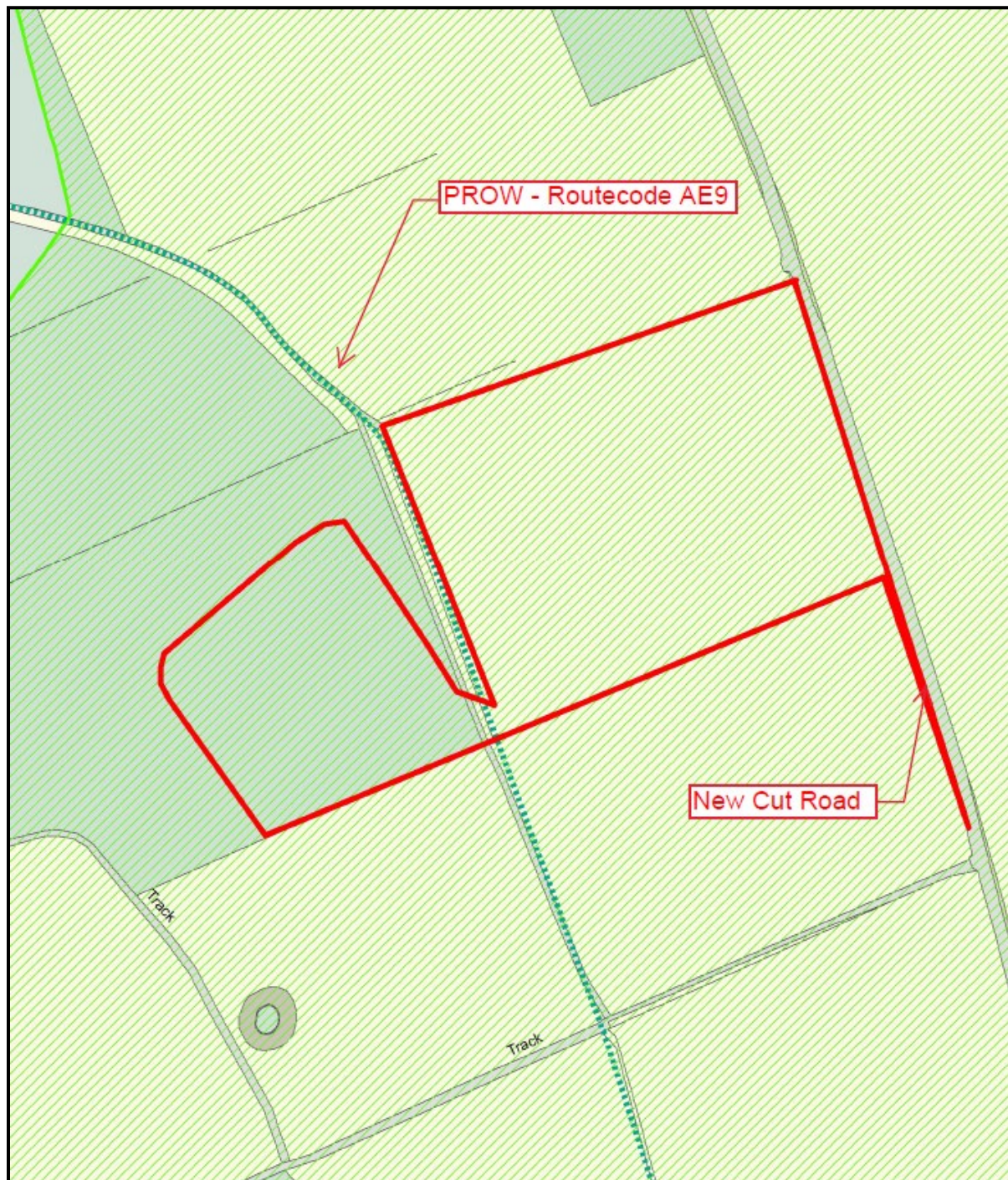


Figure 2 - Site location plan showing PROW AE9



Figure 3 Example of existing Shelterbelts which characterise the site and provide protection for crops and horticultural produce

Proposal

8. Full planning permission is sought for the erection of a winery building with ancillary visitor centre which would be set back from New Cut Road and be served by a new vehicular access and private access road which would necessitate the removal of approximately 250m of the existing road side hedgerow and its replanting to provide the necessary visibility splays. This would be located to the west of New Cut Road. The building would be cut into the rising valley side and be split across two main floors with a mezzanine level. The building would be 42m by 33m with a total footprint of 1390m². The height of the building would be 4.75m above ground level with two thirds of the building located below ground. The resultant spoil from the excavation would be re-distributed onto the lower part of the two fields outlined in the site and surroundings section above. Figure 4 and 5 below show the extent of the site layout together with the proposed landscaping.
9. There would be a total of 32 vehicle parking spaces provided on site. The delivery yard would be 1100m² and located to the north of the building.
10. The application is made on behalf of Domaine Evremond, a partnership between the champagne producer Tattinger and UK based partners, Hatch Mansfield. This project would follow from the success of Domaine Carneros in California. The recent success of English sparkling wines in Kent has resulted from the excellent growing conditions and similar soils to the Champagne region of France.
11. The Winery will process fruit grown on the site into English Sparkling Wine with bottling, aging and disgorging processes taking place. Packaging and labelling will take place for dispatch with a small integrated visitor centre

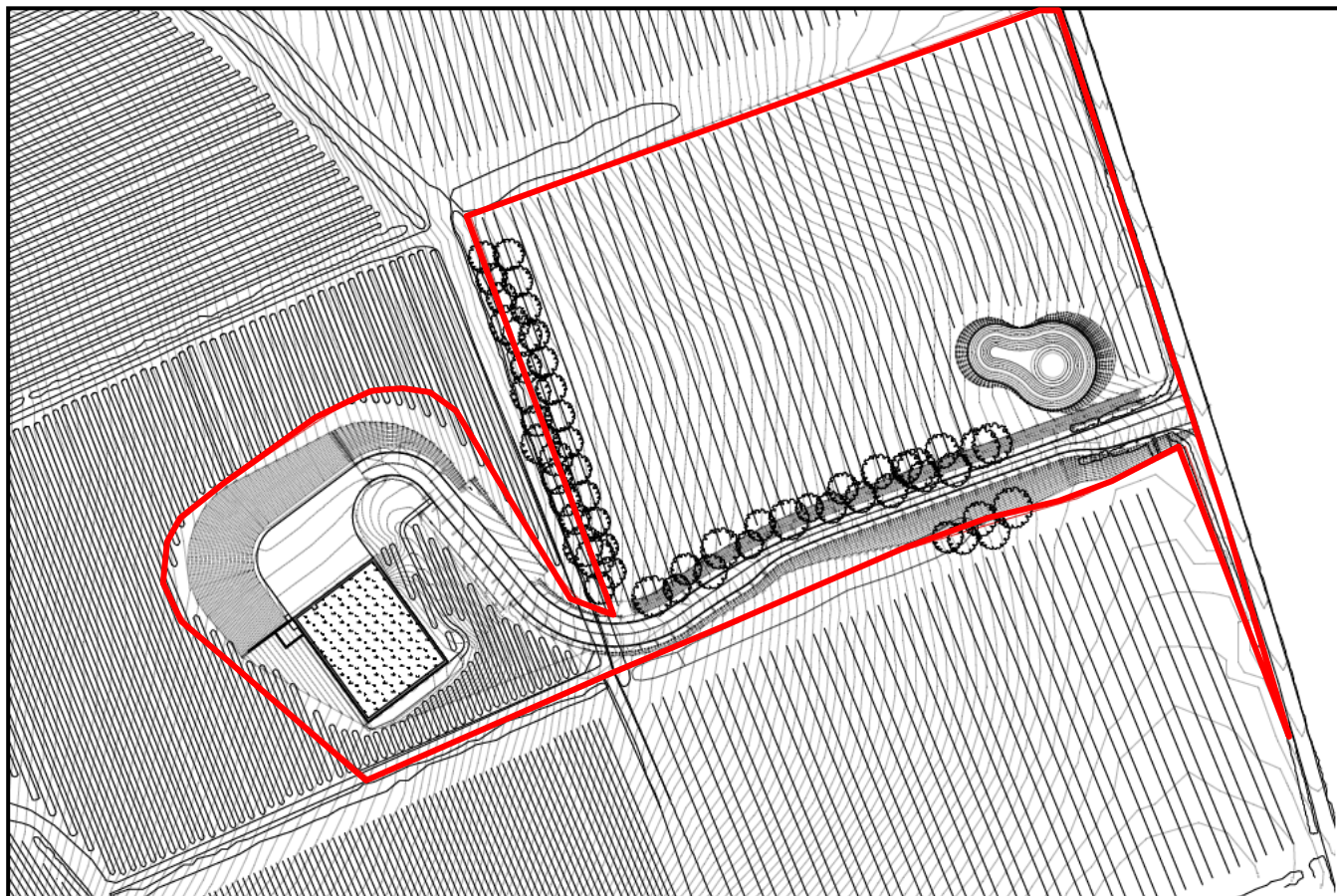


Figure 4 - Site Layout Plan

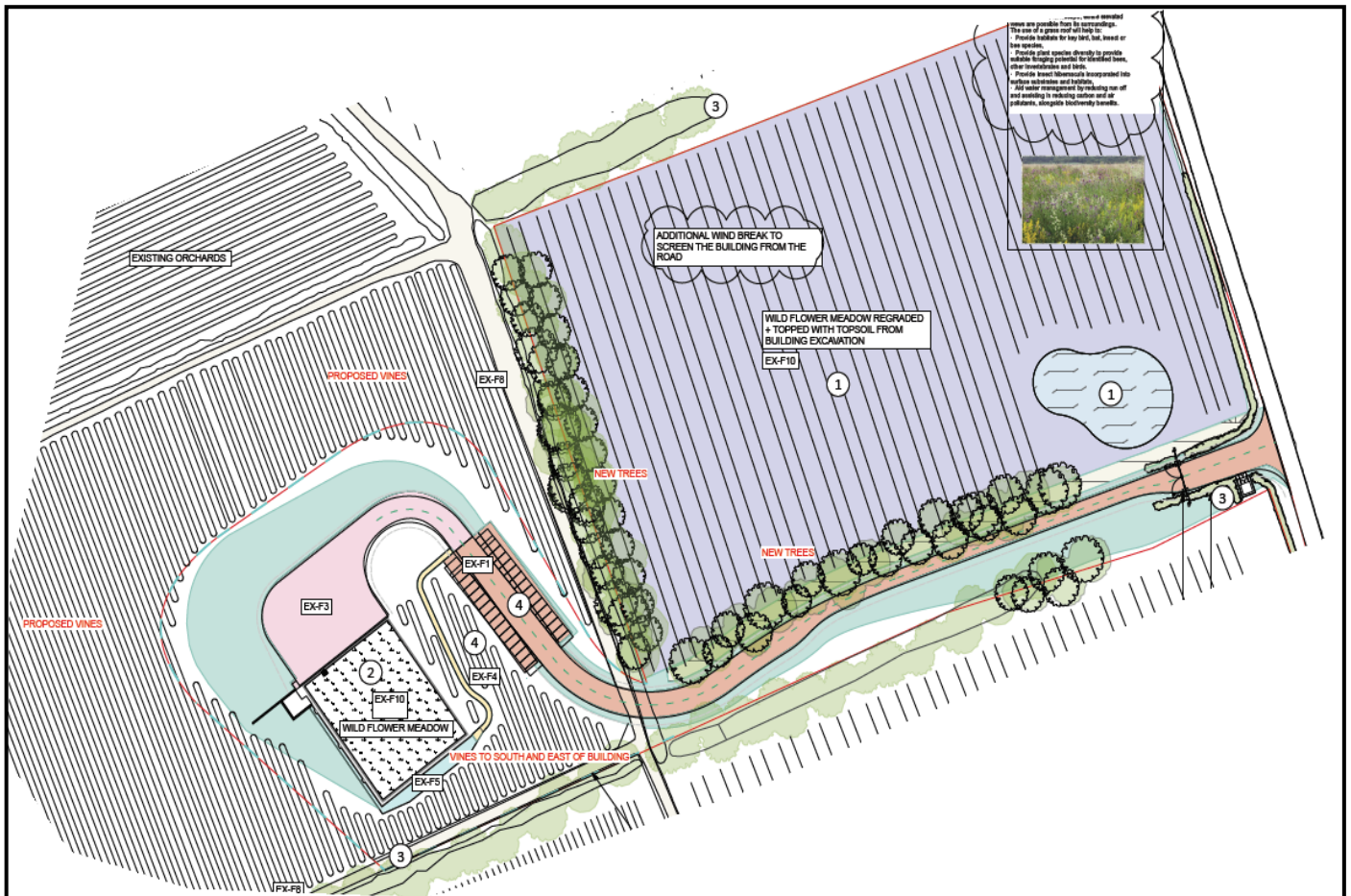


Figure 5 - Proposed Site Layout Plan with landscaping



Figure 6 - CGI of building from Bridleway



Figure 7 - CGI of building from north - delivery area and car park



Figure 8 - CGI of building on approach

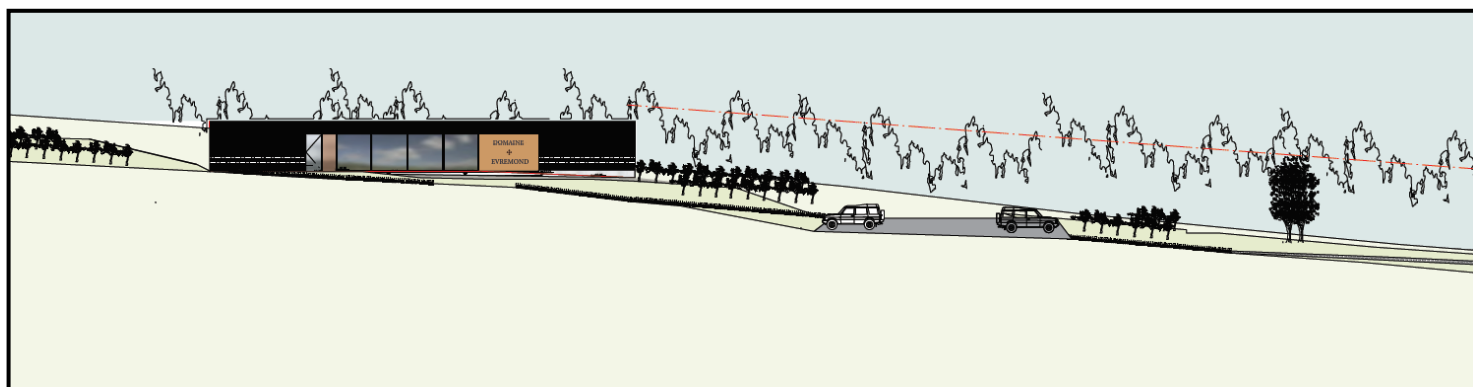


Figure 9 - Elevation – South including car park and landscaping

12. The basement of the building would be used for stock and the floor above ground would incorporate the visitors centre with views across the vineyards which are on the eastern side of the valley.
13. The location of the building is of paramount importance, which for practical reasons is required to be located in close proximity to the vineyard, requiring the grape pressing process to take place as soon as possible after harvest to minimise oxidation and potential damage. The location of the vineyard has been specially selected due to the soil conditions being similar to that of the Champagne region in France. The appearance of the building in terms of scale and dimensions is dictated by the functional requirements and in that gravity plays an essential part in the process of wine making which could not be achieved in a more conventional location such where a largely subterranean could not be accommodated. There are certain size and layout requirements dictated by the scale of production required. This has resulted in a significant subterranean element.

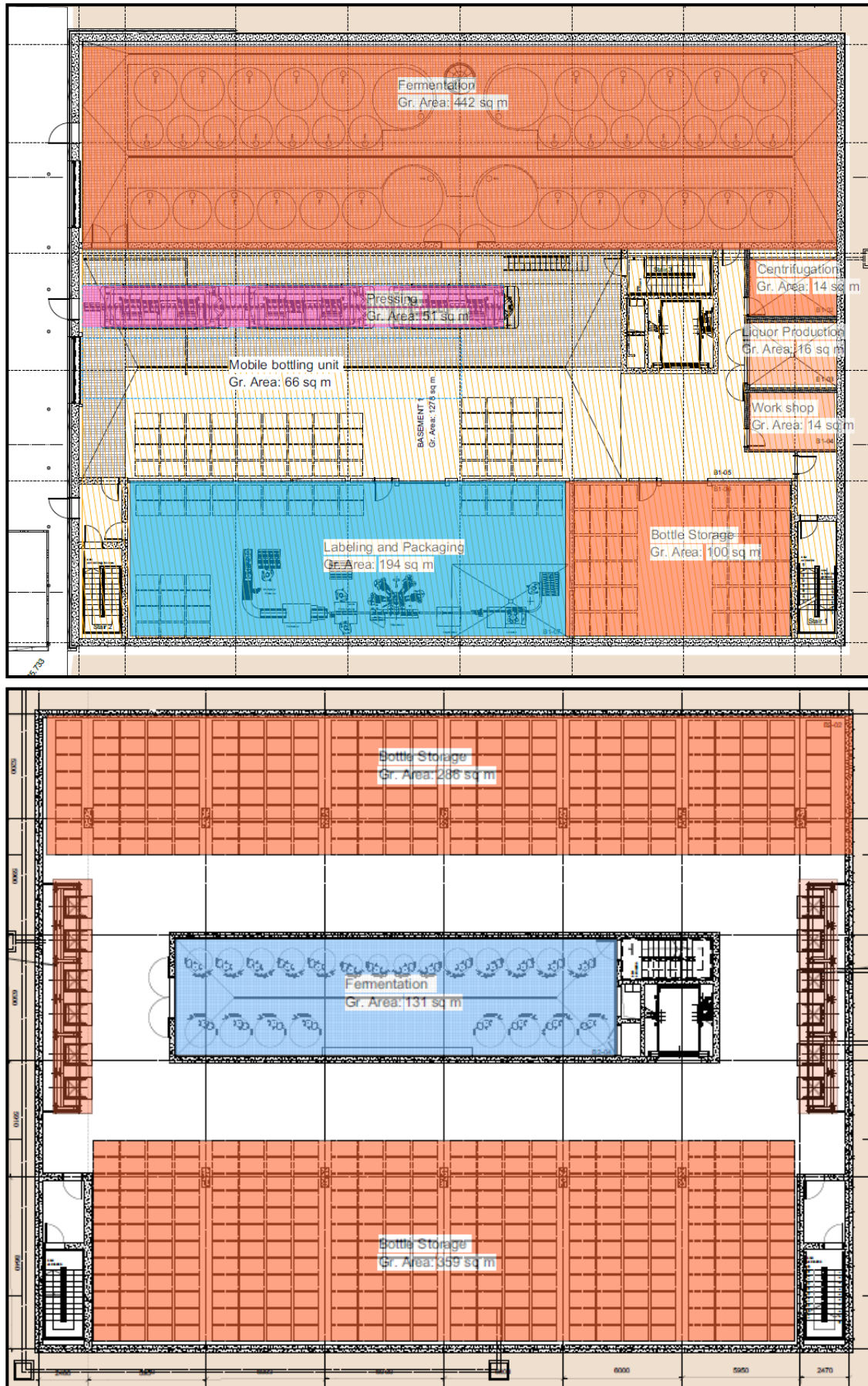


Figure 10 - Basement Floor Plans

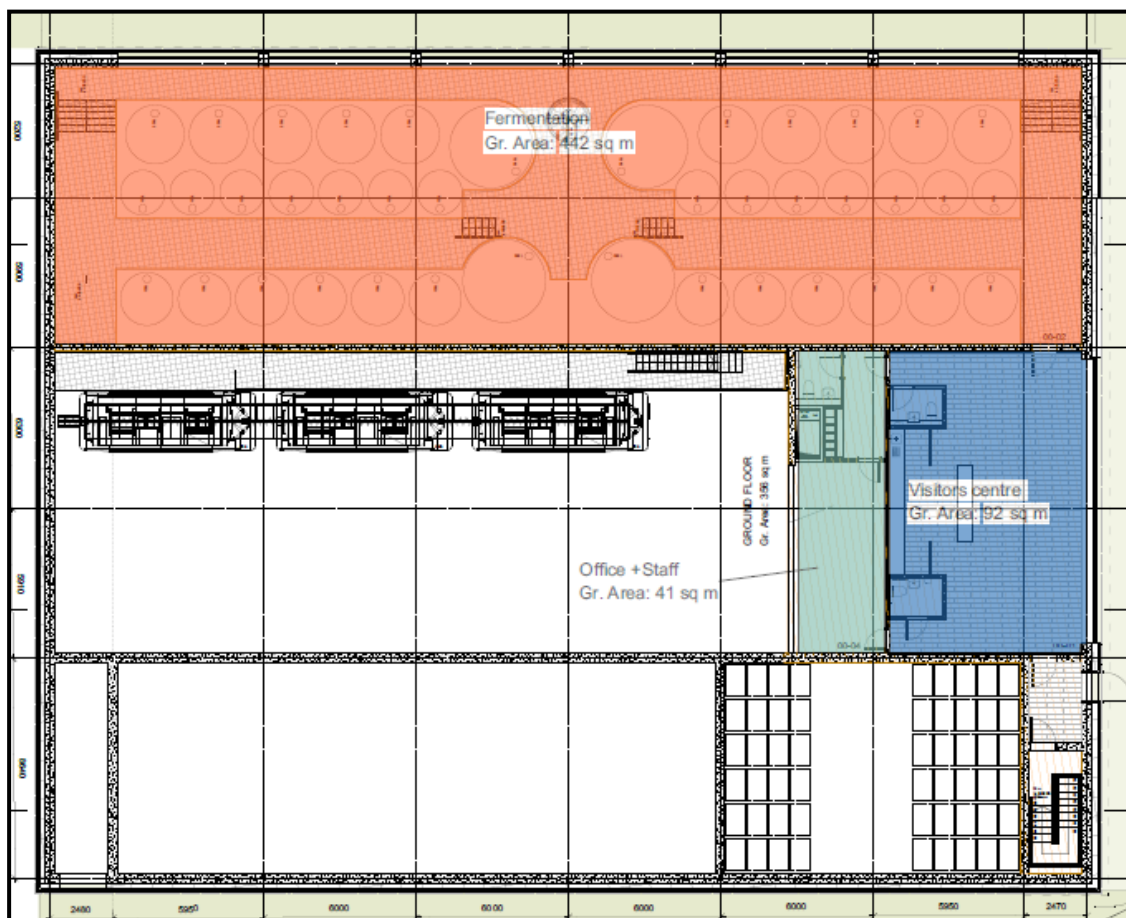


Figure 11 - Ground Floor Plan

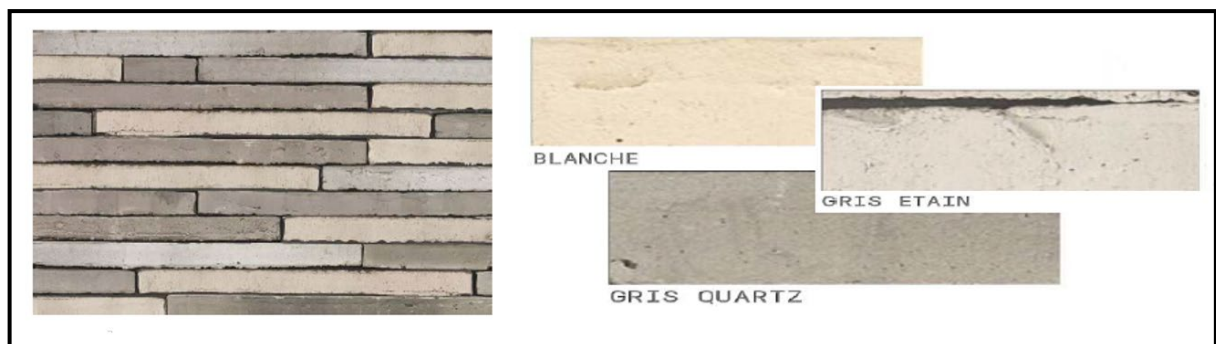


Figure 12 Proposed composition of brick for the facade of the building

Following discussions between the applicant and the Kent Downs AONB Unit, amendments have been made to the appearance of the building. Originally it was proposed that the roof of the building would be sedum, this has now been amended to a chalk grassland roof. The facing material of the building would be a hit-miss chalk brick which has been developed and specially selected to compliment the underlying chalk geology. The colour of the brick has since been amended to reduce the prominent of white and soften this through the introduction of a blended combination of 3 different bricks (Figure 12).

14. The application is accompanied by supporting documents, the following of which are summarised in turn below:

- Planning Statement & Design and Access Statement
- Viticulture Statement
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Preliminary Ecological Appraisal & Ecological Mitigation and Enhancement Plan
- Flood Risk Assessment
- Drainage Strategy
- Lighting Strategy
- Transport Statement
- Travel Plan
- Construction Management Plan
- Heritage Appraisal & Heritage Desk-Based Assessment
- Utilities Infrastructure Statement
- Sustainability Report
- Geotechnical Report

Planning and Design & Access Statements

15. The proposed building would be a 1390sqm winemaking facility with a small ancillary visitor centre. It would be located 1.5km north of Chilham and 1km west of Old Wives Lees within the North Downs AONB. The site is rural with arable and horticultural and grassland uses. The wider site covers 224 acre (91 hectares). The application site is partly used for apple orchards separated by shelterbelts or alder trees approximately 5-7m high. Site topography rises from east to west (approx. 30m).

16. The site was selected following a search which began in in 2014 and in May 2017, 50 acres of Chardonnay, Pinot Noir and Pinot Meunier grape varieties were planted. The first harvest has already taken place and the first release of Domaine Evremond English Sparkling wine could be in 2023.

17. It is essential in the wine making process for the grape pressing process to take place as soon as possible after harvest and therefore wine making facilities are generally located on the site or in close proximity to vineyards. Domaine Evremond intends to produce the very best English Sparkling Wine of a world-renowned quality, and as such, the location of the building is paramount to the project's success.

18. The primary purpose of the building is for wine production. The design of the building has been carefully considered given its location. The proposed brick façade would reflect the surrounding chalk down lands on which the building

sits. The specific size and layout is dictated by the production method. There would be a small ancillary visitor centre by appointment only.

19. The proposal has been subject to pre-application advice and a wide range of consultants. The LPA confirmed not EIA development. Pre-application advice from KCC Highways and Transportation did not raise issues but sets out key points for consideration. Local Stakeholders and the Kent Downs AONB Unit contacted prior to submission. It is considered the development would comply with the relevant policies in the Local Plan and guidance within the NPPF.

Viticulture Statement

20. The statement sets out the justification behind the location of the Winery on this site which has been specially selected for vines to be planted due to the underlying geology and climate. Several acquisitions have been made of land close to the site which will be capable of producing 400,000 bottles a year. The building is located in the centre of this wider estate which is the logical location reduces the impact on the fruit harvested to ensure a high quality product.
21. The subterranean design is unique in comparison to other often industrial buildings for such production found elsewhere in the UK. As a result, less energy is required because it is easier to control temperature, reducing the carbon footprint of the production process. Wine can be produced through a gentle gravity feed rather than pumping which would be the case on an industrial estate where gravity cannot be used.
22. The location of the building close to the vines on the same site would reduce traffic impact on wider road network as processing takes place on site in close proximity to the vines. The grapes can be pressed more quickly if the processing occurs on site. There would also be a boost to tourism in the area, which would not be possible if the processing took place elsewhere, away from the vines, which is a unique feature of the visitors centre and which would benefit the rural economy.

Landscape and Visual Impact Assessment

23. Key issues are the view of the site from near and wider public vantage points, the impact on the designated landscape and how this will be mitigated in accordance with Local Plan and NPPF. The site is within LCA 8 of the Kent Downs AONB – Mid Kent Downs with the following characteristics:
 - Series of wide ridges and steep sided dry valleys
 - Extensive woodland coppice woodlands and large expanses of conifer woodland
 - Original ancient woodland

- Larger arable fields on the plateaux
- Hedgerow trees (prominent in parts)
- Orchards and shelterbelts in places
- Tiny, scattered villages linked by narrow lanes
- Hop gardens and parkland

The key character objectives in LCA 8 including:

- Manage and restore hedgerows, trees and woodlands, especially in valleys
 - Conserve small scale of the roads and village and the remote quality of the countryside
 - Maintain the existing diversity of orchards, hop gardens and control urban fringe pressures
24. The site is a rectangular parcel of arable land to the east and an irregular shaped parcel of land used for the horticultural growing fruit to the west. Alder shelterbelt separates the two fields and is 7m in height (figure 3). Southern boundary is defined by alder shelterbelt (6-9m in height). Eastern boundary is defined by an alder hedgerow which separates the site from New Cut Road with a short break in north eastern corner to provide access into the field. Northern and western boundaries of the western parcel are undefined on the ground with alder shelterbelts defining boundaries of the wider field to the north and west. Visibility is from near distance from the east, including opposite valley side and public rights of way. Long distance panoramic views are possible from highpoints within wider landscape, the site's southern boundary shelterbelt can be seen although the rest of the site is screened from view. The site's field boundaries provide a good level of containment, particularly surrounding the site's western field. The site is assessed as being of Very High landscape quality and sensitivity. There is limited public access along the short section of PROW which runs through the site.
25. The suitability of the site to accommodate development is mitigated through the design of the building which is two thirds sunken into the ground and the green chalk roof which will sit below the shelterbelt to the south. Parking is located the east and service yard to the north of the building. This will be softened through the retention of existing vegetation and with replacement native instant hedgerow planting. This will include:
- Proposed new shelterbelt planting to extend the existing shelterbelt.
 - New hedgerow along perimeter of the car park.
 - Infill native tree planting to gap-up breaks.
 - New orchard planting between the building and parking area to filter views from the east.
 - Mitigating losses around the site access through new planting.
26. Visibility of the site are generally limited other than for near vicinity. This is outlined in turn below:

- **North** – PROW AE9 crosses the site, with views filtered by the new orchard, hedgerow and further northwards, by the shelterbelt. The shelterbelt will screen the site from wider public vantage points along the PROW network within the vicinity.
 - **South** – PROW AE9 continues south looking north towards the existing shelterbelt, screening the site building. Near distance views will be possible during winter months with infill tree planting to reduce these glimpsed views as it matures. The site will not be visible from middle distance views from highpoints along AE22 with the retained southern boundary shelterbelt screening views. Also screened from long distance views from PROW AE54 by the retained southern boundary shelterbelt.
 - **East** – views from New Cut Road will remain predominately screened by replacement instant hedgerow along the eastern site boundary. Views from existing field accesses of the hay meadow and access road will be increasingly filtered by new shelterbelt planting as it matures.
 - **West** – not visible from short sections of the PROWs on and around The Mount (to the north of Shottenden) where views eastwards are currently possible, with intervening vegetation screening views.
27. AONB is recognised as a landscape of the highest quality under the NPPF paragraph 172. The development would result in loss of a relatively small land area currently used for fruit trees. The proposed building is inherently linked to the surrounding fruit growing fields. The retention of the shelterbelts will provide containment and would be characteristic of the local landscape and the Kent Downs AONB. Retention of the existing PROW alignment with new planting would mitigate visual impact and filter views. There will be an incremental change to the wider landscape of the Kent Downs AONB. Views from the eastern side of the valley will be partial, beyond New Cut Road, although where elevated views are possible, they will be of the building's green roof and upper part of the eastern façade. As planting becomes more established and mature, it will further filter views and screen the site, helping to integrate the proposals into the landscape.

Arboricultural Impact Assessment

- Beyond the boundary is Ancient Woodland (250m to the south)
- 1 tree, 1 group of trees and 6 hedgerows were recorded on site in accordance with the recommendations of BS:5837
- Tree is a roadside Yew Tree outside of the application site and is categorised as an 'A' quality tree.
- The commercial orchard is significant but of limited ecological quality or visual importance and this is a young crop of trees which are small and not visible outside of the site and is 'C' category and is to be removed.
- Some of the Alder hedgerow and shelterbelt will be removed to facilitate the access to the site.

- Impacts on retained trees would be protected during construction.
- Service installation these would enter/egress the site along the proposed access road and not impact on any trees.
Ground level changes would be to the east field and construction of the access road will require amendments to ground levels, none would be within close or within the RPAs of retained trees.

Preliminary Ecological Appraisal & Ecological Mitigation and Enhancement Plan

Protected & Notable Species

- No record of Great Crested Newts within 2km of site.
- All four widespread species of reptiles recorded within 2km of site.
- Hazel dormouse recorded in nearby woods the closest being 200m to the north-east and 800m from the site.
- No records of Badgers required.
- Nine species of bats within 5km.
- Good diversity of bird species within 2km of site.
- Records of hedgehog and brown hare within 2km of site.

Phase 1 Habitat Survey

Bats

- No buildings within red line, the hedgerow trees lack suitable features for bat roosts due to their age.
- No evidence how bats foraging/commuting cross/use the site but potential for overlap with site. Use of insecticides at other Kent apple orchards provide evidence bats do not use them.
- Linkage to ancient woodland from hedge network gives moderate suitability for bat foraging
- Opportunity for enhancements on new building and mature trees for bat boxes
- Artificial light can remove foraging and commuting areas with recommendations to mitigate.

Badgers

- Evidence of setts on the site.
- Mitigation includes avoiding work within 20m of sett locations.

Great Crested Newts

- Largely unsuitable habitat for reptiles.
- Internal boundary treatments likely to support reptiles. Lack of open water reduces probability of presence of grass snake, but slow-worm and common lizard are likely to occur and adder, which is recorded nearby.
- Reptile mitigation strategy will likely be required by condition.

Dormouse

- Dormouse suitable habitat outside of red line but within wider area.
- Additional hedgerow can be planted to provide enhancement.

Birds

- Priority bird habitat exists on site
- Surveys were too late in the season to detect evidence of breeding and too early for assessment of winter use of the site
- 22 species using the site
- Enhancement to the arable farmland through a suitably worded condition

Effect on habitats

- Hedgerows, lowland mixed deciduous woodland and lowland calcareous grassland can be mitigated to meet ENV1.

Flood Risk Assessment

- Upper layer of Clay and Silt with a bedrock of Seaford Chalk formation and the site is underlain by a principle aquifer
- Site is in Floodzone 1 and the development would be appropriate for the floodzone. Flood compensation would not be required.
- Foul water will be discharged to a package treatment plant.
- Surface water will discharge to a gravity drainage system through infiltration.
- The infiltration basin could act as a balancing pond dependent on geotechnical infiltration testing.
- Development is not precluded on flood risk grounds.

Drainage Strategy

- Site falls 1 in 22 across the area of proposed development (on average).
- Site is within Outer Protection Groundwater Zone II.
- No existing foul or surface water sewers within close proximity to the development.
- Foul will be via a package treatment plant
- Surface water will be via green roof and a SUDs pond with details of maintenance and management outlined.

Lighting Strategy

- The building is approx. 250m from the highway, is submerged with external lighting to illuminate the building including walkways, roadways and car park.
- The proposed lighting is designed in accordance with policy ENV4 and Dark Skies SPD.
- The site is rural and artificial light spill needs to be minimised
- The access road is not to be lit

- Car park lighting and service yard to be during normal working hours and controlled by time clock between 07:00-22:00 only.
- Internal lighting overspill will be limited through hit and miss brick work

Transport Statement

- New Cut Road is capable of accommodating larger vehicles and the site access would accommodate a 16.5m vehicle.
- Over the past 5 years up until 20/06/2018 no accidents along the site frontage have occurred.
- 32 car parking spaces are proposed on site for staff and visitors
- Day to day maintenance requires 3 staff, this will be higher during peak season.
- Stock would be bottled once a year and stored to mature for 3 years.
- Stock will be shipped in full loads to a distribution warehouse every 2 to 3 months and consolidated with delivery of other wines
- The visitor centre is low key and accommodating wine experts.
- Vehicle movements would be low with a worst case scenario result in 32 vehicles travelling to/from the site and would not result in a significant impact on the road network.
- Pre-application advice has been provided by KCC Highways who raise no objection.

Travel Plan

- Produced to help visitors and staff to the site to become more informed to minimise adverse impacts.
- Aim is to engage and encourage users of the site to use more sustainable modes of travel to/from the site.
- Measures will include incentives to change behaviour positively and disincentives to continue any non-sustainable travel behaviour.
- Travel Plan to reduce single vehicle occupancy visits and Welcome Pack for staff would be provided.
- Seasonal workers would have organised transport or encouraged to car share.

Construction Management Plan

- Construction phase to take 44 weeks and fit out 24 weeks.
- Construction vehicles would enter and exit the site using New Cut Road, joining the A252 with choice to travel either east or west along the A28
- Swept path confirms no issues for vehicles accessing and egressing the site
- Construction between 08.00-17.00
- No hoarding is proposed given the distance from the highway

- Waste management will be coordinated by a designed person and collected by licenced carrier
- Soil excavated will be dispersed across the site
- Wheel cleaning will be provided on site
- Debris on site will be damped down with hoses to reduce dust
- Liaison will be carried out with local interested parties
- No materials will be stored on the highway with an area for storage provided on site

Heritage Appraisal & Heritage Desk-Based Assessment

- The proposed building is located on the supposed site of a medieval manor, Shillingford Manor
- Earthworks were recorded here in the early 20th Century but much of these have been levelled later that century.
- Surviving below ground remains are likely to be of a significance commensurate to a non-designed heritage asset.
- Heritage Assets identified include Grade II Little Stone Stile Cottage (600m to north), Three Beeches (850m north west) and Grove Cottages (950m north east)
- Non-designated assets include Shillinghold Manor
- Archaeological remains can be recorded if found.
- The current use of the site would preclude standard archaeological evaluation techniques unless the landowner was willing to remove the existing crop.
- It is not considered that the construction of the winery building would not adversely impact on any designated heritage assets.

Utilities Infrastructure Statement

- There is no water supply to the site
- Supply will below ground
- Cold water storage and booster tank will reduce pressure at peak times on local supply
- There is no gas connection but this is not required.
- Electricity and telecommunications will be required with the former provided underground and broadband provided via a wireless broadband provider and therefore no groundworks would be required.

Sustainability Report

- Building is designed to reduce energy consumption through high levels of insulation and air permeability to reduce heat loss.
- Building is buried into the ground to enhance the ability to maintain a constant internal environment.
- Green roof would result in ecological enhancements.

- High efficiency lighting, pumps, fans and other plant with controls to ensure they operate when required.
- Low and zero carbon technologies were not found to be feasible given the location in the AONB.
- Heating and hot water would be from ground source heat pumps.

Geotechnical Report on Ground Investigation

- Development will be cut into the existing rising topography
- Site is underlain by Seaford Chalk Formation.
- Features due to acid rain and groundwater result from dissolution.
- Surface Water disposal further investigation and permission from the Environment Agency could be required before concluding the locations of soakaway chambers (also see Drainage Strategy)
- Soil samples concluded that the underlying groundwater condition was likely to be classified as static
- No contamination reported

Planning History

19/00005/EIA/AS – EIA Screening Opinion - Proposed development of a winery building to be located on land previously used for a fruit farm – Environmental Impact Assessment not required – decided 18/06/2019

Consultations

Ward Member: Cllr Dehnel has not made any comment on the application

Chilham Parish Council: support but have some reservations regarding the external appearance in the AONB setting which may not be sufficiently sympathetic.

Amended plans: no further comments have been received in response to the amended external facing materials.

KCC Highways and Transportation: raise no objection with the following comments:

- The level of vehicle movements do not raise concerns.
- Existing HGV and agricultural vehicles are associated with the site and other sites on New Cut Road and do not cause concern.
- Visibility splays are supported by a speed survey and are acceptable.
- Parking provision is adequate and service yard acceptable.

- Conditions requested for visibility splays, bound surface, construction management plan and vehicle parking spaces.

KCC Flooding & Drainage: initial comments received regarding the use of boreholes on the site for infiltration of surface water from the development and the depth of groundwater to ascertain if there would be any interaction between the two.

Upon receipt of amended plans KCC have commented that testing of the ground conditions would be required prior to the commencement of the development. Upon further comments from the applicant, KCC agree that this would not be possible as it would prevent ground works commencing to enable the additional information required by condition being provided. Having re-worded the condition, KCC raise no objection.

Environment Agency: no objection subject to conditions relating to groundwater and contamination given the scale of the development

Southern Water: general comment received regarding the disposal of sewage and consultation with the EA and SUDs to be considered by the relevant technical consultee.

KCC PROW: no objection subject to condition regarding the visibility for users of PROW AE9 which crosses the proposed access road.

British Horse Society: general comment received regarding the impact of the development upon the PROW AE9 and sightlines similar to those received from KCC PROW.

Kent Downs AONB Unit: initial comments raised objection making the following points:

- Designated landscape protected by paragraph 172 of the NPPF, great weight should be given to conserving and enhancing their landscape and scenic beauty.
 - Policy ENV3b requires AONBs to be conserved and for development to conform to the relevant AONB Management Plan.
 - AONB Management Plan is a material consideration in planning decisions.
 - Outlines the relevant policies in the Management Plan
 - Site is isolated, away from existing built form
 - The valley is unspoilt and typical of the local landscape character.
 - Elements of the building above ground would have the potential for adverse impacts on the AONB.
 - Careful consideration will need to be given as to whether the development is a Major development for the purposes of consideration against paragraph 172 of the NPPF.
 - The landscape and visual impacts are not adequately addressed at present.
- [DMM comment:** an LVIA was submitted shortly after and further comment provided by the AONB Unit, see below]

- The D&A statement contends that there are 'minimal views of the site across the valley, however, the majority of views are largely restricted by the rising landform and dense intervening field boundary vegetation'
- Failure to consider impact of views from Grove Lane
- Vegetation would not screen or filter views of the development
- If the principle of the building is accepted in this location the design should be more in keeping with the sensitive landscape
- The proposed facing brick would make it very apparent within the landscape due to its white colour
- Use of chalk coloured brick is not characteristic of the location as there is no exposed chalk in this location.
- Unfinished timber, flint, soft red brickwork would be recessive and appropriate.
- Concern over the use of a sedum roof as this is not characteristic of the location and can take on a red hue when dry which would contrast with the natural colours of the landscape.
- Introduction of lighting is concerning including of the access road which is not in accordance with the AONB Management Plan and the currently unlit skies in the locality.
- Re-grading of the field adjacent to New Cut Road with the spoil from the excavated materials is unclear and further information is requested.

Further comments submitted following the receipt of additional information including the LVIA and discussions between the applicant and the AONB Unit:

- Welcome the provision of the LVIA [**DMM comment:** omitted in error at time of submission]
- Site is visible from near distance views from east, including opposite side of valley.
- The Grove Lane and the Access Land is not included despite the higher topography of this land results in view of the application being readily apparent.
- Grove Lane is publicly accessible [continuation of route code AE3].
- There are few visual detractors due to the isolated nature of the site from built form.
- The new access will be visible from the majority of PROW AE5 to the east of New Cut Road.
- The LVIA concludes there would be a moderate-adverse effect to the landscape character whilst landscaping establishes and this would reduce to moderate-slight adverse by Year 15.
- We do not agree with the conclusion this would reduce at Year 15.
- A large scale building would not be in keeping with the settlement pattern and there would be a moderate adverse effect in both year 1 and 15.
- The site access and building would be visible from PROW AE5 along its upper route.
- The users of the footpath would have their attention altered to focus on the building and from the Open Access Land on Grove Lane. This would result in a significant impact.

- A more muted facing material would help mitigate the visual intrusion and integrate the building into its surroundings.

Amended plans: objection raised making the following points:

- Welcome the changes to the roof from sedum to green grass
- Amendments to the brick have not altered original concerns as the appearance would remain a pale colour facing material
- The proposed material would be unacceptable in sensitive isolated rural location within nationally designated landscape
- Additional planting will not fully obscure the building from view due to the rising topography
- Do not concur with view of LVIA that the magnitude of change to views from Grove Lane would be slight

ABC Economic Development: support comment received making the following points:

- Viticulture is an important part of the UK and Ashford economy and is a growing industry nationally.
- Ashford Borough has 18 listed vineyards, highlighting this importance.
- Only 4 of these offer wine tasting events or public tours.
- 4 of the 7 Visit Kent "Wine Garden of England" are located in Ashford Borough.
- Evremond is a member of this cluster of wine producers and has a globally recognised brand and is key to the supporting of the local economy and tourism offer.
- The proposed development would support 30FTE jobs
- It is considered the development would comply with EMP5 of the Local Plan with processing of the grapes on site, reducing vehicle movements between the vineyard and its processing unit.
- It is unviable to provide FTTP given the location.
- Support tourism in accordance with EMP11, making Ashford a destination for visitors to the Borough.

ABC Tourism Manager: support comment received making the following points:

- Support comments made by ABC Economic Development
- Importance of tourism and in particular wine tourism
- Tourism is worth £293million in 2017 to Ashford Borough.
- 4.4million trips (day and staying) with day trip spend contributing £141million and overnight stays £41million to the local economy.
- 4,271 FTE jobs supported and represent 10% of all employment in the Borough in 2017.
- The new Winery would help to support an increase in day visits and importantly extended overnight stays.

- Wine tourists tend to be higher spenders and visit more than one vineyard and/or historic property/garden, eating out and purchasing directly from the vineyard.
- Could support the 'Cheers' wine trail to promote the Borough's growing vineyard and brewery offer.
- The development would support tourism and the rural economy in a sensitive way to the natural environment and respects the heritage of the surrounding area.

Chilham Tourism and Retail Group: support the development subject to agreement from ABC with the following points raised:

- Rural village struggle to survive in current economic climate
- Local businesses need visitors including public houses, tea shops, holiday lets, village stores, hotels and B&B accommodation.
- The proposed development will draw much needed additional interest in the area and increase tourism.
- Employment is the largest source of employment in the Parish.

KCC Biodiversity: general comment received requesting additional information in relation to ecological enhancements and lighting. Note that the required surveys have all been completed. Details regarding Badgers is required to be provided as this is redacted.

Following the receipt of amended plans: KCC Biodiversity advise that the ecological enhancements have been clarified but details regarding external lighting needs further information and amendment. The additional information confirms no harm to badgers subject to condition. Conditions will be confirmed upon receipt of additional information.

Further clarification was provided in respect of lighting: KCC Biodiversity advise the following: The light spill within the majority of the site will be less than 1lux and it is only the areas adjacent to the car park/hardstanding which will be higher than this. Therefore satisfied, subject to condition no harm to bats. A condition is recommended if there is a delay to the commencement of works, confirmation there is no need for an updated Ecological Mitigation Plan should be submitted to the LPA.

KCC Heritage: no objection subject to a condition for an archaeological field investigation given that the site lies within an area of multi-period activity including Romano-British and Medieval settlement. Whilst the site may have been disturbed by horticultural activity, some below ground earthworks and cultural material may survive.

Neighbours: 9 notified; 3 letters of support received raising the following comments:

- Strongly support the principle which will bring employment and economic development to Chilham and encourage tourism.

- This is the third vineyard in close proximity to Chilham and Chilham's Future Delivery Board believes this creates a synergy which will particularly help the area.
- Resident of Old Wives Lees who uses PROW AE9 which crosses the site, I strongly support the proposed development.
- The Domaine Evremonde Estate lies next to our land at Hawkins Rough and I support the scheme.
- The proposed development would build on agricultural land

4 objection comments received raising the following comments:

- Note the strong objection from the AONB Unit.
- The development is addressed as a major development but is not considered for the purposes of the EIA screening opinion to be a major development **[DMM comment: the development proposed exceeds 1000sqm of floor space (GIA) and is classified as a major application and as such is advertised as such in line with the statutory classification and requirements. However, as noted under paragraph 172 of the NPPF (and footnote 55), the Council do not consider the development constitutes major development as defined by the NPPF].**
- Impact upon the AONB in light of paragraph 172 of the NPPF
- There is public benefit to address the test of paragraph 172
- The development has not been advertised as a departure from the development plan as it is not allocated in the Local Plan **[DMM comment: the development is being considered against policy EMP5 of the Local Plan so whilst the development is not allocated, there is no requirement for it to be advertised as such]**
- No assessment of the removal of hedgerow
- No consideration of the mitigation proposal in relation to lighting
- Tourism will result in spectacle buses parked in this exceptional landscape
- The access road will alter the field pattern
- Earth-moving will fundamentally alter the valued landscape
- Other more suitable sites within the applicant's ownership could be used instead.
- Details regarding archaeology have not been provided and securing by condition is inadequate.
- Loss of the hedge which is historic is unacceptable as it has been in place since Napoleonic times.
- The CGI and photographs provided do not clearly show the site.
- Insufficient information is provided regarding the lighting and compliance with the Dark Skies SPD.
- Chilham Castle is within the vicinity **[DMM comment: the separation distance and nature of the development means the development would not be considered to be within the setting of any designated heritage assets and therefore the application has not been advertised as such and it not considered in the report which follows]**
- The LVIA was submitted after the AONB Unit commented on the application **[DMM comment: this has now been submitted and further rounds of**

consultation have been carried out with all parties to enable this to be taken into account]

- The decision would not be legal for the following reasons:
 - Major application but stated in the EIA that it is not major **[DMM comment: see above previous comment in respect of this]**
 - LVIA submitted later **[DMM comment: this was omitted in error but has now been considered]**
 - Lack of EIA following confirmation under 19/0005/EIA that one was not required.
- The EIA is required where there are positive effects as well as more usually concerns about negative impact. **[DMM comment: it is only necessary to identify significant harmful effects]**
- Alternative sites such as Stone stile Farm and others should be reviewed and relative environmental impacts compared
- The Council should take into account changes to circumstances and the EIA should be kept under review.
- SCI refers to the meeting of Chilham Parish Council but this resulted in a split in the vote **[DMM comment: this is for the Parish Council to reflect in their formal comments which are reflected above]**
- No consultation with neighbouring authorities given their proximity.
- Use of alternative materials such as red cedar cladding
- CCTV could be explored instead of external lighting
- Height of the building
- Noise
- Size of the building
- Volume of traffic
- Loss of a view **[DMM comment: not a material planning consideration]**
- Introduction of vines has changed the landscape **[DMM comment: these do not require the benefit of planning permission as they are agricultural]**

3 general comments raising the following comments:

- Concern over the location of the winery in accordance with the NPPF
- Distance of the building from other structures
- Site is very open and will catch the eye of passing walkers or motorists.
- Lack of 'visual soul' to the building.
- This would be a blot on the landscape.
- The building could be relocated elsewhere on the applicant's land holding which would be less incongruous.
- The road on Stone Stile Road could accommodate such a building close to the existing buildings and utilise the road which is similar to that of New Cut Road.
- Excessive amount of external lighting reducing the ability to maintain the village's dark night skies.
- Unable to gauge the number of commercial vehicles which would service the site.
- Concerns about the access to the M2 at Brenley Corner via Selling and Neames Forstal to the north of the site.
- Broadly support of the principle

Amended plans:

1 support letter received adding to the original representations received on the initial plans raising the following comments:

- As the immediate neighbour I have reviewed the amended plans and they answer all the original comments made (see above).
- The proposed development would result in a massive investment in local agricultural environment and bring much needed employment both direct and indirect to Chilham Parish.
- Increase in tourism.

Planning Policy

28. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
29. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
30. The relevant policies from the Local Plan relating to this application are as follows:-
- SP1 - Strategic objectives
 - SP3 - Strategic approach to economic development
 - SP6 - Promoting high quality design
 - EMP1 - New employment uses
 - EMP5 - New employment premises in the countryside
 - EMP6 – Promotion of Fibre to the Premises (FTTP)
 - EMP11 – Tourism
 - TRA3b - Parking standards for non-residential development

TRA7 -The road network and development

ENV1 - Biodiversity

ENV3b – Landscape Character and Design in the AONBs

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV6 - Flooding

ENV9 - Sustainable drainage

ENV11 - Sustainable Design and Construction - Non-residential

ENV15 - Archaeology

31. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD

Landscape Character Assessment SPD

Dark Skies SPD

Other

Kent Downs AONB Management Plan 2014-19

Chilham Village Design Statement

Government Advice

National Planning Policy Framework (NPPF) 2019

32. 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:-

33. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and;
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
34. Paragraph 83 outlines the need for planning policies to consider the sustainable growth and expansion of all types of business in rural areas through the provision of well-designed new buildings and the development of agricultural and other land-based rural businesses. It also seeks to promote sustainable rural tourism and leisure developments which respect the character of the countryside.
35. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around

developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

36. Footnote 53 to paragraph 170 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
37. Paragraph 172 outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
38. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest.

Assessment

39. The main issues for consideration are:
- Principle of the development
 - Visual Amenity and Impact on the designated landscape
 - Residential Amenity
 - Highway Safety
 - Ecology
 - Surface Water Drainage & Flood Risk

- Other issues

Principle of the Development

40. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
41. The Local Plan sets out the importance of jobs and economic development. Providing a range of employment in the Borough is important in supporting a growing population and attracting inward investment to respond to the needs of business, which is outlined under policy SP3. This states that job growth and economic prosperity will be supported in order to enable the achievement of a sustainable economy. This includes promoting rural employment opportunities in sustainable locations in accordance with [as relevant in this instance] policy EMP5 – New Employment Premises in the Countryside.
42. In accordance with policy EMP5, new employment premises in the country will only be permitted if there are circumstances where there is a functional need for the development to be located in the countryside, such as the processing of local agricultural products.
43. In seeking to avoid inappropriate development in open countryside, Policy EMP5 sets out that proposals will not be permitted unless the following criteria can be met:
 - a) It is essential to be located in the countryside;
 - b) Development can be integrated sensitively into its context respecting the character of any important existing buildings, the landscape setting and sites of biodiversity value;
 - c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
 - d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.
44. The application site is in open countryside but in close proximity to the built confines of Chilham to the south (approximately 1.6km). However, the landscape is characterised by scattered, sporadic dwellings and farmsteads, served

by New Cut Road and more narrow rural lanes. Whilst not within easy walking distance of Chilham, the need to be located in the countryside has to be taken into account.

45. As set out in the site and surroundings and the proposal section of this report, the wider site is the location for existing newly planted vines and future vines. The principle use of the building would be for the production of English sparkling wine in close proximity to the vines for the production of the wine. The applicant has set out in their supporting evidence, the justification for the location of the building.
46. These include the quality of the wine, which would be enhanced by the location of the building in such close proximity to the vines as it would prevent damage to the grapes through oxidation. There would also be a significant reduction in the number of vehicle movements on the wider road network. The subterranean design of the building would also be beneficial to reduce the energy consumption in terms of the production and storage of the wine produced, which could not be achieved elsewhere.
47. The proposal would generate employment on site but also support the wider rural economy through supply chain and tourism related employment. Whilst visitors would be able to sample and view the site from the ancillary visitors centre, the principle function of the building would be wine production and storage, with this ancillary function only forming a small element of the proposed development. Visitors would be by appointment only and the number of visitors would be limited given the scale of the visitor facilities proposed. The intention is to provide views across the valley from the visitor centre, if the building were to be located elsewhere, this would prevent such views and the quality of the visitor experience would be significantly reduced. . Notwithstanding, it would provide a valuable boost to the local tourism industry through linked visits to the historic village of Chilham and the other attractions in the wider area which would benefit the rural economy.
48. It is noted that the agricultural classification of the land to which the application relates is grade 3, which is moderate/good quality. The footprint of the building and associated delivery yard and car parking, significantly reduce the development of the land which would otherwise prevent its use for agricultural production. Therefore, whilst the NPPF (footnote 53 to paragraph 170) requires significant development to be directed away from the more versatile agricultural land to areas of poorer quality, I consider there is no conflict between the proposal and the NPPF given the scale of the development and the quality of the land being grade 3 which is only deemed to be moderate.
49. Given the above, it is considered that such development would be wholly justified in the countryside and it would comply with criteria a) of policy

EMP5. However, the development would have to comply with the remaining criteria set out under the policy, which are addressed in the relevant sections of the report which follow and all other relevant Local Plan policy and other material considerations.

Visual Amenity and Impact on the designated landscape

50. The application is accompanied by a Landscape Visual Impact Assessment (LVIA) given the sensitive nature of the landscape which is designated as the North Downs Area of Outstanding Natural Beauty. This sets out the key policy considerations, the context of the site and the impact of the proposed development on the designated landscape.
51. Policy ENV3b outlines that where new development in the AONB is being considered, then the Council shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.
52. Whilst the development is located within the AONB, as outlined in the principle section of this report, the development would be justified. The development proposed, would exceed 1000sqm of floor space (GIA). As a result, it is classified as a major application and as such is advertised in line with the statutory requirements. However, as noted under paragraph 172 of the NPPF (and footnote 55). This states that, for the purposes of paragraph 172, whether a proposal is 'major development' or not is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. I do not consider the development constitutes major development as defined by the NPPF. Therefore for the purposes of the policy ENV3b, the development does not constitute major development in NPPF terms, and there is no requirement to demonstrate exceptional circumstances in the public interest to permit the development. It would be necessary to consider the impact on the designated landscape and ensure its character is conserved and enhanced by the development.
53. Turning first to the wider landscape, the site is located in a valley which runs from Chilham towards the scattered settlements of Selling, Gushmere and Oversland to the north. The site is within the Mid Kent Downs landscape character area (LCA8), as defined by the Kent Downs AONB Management Plan (2014-19). This sets out the following characteristics of the landscape in LCA8 as:
 - Series of wide ridges and steep sided dry valleys
 - Extensive woodland coppice woodlands and large expanses of conifer woodland

- Original ancient woodland
- Larger arable fields on the plateaux
- Hedgerow trees (prominent in parts)
- Orchards and shelterbelts in places
- Tiny, scattered villages linked by narrow lanes
- Hop gardens and parkland

In this location the objective, as set out in the Management Plan is as follows:

- Manage and restore hedgerows, trees and woodlands, especially in valleys
- Conserve small scale of the roads and village and the remote quality of the countryside
- Maintain the existing diversity of orchards, hop gardens and control urban fringe pressures

54. The wider site is characterised by its use for fruit growing (west field) and arable farming (east field) within a dry valley, at the base of which runs New Cut Road. There is an alder shelterbelt which is approximately 7m in height which separates these two fields. Along the eastern boundary with New Cut Road is an alder hedge, to the south another alder shelterbelt (approximately 6-9m in height) and to the north and west alder shelterbelts and arable fields. The eastern side of the valley towards Old Wives Lees rises more steeply than the valley side where the application site is located.
55. The site is visible from near distance from the east, including the opposite valley side, PROWs within the wider area, including AE5, New Forest Lane and Grove Lane on the eastern side of the valley towards Old Wives Lees, although these views are restricted to a large extent by roadside vegetation and hedgerow. Views are available from Grove Lane but are partly obscured by existing trees within the public access land and from the lane itself (Figure 13 & 14) and to the north of the site agricultural buildings associated with 'Fruit2u' at Selling, which is also within the Kent Downs AONB with associated polytunnels and associated building (Figure 13 & 14) are also highly visible within the landscape from Grove Lane. The views of the proposed development would be limited being longer distance with the proposed landscaping and green roof mitigating the visual impact. The height of the building, given its subterranean design, would result in 4.75m being above ground level. Overall, the site does benefit from good containment due to the shelterbelt boundaries noted above within the immediate context.

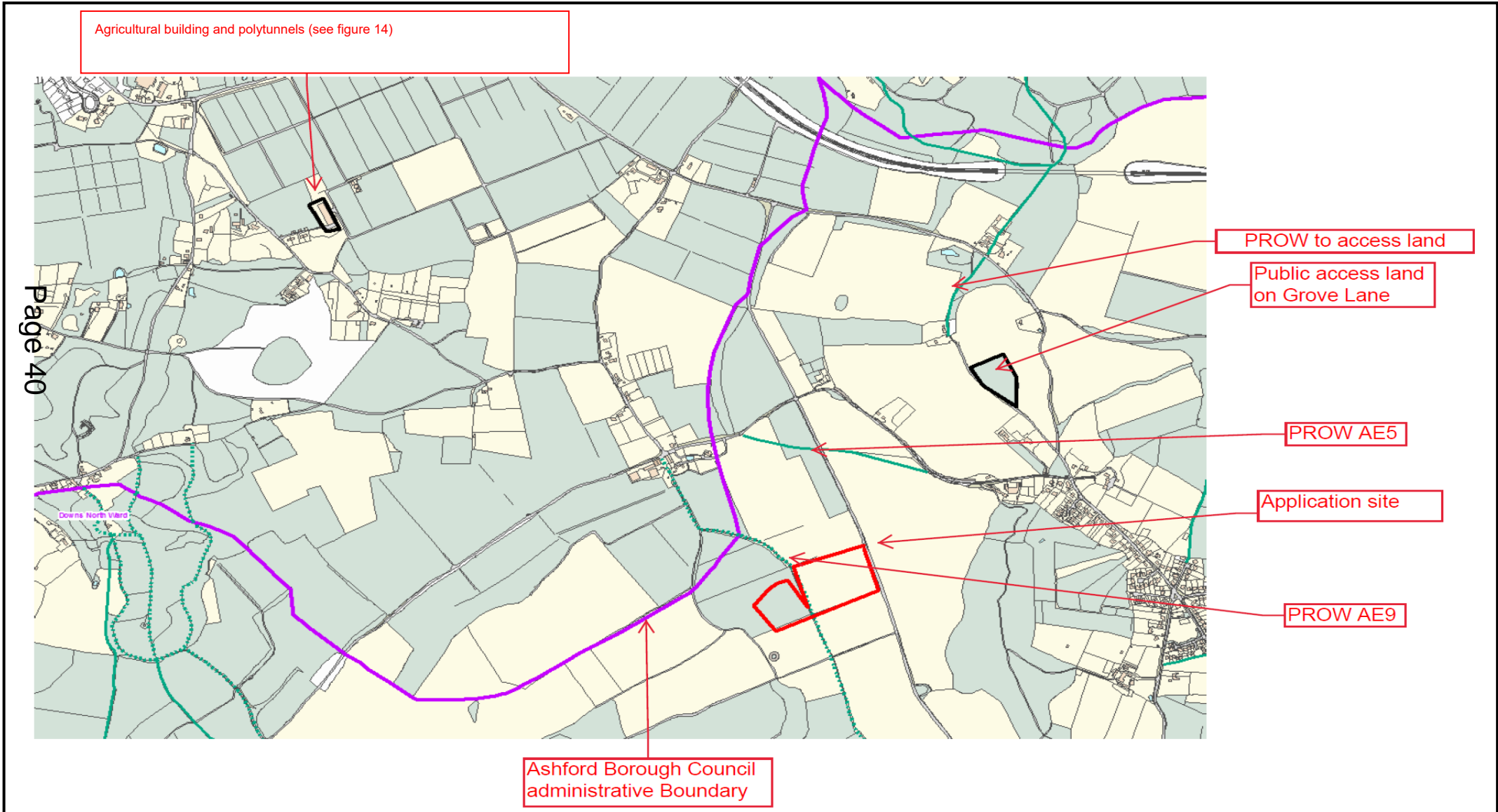


Figure 13 - Site Location Plan - wider context including view points and PROWs

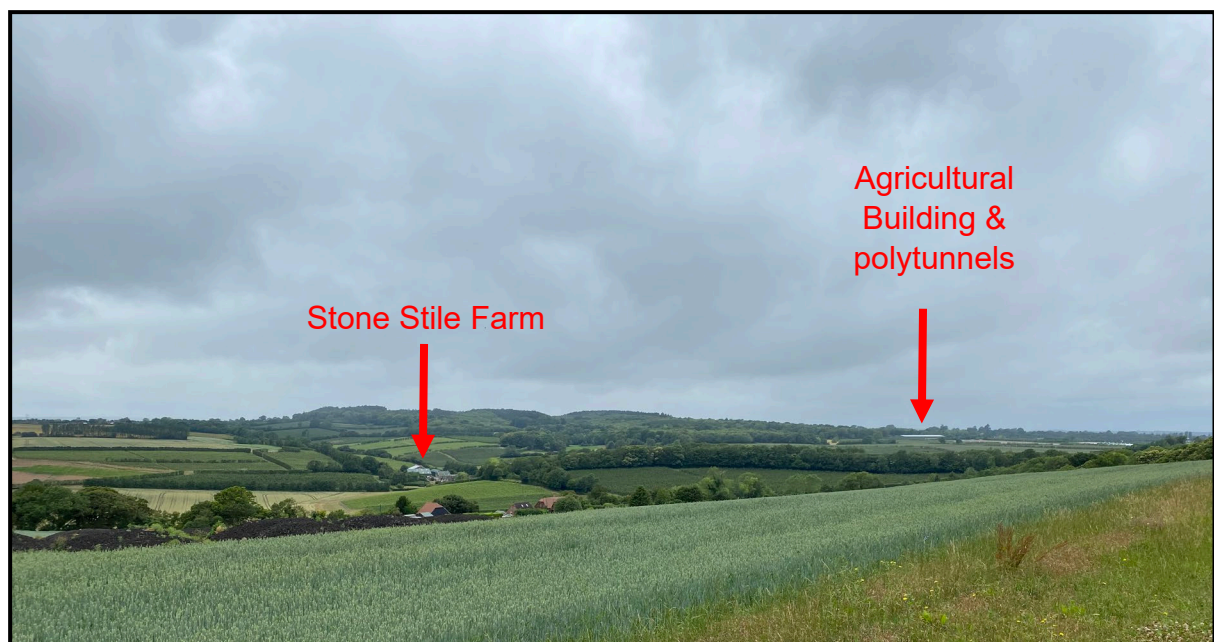


Figure 14 - Photo looking from Grove Lane south towards the site (top) and North towards Selling (bottom)

56. The Kent Downs AONB Landscape Design Handbook provides guidance in respect of development within the AONB which are referred to in the proposal section under the LVIA summary. These documents and objectives contained within, are material considerations in the determination of this application.

57. The proposed development would include the removal of part of the existing eastern boundary alder hedgerow to facilitate a vehicular access and the necessary visibility splays. An access road would lead from the access to the building located on the valley side where an associated car park and service yard, which would serve the Winery, would be located. The resultant spoil from the cutting of the proposed winery building into the valley side would necessitate its redistribution across the existing eastern arable field and the creation of a SUDs pond and hay meadow (also see the ecology section of the report). It has to be noted that the shelterbelts are to be retained other than a small section in the central part of the site, to necessitate the provision of the access road to serve the Winery. Where existing hedgerow is to be removed to facilitate the development, this is to be replaced and existing vegetation will be reinforced. Following the submission of amended plans, additional native species are proposed which would be in keeping with the objectives of the AONB Management Plan and comply with ENV3b.
58. The existing fruit trees on the site of the building are to be removed but these are considered to be of low visual quality and could be removed in any event without the need for planning permission. The planting of vines, similarly, does not require planning permission. Therefore, whilst the vines and winery building would result in a loss of an orchard, it does not benefit from any designation or statutory protection and could be removed in any event in favour of alternative horticultural or agricultural use.
59. Whilst initial concerns were raised with the application by the Kent Downs AONB Unit and Officers regarding the choice of the facing material for the façade of the building, amended details and further justification for this has been provided. The originally proposed bespoke designed white chalk brick was chosen as it was considered it would reflect the underlying chalk geology of the site. However, it was considered this would be too stark due to its white colour and whilst respecting the underlying geology, would have been more intrusive within the landscape. Alternatives were suggested by the Kent Downs AONB Unit and Officers and a more muted palette of facing brick has now been chosen (see figure 12).
60. The resultant appearance of the building, together with the additional native landscaping would be more muted and sit more comfortably within the landscape. The use of landscaping around the building and its largely subterranean nature would significantly reduce its visual impact with it standing 4.75m above ground level once complete. The revisions to the roof of the building result in a more characteristic chalk grassland roof rather than the previously proposed sedum, which would have had a potential increased impact on the designated landscape. This would be in keeping with the natural landscape of chalk grassland, had it not been cultivated for agriculture/horticultural production.

61. Whilst the AONB Unit have welcomed the introduction of the green roof outlined above and the additional landscaping proposed, which they consider to be suitable and characteristic of the landscape, they have maintained their objection to the proposed facing material of brick in its revised form. Their concern is that this would not reflect the character of the wider area as there are no examples of exposed chalk within the valley. They also have concerns that the LVIA assesses the impact of the development upon the designated landscape as slight when views will be afforded of the site, especially during the winter months due to the deciduous nature of the shelterbelt and additional landscaping.
62. The LVIA concludes that the development will introduce a new building which is not entirely in keeping with the scale and pattern of development within the local area. However the conclusion of the report is that the level of harm would reduce from moderate adverse to slight over a 15 year period as landscaping becomes established and matures. It should also be noted that the proposed building is for a premium product and it is expected that the landscaping and surroundings, in line with the management plan provided, would result in a long-term landscape strategy for the site. This would result in a well planted and in the long term, well-established landscaping scheme which would likely be maintained in perpetuity, especially given there is an ancillary visitor centre.
63. The changes to the facing material of the building would be more muted than initially proposed and this would mitigate the visual intrusion of the Winery into this highly sensitive location and help it to integrate into its surroundings. Whilst the development is a Sui Generis use, it has also been demonstrated, as outlined in the principle section of this report, that there is a justified need for such a facility in this location. Other options for siting the building within close proximity to the site had been explored at pre-application stage and there were no other suitable sites for such a building of the scale with the design requirements to enable it to serve its function and in close proximity to the vines. It is also noted that in the wider landscape to the north, close to Selling is an agricultural building which is less recessive in the landscape with a reflective roof which is visually intrusive (figures 13 and 14). This is visible from long distance views from the public access land on Grove Lane to the north east of the site. The proposed development would sit lower in the landscape, be more recessive and the green roof and landscaping would significantly mitigate the visual impact on the designated landscape.
64. The landscaping and amended facing materials, as acknowledged by the AONB Unit, can be used to help mitigate visual and adverse landscape impact. Whilst they disagree with the conclusions reached by the applicant, their views are acknowledged and on balance, it is considered that the landscape and visual impact would be suitably mitigated for the reasons outlined above.

65. In light of the above, it is considered that whilst there is an objection, the level of longitudinal harm would be slight and be acceptable and be reduced over time. The proposed development would comply with criteria b) of EMP5.

Residential Amenity

66. The nearest residential dwellings are located approximately 420m from the site to the north which is opposite the cluster of existing agricultural buildings serving the wider agricultural holding (Stone Stile Farm – figure 13). Given the nature of the operation proposed on site and the subterranean nature of the building, limited lighting and vehicle comings and goings due to the proximity of the vines to the Winery, I do not consider that the proposed use would give rise to harm to the amenity of neighbouring residents and therefore comply with criteria c) of EMP5.

Highway Safety

67. The proposed development would necessitate the provision of a new vehicular access to serve the site. This would require the removal of some of the existing hedgerow to enable the access and suitable visibility splays.
68. Development which results in a highway impact is required to comply with policy TRA7 of the Local Plan. This states that development will not be permitted if the development is not well related to the primary and secondary road network, would result in a clear risk of road traffic accidents, would generate traffic which cannot be reasonably accommodated on the local road network and/or would result in a severe cumulative residual highway safety impact.
69. New Cut Road provides good visibility in both directions and the visibility splays required for the access can be provided. New Cut Road is capable of accommodating the level of traffic movements generated by the development and is well linked into the primary and secondary road network. Traffic movements to and from the site have been considered by the applicant and would be limited given the nature of the development.
70. The proposed development does not fall under a specific use class and is therefore considered to have a Sui Generis use. Local Plan policy TRA3b states that such uses should provide a level of parking proportionate to its activity, and be agreed with the Local Highway authority and the Council. The proposed parking would include 32 spaces is considered to be of sufficient provision to not result in harm to highway safety.
71. Given the above, it is considered that the level of traffic generated by the development would be classed as low, suitable visibility would be provided for

vehicles, there is sufficient on-site parking and therefore, no harm to highway safety and would therefore comply with criteria d) of EMP5.

Ecology

72. The preliminary ecological survey covers a wider area than the redline boundary of the application site. The findings of the survey are outlined in the proposal section of the report to avoid repetition.
73. The proposed development is required to ensure there is a net gain in terms of biodiversity and no harm to protected or notable species and their favourable conservation status. The site is rich in terms of potential habitat including the field margins, which are to be retained and reinforced and could be utilised for commuting by wildlife.
74. The proposed development would have a minimal impact on site boundaries and a lighting strategy has been submitted with the application to prevent harm to bats. This can be controlled by condition to ensure that there is no excessive light spill detrimental to bats beyond that which is proposed.
75. A range of ecological enhancements are proposed as part of the development including new landscaping. Following revisions to the planting schedule, these are now more diverse, native and characteristic of the Kent Downs AONB. This will reinforce existing landscaping and provide new roosting opportunities for birds and bats. A hay meadow is also proposed between the building, New Cut Road and north of the proposed access road. This will be created following the redistribution of soil excavated to facilitate the subterranean Winery and replace the existing arable field. Turtle dove feeding strips, a meadow with wild bird seed mix and a SUDs pond would be features of the meadow field created. It was confirmed whilst this is stated as a hay meadow, it will not be in agricultural production and will be suitably managed, which can be secured by condition. Finally the roof of the building has been amended from a sedum roof to a green chalk grassland roof, which would be more in keeping with the wider landscape and characteristic of the habitat within the North Downs.
76. KCC Biodiversity advise that if there is a delay in the commencement of works on site, updated information regarding protected and notable species may be required and this can be secured by way of condition. It is considered that the development would comply with policy ENV1 and criteria b) of EMP5, as it would not result in harm to the favourable conservation status of protected and notable species.

Surface Water Drainage & Flood Risk

77. Given the size of the site, a Flood Risk Assessment has been provided. The site lies outside of Floodzones 2 and 3 and therefore is at low risk of flooding and would therefore comply with ENV6. However, the development must ensure that surface water run-off from the site mimics the current greenfield run-off in accordance with Local Plan policy ENV9. The development would employ a range of techniques to ensure compliance with ENV9, including a chalk grassland roof and a SUDs pond as outlined in the ecology section.
78. It has been confirmed that the green roof and the drainage yard will operate on separate drainage networks and combine with suitable measures to improve water quality. The SUDs pond will be permanently wetted and offer ecological benefits. It is potentially necessary to include ground infiltration should this need arise. Given that the site is underlain by chalk, confirmation was required by KCC as the Lead Local Flood Authority as to the ground conditions and whether such infiltration could be supported. The additional supporting documentation provided demonstrates that this is possible in this location without detriment to the underlying geology and this can be secured by condition.
79. KCC have confirmed that subject to condition including the maintenance of the SUDs features, they raise no objection. Given the above, it is considered the development would not result in flood risk elsewhere given that surface water run-off from the development can be suitably managed on site in compliance with Local Plan policies ENV6 and ENV9.

Other issues

80. Public bridleway (route code AE9) crosses over the access road to the Winery close to the building and car park. This could result in potential for conflict between vehicle movements to and from the site and the users of the PROW. KCC PROW have commented on the application, as have the British Horse Society. Both raise no objection and request a condition for suitable sight lines for users of the footpath to avoid conflict with the proposed use. This would overcome any potential for harm and has been included as a condition if permission is granted.
81. Amendments to the level of lighting on the site has also been achieved through negotiation with the applicant and this would be controlled by condition which would limit the impact of light pollution in line with ENV4 and the Council's Dark Skies SPD. The external lighting has been reduced to only that which is necessary, timers and sensors will ensure that lighting is controlled and the site is not illuminating the wider area contrary to policy ENV4 and the Council's Dark Skies SPD.

82. The site is within a location where there is the potential for archaeology. KCC Heritage have responded to the application and whilst noting the potential for groundworks and cultural artefacts on the site, these could have already been disturbed by the horticultural activity already taking place. Subject to condition, the impact on any potential remains can be suitably recorded and would not result in harm to any potential heritage assets below ground in compliance with ENV15.
83. The building is subject to compliance with Local Plan policy ENV11 with regards to sustainability against BREEAM. A design stage assessment has demonstrated that an overall 'Very Good' standard and water consumption would be in compliance with ENV11. This can be secured by way of condition.

Human Rights Issues

84. 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

85. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

86. The proposed development would, in principle, against guiding policies in the Local Plan SP1 and SP3, and policy EMP5, be acceptable as it is justified to be located in the countryside on the basis of the viticulture statement supporting the application. One of the key reasons for locating the Winery here is that it would minimise oxidation and potential damaging of the fruit when harvested as it can be processed close to the vines rather than having to be transported elsewhere where delays could arise. The visual impact of the development would have a slight adverse impact.
87. Whilst there would be a slight adverse visual impact, this would lessen over time. The proposed building would be predominately subterranean with only 4.75m of the building situated above ground level. The building is required to be sited in this location by virtue of trees already planted and proposed to

be planted to allow for the production of wine. The subterranean design of the building enables it to more naturally cool and also benefit from gravity given the depth of the building below ground level, in turn reducing energy demand which would ordinarily be required had the building be sited in a more conventional location. These design features reduce the impact on the carbon footprint generated through the production process and the distance of the vines from the Winery, also reduce the travel time for the harvested fruit.

88. These design features, following the receipt of amended plans in respect of the facing material, green roof and external lighting, would mitigate the visual impact of the Winery. There would be a longitudinal reduction in this impact as landscaping becomes established and the design of the visual prominence of the building reduces over time.
89. Furthermore, there would be a benefit to the rural economy through the employment of local people both in the production and maintenance of the English sparkling wine and the related ancillary visitor centre. There would be benefits to tourism in the wider area through linked visits to the other Vineyards in the Borough and more widely across Kent. Overnight stays in Chilham and the Borough, as well as linked visits to other tourist attractions would significantly boost the rural economy.
90. The visual impact of the Winery would be weighed against these benefits and considered together with the mitigation measures outlined. .
91. The proposed development would result in no harm to biodiversity due to the proposed mitigation measures during the construction phase and thereafter.
92. The development would not give rise to harm to residential amenity or highway safety. Sufficient information has been provided, subject to condition with regards surface water, external lighting, disposal of foul water, BREEAM credentials and archaeology.
93. In light of the above, it is considered the proposed development would comply with the Development Plan as a whole and other material considerations and it is therefore recommended that planning permission should be granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the

planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

1. Standard time condition
2. Materials
3. Design details
4. Parking spaces
5. Construction Management Plan
6. Access and Visibility splays
7. Bound surface for access
8. Access gates
9. Means of enclosure
10. PD rights removal – walls and fencing
11. Hard landscaping
12. Protection of Trees and hedgerow
13. Landscaping
14. Biodiversity enhancement management plan
15. Ecological Mitigation and Enhancement Plan
16. Lighting
17. SUDs – no infiltration
18. SUDs scheme
19. Foul disposal
20. Unexpected contamination condition
21. Sight lines for PROW
22. Archaeology
23. BREEAM – Sustainability
24. Restriction of use - Sui Generis Use applied for only
25. In accordance with the approved plans
26. Available for Inspection

Note to Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Ecological
3. Highways
4. Environment Agency
5. PROW

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 19/01736/AS)

Contact Officer: Rob Bewick
Email: rob.bewick@ashford.gov.uk
Telephone: (01233) 330683

| | | |
|--------------------------------|---|--|
| Application Number | 18 /01861/AS | |
| Location | Land at Playing Fields and Linden Grove Primary School, Stanhope Road, Stanhope, Kent | |
| Grid Reference | 599666 / 140550 | |
| Parish Council | Stanhope | |
| Ward | Stanhope Ward, (immediately adjoins Norman Ward, Roman Ward and Washford Ward) | |
| Application Description | Outline application with all matters reserved, except the 3 main "Access" points off Stanhope Road into the site, for the construction of up to 205 no. dwellings and up to 64 no. bedroom Extra Care housing, replacement of the Ray Allen Children's Centre, together with the provision of open space, landscaping, drainage, infrastructure and earthworks. | |
| Applicant | Kent County Council | |
| Agent | Barton Willmore LLP The Observatory Southfleet Road Ebbsfleet Dartford, Kent DA10 0DF | |
| Site Area | 7.06 hectares | |
| Consultation | | |
| (a) 335/ 2R / - | (b) KPC –R SPC - X | (c) SE –X, UKPN-X, KCCH&T-X, KCCF&WM-X, ABCEP-X, ABCSSOS-X |

Introduction

1. At the Planning Committee held on the 10th February 2020, Members resolved to defer the consideration of the application for the following reasons:
 1. ***For the officers to seek clarification of the traffic impact assessment to ensure that the traffic movement figures are accurate and have not been double counted; and***
 2. ***For the officers to seek from the applicant its agreement to the provision of 20% affordable housing (shared ownership) within the non-flatted element of the proposed development through the S106 obligation.***

2. The original February 2020 Committee Report is included as Annex 1 to this report. This has also incorporated the following additional representations, clarifications and amendments that were listed in full in the update report to the February Committee meeting.

- Representations of Stanhope Parish Council Comments and associated SDDM responses, added to pages 16-19
- Site location plan added to page 2.
- Sewer Plan added to para 146, page 63-64.
- Parameter Plan confirmation on page 8
- Parking clarification comment from applicant on para. 19, page 58
- Oak Fields Open Space comments from applicant in para 66, page 47
- Ray Allen Centre comment from applicant in para 95, pages 52-53
- Transport Technical Note comment from applicant included in para 99 on page 54

The following have been dealt with under the conditions section of this report rather than the annex;

- Minor wording changes to conditions 1, 22, 31,33 and 65
- Extra conditions added
 - External Lighting (condition 75)
 - Dark Skies (condition 76)
 - Parameter Plan (condition 4)

3. However, the Section 106 heads of terms changes listed in February's Update Report have been included in the revised Table 1 included in this report. The changes to table 1 set out in February update report were as follows:-

- *Informal and Natural Space - The missing figure on line 5 of Head 2 should read "the shortfall of approx. 0.6ha (dependent on final number of units on site)"*
- *Outdoor Sports - The wording under Head 3 should read "contribution towards replacing and renewing the existing 3G pitch adjoining the site, and /or other facilities in the area, plus maintenance thereof".*
- *Secondary Schools Further comment received from KCC: KCC wishes for some flexibility for the spend. Add to Capital Project "and/or provision of new secondary education places within the relevant group of schools"*
- *Health Care - Further comment from the Clinical Commissioning Group: The population growth of 545 will require 41 m2 based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £136,250. A further 30% allowance for development fees means our request totals £177,125.*
- *Regarding the Indexation:*
 - A) *The £3000 psm is based on the average cost of a new surgery building in 2018/2019*
 - B) *the NHS would typically look at the BCIS All-In Output Price Index, and also General Building Cost Index*

- Amend Head 10 accordingly.

For the avoidance of doubt, a revised recommendation (including updated Heads of Terms) is now set out below in this report.

Site and Surroundings

4. See pages 2-5 of original report in Annex 1.

Proposal

5. The proposals are explained in pages 5-15 of the original report in Annex 1. The description has now been updated to refer to 64 extra care residential units rather than 65, which the applicant has confirmed was submitted in error. This very minor reduction of 1 unit in the scale of the proposals does not require further public consultation.

To clarify the outline application proposes a total of 269 residential units which includes 205 dwellings and 64 extra care dwellings (C2 use). The housing typology mix includes;

- 57 x 1 bed apartments
- 49 x 2 bed apartments
- 27 x 2 bed houses
- 52 x 3 bed houses
- 20 x 4 bed houses
- 32 x 1 bed extra care units (C2 use)
- 32 x 2 bed extra care units (C2 use)

6. The following updated documents have been submitted since February in support of the application:

7. Transport Technical Note (DHA on behalf of the applicant) – This states:

1.2.1 The first comment received from the Parish Council was with respect to the junction modelling assessment:

“The transport evidence fails to reliably assess the quantum of traffic as a result of the development on the local network. This occurs due to the old primary school site traffic being double counted.”

1.2.2 As outlined by KCC Highways at the pre application stage, there is no condition associated with the previous school application (Planning Reference: 17/00236/AS) which states that the existing school is to be demolished once the new school is built. The existing school buildings could therefore lawfully be used as an education facility and it was therefore

deemed acceptable to offset the proposals against the trip potential of the existing school.

1.2.3 Discussions were held with KCC Highways who confirmed that it is not necessary to remodel the junctions, as there was justification behind using the school to offset trips. It is however accepted that the new primary school had not yet been built out when the four junctions were surveyed, and therefore the spreadsheet model has been updated with the inclusion of the school trips from its new location, to ensure that the trips have not been 'double discounted'.

1.2.4 As was noted within the TA (SM/AH/12860) for the residential development the school afternoon peak hour is between 15:00-16:00, it has therefore been assumed that there are no school trips during the network PM peak (17:00- 18:00), which is being assessed as part of the residential development. Given this it is not deemed necessary to re-run the junction modelling for the PM peak as the results would not change.

1.2.5 The trips for the school have been taken from the Transport Statement produced in February 2017 to support the planning application for the new school (Planning Reference: 17/00236/AS). These trips have then been distributed using postcode data which was previously sourced from the school as part of the aforementioned application. The network diagrams for traffic associated with the new Primary School are included in Figure 1.

1.2.6 As was noted within the TA, the impact during the network AM peak is minimal at the Stanhope Road mini-roundabout junction and the Kingsnorth Road / Stanhope Road mini-roundabout junction. It was therefore agreed with KCC Highways that these junctions would only need to be modelled during the PM peak. As noted above, the school trips will not have an impact on the PM peak and therefore it is not deemed necessary to remodel these junctions.

1.2.7 Junction modelling has however been completed for the Kingsnorth Road / Tennyson Road mini-roundabout and the Wotton Road / Malcolm Sargent Road roundabout for the AM Peak. For the purpose of this modelling assessment the junctions have been modelled in the future year of 2025 to allow for a five year projection. The growth of flows follows the same process as that set out in the TA for the residential development.

1.2.8 Industry-standard ARCADY modelling software has been utilised for the roundabout junctions. A summary of the results is provided below: Kingsnorth Road / Tennyson Road Mini-Roundabout Junction

1.2.9 A summary of the results for the mini-roundabout junction can be found in Table 1 below with full details attached at Appendix A. Please note that in

the tables below ‘S’ refers to the school trips and ‘D’ refers to the development trips.

| AM Peak | 2018 | | 2025+S | | 2025+S+D | |
|---------------------|-------|-------|--------|-------|----------|-------|
| | RFC | Queue | RFC | Queue | RFC | Queue |
| Kingsnorth Road (N) | 0.73 | 2.7 | 0.88 | 6.7 | 0.90 | 8.1 |
| Tennyson Road (E) | 0.36 | 0.6 | 0.44 | 0.8 | 0.45 | 0.8 |
| Kingsnorth Road (S) | 0.62 | 1.7 | 0.86 | 5.4 | 0.86 | 5.5 |
| Avg Delay (s/PCU) | 10.56 | | 23.62 | | 26.21 | |

Table 1: Kingsnorth Road / Tennyson Road Mini-Roundabout Junction Capacity Assessment Summary

1.2.10 As can be seen above the junction operates slightly over practical capacity in the future year of 2025 with the inclusion of the school trips. It is however noted that the junction is still operating within theoretical capacity. As can be seen above the inclusion of the development trips has a minimal impact on the junction.

1.2.11 The previous modelling demonstrated that this junction would operate over capacity in the PM peak which was largely due to cars parked on Tennyson Road in the vicinity of the junction. A mitigation scheme was therefore put in place to aid the capacity of the junction, it is considered that this improvement scheme will also aid the situation in the AM peak. It is therefore considered that development would not have a material or ‘severe’ impact on this junction as per paragraph 109 of the NPPF.

Wotton Road / Malcolm Sargent Road Roundabout Junction

1.2.12 A summary of the results for the roundabout junction can be found in Table 2 below with full details attached at Appendix B

| AM Peak | 2018 | | 2025+S | | 2025+S+D | |
|--------------------------|------|-------|--------|-------|----------|-------|
| | RFC | Queue | RFC | Queue | RFC | Queue |
| Wotton Road (N) | 0.07 | 0.1 | 0.07 | 0.1 | 0.07 | 0.1 |
| Malcolm Sargent Road (E) | 0.31 | 0.5 | 0.34 | 0.5 | 0.35 | 0.5 |
| Wotton Road (W) | 0.37 | 0.6 | 0.41 | 0.7 | 0.42 | 0.8 |
| Avg Delay (s/PCU) | 2.96 | | 3.14 | | 3.20 | |

Table 2: Wotton Road / Malcolm Sargent Road Roundabout Junction Capacity Assessment Summary

1.2.13 As can be seen above, the junction still operates within capacity, even with the inclusion of the school trips. It is therefore considered that the proposals would not have a material impact on the capacity of this junction.

1.2.14 The second comment was with respect to junctions which have been modelled:

“The transport evidence fails to consider the impacts of the development over an appropriate area. Despite a third of traffic departing or arriving to the west of the site where there are known

to be severe constraints, no assessment is presented. There is also no assessment of the Romney Marsh Roundabout to the East.”

1.2.15 The junctions to be assessed as part this application were discussed with KCC Highways at the pre application stage and it was not deemed necessary to consider any junctions to the west of the site as these junctions will see a net increase of less than 30 vehicle movements and neither was it deemed necessary to consider the Romney Marsh roundabout.

1.2.16 The third comment received was with respect to the future year assessed:

“The transport evidence fails to consider the impact of the development over an appropriate timescale given the local context. This site would therefore prejudice the rate of delivery of Local Plan sites and result in no net increase in housing delivery in the short to medium term.”

1.2.17 The future year to be assessed was discussed with KCC Highways at the pre application stage and the future year of 2023 was deemed acceptable. Please note that for the purpose of the new modelling the future year 2025 has been considered.

1.2.18 The fourth highways related comment was with respect to the results of the junction modelling assessment:

“The Traffic Assessment shows that junctions go over practical capacity at the Stanhope Road Roundabout, the Kingsnorth Road + Stanhope Road Roundabout and The Kingsnorth Road Tennyson Road Roundabout (TA addendum Jan 2019). We believe this analysis is flawed and grossly underestimates the traffic generation because: KCC Highways when assessing the new primary school application did so on the basis that the old primary school would be closed. They therefore only considered the net increase in traffic associated with the new primary being larger. KCC as a landowner has therefore already been allowed to benefit from offsetting the trip generation of the old primary once against the new school. They are now seeking to deduct a new, entirely fictional, set of trips from the traffic generated by this application. The demolition of the old educational buildings is not included within the development description, nor is it subject to a condition. KCC Highways therefore falls into error in allowing the trips associated with those buildings to be offset against the scheme. An error which occurred with the previous ‘new primary’ application and which if not allowed to occur again could lead to KCC as a landowner trying to use the ‘old primary’ trips for a third or perhaps even fourth time.

1.2.19 As noted above, the existing school buildings were not due to be demolished as part of the planning application for the new primary school and therefore the existing school buildings could still lawfully be used as a school.

1.2.20 The fifth comment received was with respect to the residual impact during the PM peak:

“The flows originating from or departing the West of the application site exceed 30 in both the AM and PM peaks. These flows running directly to the A28 corridor. The impact of this is currently un-modelled by the applicant. One of the nearby committed development sites from the Local Plan, Court Lodge, is currently being constrained by the A28 corridor and KCC is insisting that development at this site be capped at 250 dwellings so that it does not increase the two way trips on the A28 corridor by more than 30 vehicles. The same concern should apply to all sites generating traffic to the corridor.”

1.2.21 It was advised by KCC Highways at the pre application stage that any junction with an increase of more than 30 vehicles should be subject to modelling and it was considered that the majority of the trips routing west would disperse onto the wider network before they reach the A28. It was therefore agreed with the local Highways Officer that it was not necessary to model any junctions to the west of the site.

1.2.22 The sixth comment received was with respect to other developments in the area:

“Eastbound flows past the site from the A28 corridor. There is no control over the rate of build out at Chilmington Green before the A28 scheme is implemented. The developer(s) must place the bond at the 400 dwelling threshold but the LEP funding has hover and we do not know when the A28 scheme could be built. It is not certain that the scheme will come forward and the conditions allow the full scheme of thousands of dwellings to continue to be built whether the A28 is improved or not. Already traffic regularly backs up the Great Chart Bypass and often turns east at Tithe Barn Lane, choosing to head for J10 as an alternative means of accessing the strategic network when faced with queuing. Stanhope can therefore be expected to receive disproportionately higher increases in AM peak flow traffic than the TEMPRO assumption made by the applicant. Chilmington Green is 700m from the site, Court Lodge is 600m from the site with the two combined totalling nearly 7,000 homes. It was not correct for KCC to assert, as they have, that there are no committed development sites particularly close to the site. The use of TEMPRO here will clearly underestimate future traffic flows.”

1.2.23 The TEMPRO growth factor applied does take into account developments in the area and therefore the use of TEMPRO growth factors is deemed acceptable, as agreed with KCC Highways.

1.2.24 The seventh comments received was with respect to the Romney Marsh roundabout:

“KCC Highways in this application define the threshold at which junction needs to be modelled as over 30 on any arm. The Romney Marsh Roundabout is exactly on the ‘30’ threshold. It is already known that this roundabout had predicted capacity issues and is a crash remedial site. Local Plan sites which increase traffic to this roundabout are expected to contribute to a scheme and yet this windfall site not contributing. We don’t believe there is modelling available for KCC’s proposed improvement scheme, but the mitigation scheme proposed by Court Lodge still has a Ratio of flow to Capacity on the Malcolm Sargent arm of 1.21 and a forecast queue in 2030 of 131 vehicles even after improvement. In the absence of modelling by the applicant it is reasonable to believe that the additional trips generated by this development will result in severe harm and given the known capacity constraints it is reasonable for members to lower the 30 threshold set by KCC Highways.

KCC Highways has asked the site ‘Land South of Brockmans Lane – 19/01701/AS’ to contribute to the Romney Marsh Roundabout. That site is in it’s worse case anticipated to increase movements at the RMR by 16 vehicles in the PM peak and KCC are requesting a contribution of £153,828. It would therefore seem that this site should be contributing in the order of £450,000 for the 45 movements”

1.2.25 As noted, the junctions to be modelled were discussed with KCC Highways and this junction was not requested by the local Highways Officer. It was therefore not deemed necessary to complete junction modelling for this roundabout. As advised by KCC Highways, this site is not a local plan site and is a windfall site being brownfield land. This site has therefore been treated differently to the local plan sites that are required to contribute to the Romney Marsh Road roundabout improvements.

1.2.26 The eighth comment received was with respect to the views of statutory consultates:

“A ‘decision-maker should give the views of statutory consultees... ‘great’ or ‘considerable’ weight. A departure from those views requires ‘cogent and compelling reasons’ High Court – Shadwell Estates LTD v Breckland DC 2013. The views of Statutory Consultees are not determinative and decision maker may depart from those views if they believe the ‘cogent and

compelling’ reasons threshold is met. We believe that this test is clearly met in this case.”

1.2.27 *The local Highways Officer plays a key role in planning decisions and it is therefore considered that ‘great’ consideration should be given to the comments they provide.*

1.2.28 *The final comment received was with respect to the future year:
“The committed site are required to look ahead until at least 2030 in their transport modelling and the 2023 (2024) used here is inappropriate”*

1.2.29 *As noted, the future year of 2023 was deemed acceptable by the Highways Officer at the pre application stage. KCC Highways have advised that this is not a local plan site and should not be expected to look to 2030.*

1.3 Conclusion

1.3.1 *It is considered that the above information is sufficient to address the outstanding concerns. It is therefore considered that no further highway related objections should be raised.*

Viability Statement (GL Hearn on behalf of the applicant)

An updated viability statement has been produced on behalf of the applicant following the February Planning Committee meeting. It is summarised as follows:-

Extra Development Costs

Various extra cost items are included within the BPC review, referred to as “Abnormal costs”, and consist of the following items:

Table 7: Summary of Extra Development Costs

| Item | Cost |
|-------------------------------------|-------------------|
| Ray Allen’s Children Centre | £800,000 |
| Resurfacing of 3G Pitch | £300,000 |
| 3G AGP Replacement Changing Rooms | £100,000 |
| Extra Off-Site Car Park Provision | £100,000 |
| Footpath and lighting to 3G pitch | £10,000 |
| Replacement MUGA | £155,000 |
| Replacement of grass football pitch | £5,000 |
| Highways improvements Stanhope Road | £30,000 |
| Total | £1,500,000 |

The extent to which these costs are considered part of the usual costs of development, or as planning obligation items is uncertain, and we advise clarity on this matter be sought.

Site Value Benchmark

BPC have adopted a Site Value benchmark of c.£2.100m, based upon an agricultural land value multiple, which is an approach promoted within strategic plan-making viability assessments, relating largely to strategic greenfield sites.

Whilst the subject site cannot be said to be such, we have adopted a similar benchmark for the purposes of our conclusions but highlight that c.50% of the current site is developed brownfield land.

Viability Conclusions

In line with our comments contained herewith, a revised development appraisal has been prepared to demonstrate the ability of the revised proposal to generate the values required to support the quantum of planning obligations currently being requested by the Local Planning Authority (LPA). Two scenarios are therefore presented, responding to requests by the LPA, consisting of;

- 100% market residential appraisal; and*
- 80% market residential by unit, assuming 20% of house type units delivered as intermediate affordable housing.*

100% Market Appraisal

Assuming all residential units are delivered as market sale units the revised development appraisal generates a range of land value ranging between c.-£9.630m and c.-£0.814m, when presented against a +/-5% sensitivity analysis on base construction cost and value assumptions.

Against each scenario a negative land value (i.e. £1) is returned. This implies the level of planning obligations cannot be sustained by the proposal on the assumptions outlined within the BPC viability review.

20% On-Site Intermediate

Albeit a somewhat academic exercise given the results of the 100% market appraisal, a high-level appraisal assuming c.7% of total units (20 no. 3 bedroom houses) are delivered as affordable housing has also been explored, resulting in a range of land values between c.-£9.170m and c.-£0.444m.

The scenarios that principally adopt the assumptions suggested by the LPA's independent consultant are, in our opinion, conclusive in respect of the ability of the proposal to support the level of planning obligations that we understand as being applicable to the application.

Additional representations received

8. Since the application was previously considered by the Planning Committee in February, the following representations have been received:

Stanhope Parish Council:

The Parish Council has asked for a review of the proposed S106 projects contained in this application be undertaken as they consider that large sums of money are being promised elsewhere under S106 funding for this application, for example,

- Funding has been promised to Conningbrook Lakes Country Park (approximately £25k for capital costs plus £8k for maintenance a total of £34k).*
- Funding for Allotments: some £19k has been set aside for allotments and £11k for future maintenance has been allocated. A total of some £31k.*
- Funding for Primary Schools: Funding of approximately £572k has been set aside for Finberry Primary School.*
- Secondary Schools: Funding of approximately £590k has been set aside towards the provision of the new Chilmington Green Secondary School.*
- Health Care: £159k has been set aside for the extension of Kingsnorth Medical Practice, Hollington Surgery, Sydenham House Medical Centre.*
- Community Learning: Some £3.8k has been allocated to the Ashford Adult Education Centre for IT equipment.*
- Youth Services: Some £5K has been allocated to the Ashford North Youth Centre.*
- Voluntary Sector: Some £15k has been allocated towards voluntary sector projects.*
- From these figures approximately £1,4m will be spent not in Stanhope and the surrounding area but in areas that are not related to Stanhope.*
- The local medical centre that serves those who live in Stanhope, (St Stephens Walk Medical Centre), the local primary schools ie Beaver Green primary school, the Stanhope Hub which provides youth and IT facilities are not receiving any funding from this S106 funding. Stanhope does not have allotments but do have a community garden located at The Limes which is for the community of Stanhope so surely funding should be provided here instead of allotments.*

[SDDM comment: In the case of the requests for schools, health care, community learning and youth services, the requests reflect the wishes of the respective service provider as to where demand arising from the proposal can be suitably met. With regards to the country park request, this falls against the demand generated for the delivery of strategic parks in policy COM2 of the Local Plan and cannot be met locally within the parish. The allotment contribution cannot reasonably be said to be substituted by a contribution towards the proposed community garden at The Limes and would not meet the CIL regulation tests for such a contribution. This may however be covered by

the informal open space off-site contribution sought under Head 2 in Table 1 of this report]

Kingsnorth Parish Council

Kingsnorth Parish Council wish to object on following grounds;

- *Transport evidence fails to reliably assess the quantum of traffic on the local network. This occurs due to the old primary school site traffic being double counted.*
- *Transport evidence fails to consider the impacts of the development over an appropriate area. Despite a third of traffic departing or arriving to the west of the site where there are known to be severe constraints, no assessment is presented.*
- *There is also no assessment of the Romney Marsh Roundabout to the East.*
- *The transport evidence fails to consider the impact of the development over an appropriate timescale given the local context. The site would therefore prejudice the rate of delivery of Local Plan Sites and result in no net increase in housing delivery in the short to medium term.*
- *The applicant has not published viability information and therefore the validity of public consultation to date has been compromised.*
- *The development description should include ‘demolition’ and therefore the validity of public consultation to date has been compromised*
- *This is Environmental Impact Assessment Directive Schedule 2 Development, for both the number of dwellings and scale of demolition, but this appears not to have been taken duly into consideration*
- *The retrospective funding of a school is not a material planning consideration*
- *There is no valid justification presented for the lack of affordable housing provision, which is contrary to the recently assessed development plan and to which significant weight should be attached.*
- *The traffic assessment shows that junctions go over practical capacity at the Stanhope Road Roundabout, the Kingsnorth Road-Stanhope Roundabout, and the Kingsnorth Road-Tennyson Road Roundabout. We believe this analysis is flawed and grossly underestimates the traffic generation because-*
 - *School Site Traffic. KCC assessment based of new primary school did so on basis that old primary school would be closed. Only considered net increase in traffic associated with new larger primary school. KCC as landowner has therefore already been allowed to benefit from offsetting the trip generation of the old primary once against the new school. They are now seeking to deduct a new entirely fictional set of trips from the traffic generated by this application.*
 - *Residual trip calculation from the new school application, which shows the old school being used to reduce the amount of mitigation required (tables and statistics provided which are summarised as follows);*

| Time | Arrivals | Departures | Total |
|-----------|----------|------------|-------|
| 0800-0900 | 96 | 84 | 180 |
| 1500-1600 | 78 | 82 | 160 |

Table 5-4: Baseline Peak Hour Vehicle Trip Attraction with All Factors Considered (370 Pupils and 44 Staff)

- .11 The above table indicates that at present, the 370 pupils and 44 staff attract a total of 180 vehicle movements within the AM peak hour (arrivals and departures) and a total of 160 vehicle trips during the PM peak hour (arrivals and departures).

| Time | Arrivals | Departures | Total |
|-----------|----------|------------|-------|
| 0800-0900 | 127 | 116 | 243 |
| 1500-1600 | 108 | 111 | 219 |

Table 5-7: Future Peak Hour Vehicle Trip Attraction with All Factors Considered (420 Pupils plus 54 Nursery places and 44 Staff)

- 5 The above table indicates that in the future once the new school's capacity has been reached (420 pupils plus 54 nursery places), a total of 243 vehicle trips (including arrivals and departures) will occur in the morning peak hour and 219 total vehicle trips (arrivals and departures) in the afternoon peak hour.

| Time | Arrivals | Departures | Total |
|-----------|----------|------------|-------|
| 0800-0900 | +32 | +32 | +63 |
| 1500-1600 | +30 | +30 | +60 |

Table 5-8: Residual Vehicle Trip Attraction

- Utilising this information, it is shown that the new school is likely to produce an additional 63 two-way vehicle trips in the AM peak hour and an additional 60 trips in the PM peak hour.

Below is the residual trips calculation for this application which shows the old school being used of reduce the amount of mitigation required, for a second time and meaning the schemes impact on the AM peak has not been robustly tested.

Total Trip Generation

5.3.11 The total trip generation for the proposed development has been calculated by adding Table 5-6 and Table 5-8, the results of which can be seen in Table 5-9 below.

| Time | Arrivals | Departures | Total |
|-------------|----------|------------|-------|
| 08:00-09:00 | 31 | 67 | 98 |
| 17:00-18:00 | 66 | 34 | 100 |
| Total | 451 | 466 | 916 |

Table 5-9: Total Proposed Vehicle Trip Generation (214 dwellings and 36 Unit Extra Care Facility)

5.4 Residual Weekday Vehicle Trip Generation

5.4.1 The trips that are estimated to be generated by the site following the redevelopment can be offset against the existing vehicle trips, as set out in Table 5-1. A summary of the residual vehicle trips is presented in Table 5-10 below. Please note that the school peak hour is between 15:00-16:00, it has therefore been assumed that there are no existing trips during the network PM peak (17:00-18:00).

| | Existing Use | Proposed Use | Difference In trips |
|-------------|--------------|--------------|---------------------|
| 08:00-09:00 | 180 | 98 | -82 |
| 17:00-18:00 | 0 | 100 | +100 |

Table 5-10: Residual Vehicle Trip Generation

- *The demolition of the old educational buildings is not included within the development description, nor is it subject to a condition. KCC Highways therefore falls into error in allowing the trips associated with those buildings to be offset against the scheme. An error which occurred with the previous 'new primary' application and which if allowed to occur again could lead to KCC as a landowner trying to use the 'old primary' trips for a third or perhaps even fourth time.*
- *Flows originating from or departing the west of the application exceed 30 in both the AM and PM peaks. Flows run directly to the A28 corridor. This impact is currently unmodelled by the applicant. This is inconsistent with KCC approach on Court Lodge to cap number of units to avoid increase of two way trips on the A28. Should apply to all site generating traffic in corridor.*
- *Eastbound flows past this site from the A28 corridor. No control over build rate at Chilmington before A28 improvements are implemented. Not clear when A28 scheme will come forward despite considerable congestion already. Stanhope can therefore be expected to receive disproportionately higher increases in AM peak flow traffic than the TEMPRO assumption made by the applicant.*

- *Not correct for KCC to assert that there are no committed development sites particularly close to the site. The use of TEMPRO here will clearly underestimate future traffic flows.*
- *Impact on Romney Marsh roundabout needs consideration as this windfall site is not being considered as contributing to this roundabout (over 30 movements on any arm). Additional trips generated by this development will result in severe harm and given known capacity constraint members should lower the threshold set by KCC Highways. Other sites at Court Lodge and Land South of Brockmans Lane have had to contribute to the Romney Marsh Roundabout. It would therefore seem that this site should be contributing in the order of £450,000 for the 45 movements. Extract from TA shows 45 movements to Romney Marsh Roundabout from Malcolm Sargent Road.*
- *Views of statutory consultees are not determinative and decision maker may depart from those views if they believe the 'cogent and compelling' reasons threshold is met, We believe that this test is clearly met in this case.*
- *Appropriate timescale – committed sites are required to look ahead until at least 2030 in their transport modelling and the 2023 (2024) used here is inappropriate*
- *Guidance For Transport Assessments say no less than 5 years and not a maximum of 5 years with regard to how the local transport network of a development should be assessed in relation to the LDF (committed sites). See para 4.45 and 4.47 of Guidance For Transport.*
- *Viability Information reports has not published contrary to NPPF para 57 and PPG Para: 021*
- *Development Description – Demolition of existing buildings conditions included but demolition not included in description and subject to fresh consultation.*
- *EIA is required to be submitted with screening opinion, due to quantum of dwellings and demolition. Has not been considered in committee report.*
- *If in isolation an EIA is not required it should be considered in context of other committed development and local plan sites in the area (7500 dwellings and 2000m radius).*
- *Material Planning Considerations – Lack of affordable housing provision. Test set out in case law and this test should be applied to a planning condition. The retrospective funding of the new primary school fails the material consideration. Not reasonable for LPA to impose a condition that the applicant contributes to a school in excess of the s106 education contribution required to mitigate its impact. Would not serve a planning purpose related to the land use of the application site and therefore would not be a material consideration. Proffered excess benefit already exists, will continue to exist and in no way change as a result of the decision taken. The relationship between the development and the new primary school is undoubtedly de minimis, and a supreme court quote was listed.*

[SDDM comment: The application is not EIA development and this matter had been considered by the Council in February 2019 shortly after the application was submitted. There is no need for an Environmental Statement in this case under the Town and Country

Planning (Environmental Impact Assessment) Regulations 2017. There is no requirement for a separate description of demolition in this case as the proposed development could not realistically be implemented without the demolition of the former school buildings. The implications of demolition are therefore fully assessed in the consideration of the proposed development. The relationship between this development and the delivery of the new John Wallis Academy is clearly not *de minimis* in this instance as the JWA is the direct replacement for the former Linden Grove school and hence I am satisfied that a clear link exists between the funding and delivery of the new school and the redevelopment of the school site it has replaced.

Other matters raised by KPC have been addressed elsewhere in this report and the revised transport assessment included as well as the KCC H&T response].

Gas Utility/UK Power Networks

A wide range of advice was submitted that requires the applicant to notify and work with gas utility providers in advance of any construction works that may potentially be affecting gas pipes. Where appropriate these points will be addressed as informatives.

Kent County Council Highways and Transportation:

KCC H&T has considered the updated transport technical note submitted by DHA Transport on behalf of the applicant and their views are summarised below:-

- with no school traffic from the existing site being taken into account, there will not be a severe impact on the local highway network, subject to the implementation of the proposed double yellow lines at the Kingsnorth Road / Tennyson Road mini-roundabout.
- There would be no significant impact on the Wotton Road / Malcolm Sargent road junction in a 2025 scenario.
- Traffic flows expected to and from the site in a westerly direction are not in any way likely to have a detrimental impact on the local highway network and key junctions on the congested A28 corridor will see a net increase of less than 30 vehicle movements. This is because traffic will have dissipated via different routes before it reaches the A28 from the application site. Therefore no further junction modelling is required.

They conclude that the traffic impact of the development is acceptable on all junctions in all directions subject to the proposed double yellow lines referred to above

Residents - 2 additional objections have been received from local residents which make the following points:-

- This is a communal space used by many families in the area. Please do not take it away
- Lack of easily accessible green areas for people to walk to and enjoy locally
- Playing field next to Courtside is very popular with the locals and would be a real disappointment to lose
- The impact of traffic for the local residents, has not been considered properly.
- Lack of available parking in the Speldhurst Close and surrounding areas.
- Each house would need a minimum of 3 parking spaces by today's standards.
- Development and traffic would also have a detrimental effect on house prices due to congestion, parking shortages and lack of green spaces for families.
- Impact on Courtside for recreational activities – again parking/lack of, is already an issue with what is currently available.
- The local community does NOT need more housing, it needs funding to support those that are in need and to keep its open spaces and roads clear

Comments from KCC Flood and Water Management, Sport England, ABC Environmental Protection and ABC Street Scene & Open Spaces Officer received all reiterate their previously reported comments.

Assessment

(a) Highways & Access - Clarification of the traffic impact assessment to ensure that the traffic movement figures are accurate and have not been double counted.

9. The highway impact issues relating to this development were addressed in paragraphs 96- 107 of the original Planning Committee report. In summary Members had various highway impact concerns which highlighted:-
 - Only an extra 24 car movements at the Stanhope Road/Kingsnorth Road roundabout and the Kingsnorth Road/Tennyson Road.
 - The old primary school traffic had been double-counted. KCC Highways assessed the new primary school application on the basis that the old primary would be closed, thus only the net increase in traffic would be considered due to the larger primary school. It appeared that a new and entirely fictional set of trips had been deducted from the traffic generated by this application.
 - There was no mention of the large volume of traffic which would be going down Kingsnorth Road towards the blind bend at the corner of Millbank Road, or any controls to manage this and ensure the route was safe.
 - Many children resident within the parish attended the John Wallis Academy and accessed it via Kingsnorth Road/Millbank Road. This stretch of road needed transport assessment too.
 - The transport evidence failed to consider the impacts of the development over an appropriate area. Despite a third of the traffic

- departing or arriving to the west of the site no assessment had been presented.
- There was also no assessment of the Romney Marsh Road roundabout to the east. Traffic regularly backed up to the Great Chart bypass and often turned east at Tithe Barn Lane, using Stanhope as a cut through to reach Junction 10. Stanhope could therefore be expected to receive a higher traffic level at peak times than the model suggested.
 - There were no documents within the application showing how the traffic from this development and the other South Ashford developments would link up. This site could prejudice delivery of Local Plan sites and result in no net increase in housing delivery in the short to medium term. Chilmington was 700m from this site and Court Lodge was 600m. The two sites combined were due to deliver 7000 homes. At the moment there was no South Ashford transport plan showing how these developments linked up.
10. It is apparent that the former Linden Grove primary school traffic was previously counted in assessing the impacts of two developments thereby suggesting double counting had taken place. The net increase in traffic was first taken into account in assessing the traffic impact of the proposed John Wallis Academy Primary School application in comparison to the then existing Linden Grove School it was replacing. When this current application was first reported to the planning Committee, the traffic associated with the then vacant Linden Grove school use, was regarded by KCC Highways as still being relevant as to assessing the traffic impact as the site could technically still be lawfully brought back into use at any time and would therefore be capable of generating traffic. KCC H&T have subsequently confirmed they considered the net increase in traffic movements and therefore only the difference between the former Linden Grove school and this proposed application. This led to their original advice on the traffic impact being based on a smaller net increase in traffic than if the current proposal had been compared to a vacant site. Although KCC H&T consider that this is the correct approach to take, I would disagree as the alleged 'fallback' position of Linden Grove school being potentially operational is unrealistic.
11. However, I consider that this matter has been resolved by the applicant's updated Transport Technical Note which has now added in the trips associated with the new John Wallis Academy Primary School so that that school's trip generation is included in the assessment, effectively instead of the trips for the former Linden Grove Primary School.
12. KCC H&T have considered this updated assessment and are satisfied the traffic data demonstrates that even with the school trips now correctly accounted for, the impact on the local highway network once the proposed amendments to the Kingsnorth Road /Tennyson Road mini-roundabout are carried out would not be severe. As such, my advice remains that the

proposals are in accordance with policies HOU3a (e) and TRA7 of the Local Plan.

Affordable Housing

13. As requested, officers have reverted to the applicant to seek the provision of 20 % affordable housing as part of the scheme, which in this case would equate to 20 'affordable home ownership' units (of which at least 10 should be shared ownership) in order to meet the requirements of policy HOU1 of the Local Plan.
14. Since the February 2020 Planning Committee meeting, the applicant has produced an updated viability study for the development which has been independently assessed by Bespoke Property Consultants on behalf of the Council. Both reports have been published for transparency.
15. At the time of the February Planning Committee, the advice then received from Bespoke indicated that the development could afford to deliver some affordable housing alongside other Section 106 requests set out in table 1 of the report (see para. 127 of the main report at Annex 1) and remain viable based on the approach to viability set out in the NPPF and the associated national guidance. This correctly excluded any allowance for the repayment of the capital forward-funding of the John Wallis Academy primary school for which receipts from the development of this site are intended to be used by the Applicant, as this must be outside the scope of any viability assessment. This matter was dealt with in some detail in paras. 126-138 of the main report.
16. In response to the updated viability assessment on behalf of the applicant by GL Hearn, Bespoke have reviewed their advice to the Council in their report dated May 2020. Their advice is that, now, the proposal would not be currently viable if it were required to provide any affordable housing provision in addition to other Section 106 requests.
17. Their advice remains that, should the Council be minded to grant planning permission with less than policy-compliant affordable housing, a viability review mechanism should be included in the Section 106 agreement. The Council would normally do this by using its established deferred contributions mechanism, referred to in policy IMP2 of the Local Plan, whereby the ultimate sales values of residential units are compared with the viability assumptions, and if additional value is generated then a proportion is paid to the Council towards the affordable housing foregone.
18. My previous report in February did not recommend the inclusion of a deferred contributions clause in the Heads of Terms for the Section 106 Agreement on the basis that it was considered very unlikely that sales values would rise swiftly enough to enable enough additional revenue from the development to be realised that would allow any affordable housing contributions to be realised. This was in the context of recommending a relatively short period for

the submission of reserved matters and the implementation of the proposed redevelopment.

19. Although the viability position has worsened in the intervening months, it is also accepted that it would be reasonable for the applicant to have greater flexibility over the timescale for the marketing and sale of the development given the extraordinary current circumstances and the inevitable uncertainty in the housing market in the short term. Therefore, it is no longer proposed to seek a condition that would accelerate the timescale for reserved matters and scheme implementation in advance of the standard timescales for such matters.
20. Consequently, it is now proposed that it would be appropriate for the inclusion of a deferred contributions clause in the Section 106 Agreement to secure funds for the provision of off-site affordable housing based on a maximum of 20 affordable home ownership units (of which at least 10 should be in shared ownership tenure), which would accord with the requirements of policy HOU1 of the Local Plan.
21. In this particular case, where Kent County Council has forward funded the delivery of the new John Wallis Academy primary school, the benefits of this to the local community has been set out in para.135 of the main report at Annex 1. The latest assessment indicates that £6.5m was used by KCC to deliver the new Academy school and redevelopment of this site should reasonably be seen as 'enabling' this investment to take place.
22. The viability advice from Bespoke indicates that the likely receipts from the sale and development of this site are unlikely, at present, to cover this scale of forward funding and Head 6 of Table 1 acknowledges that the applicant may use receipts from the development of the site to repay the capital outlay on the delivery of the new Academy school, while the other Section 106 requests are to be paid by the developer in any event. I consider this position remains the same and that the potential deferred contributions for affordable housing should apply subject to this repayment being made.

Section 106 Contributions

23. Since the February Planning Committee, NHS Estates have confirmed that there are no specific projects at present in the 4 locations indicated for the potential spend of the proposed S106 Contribution for Primary Health care. Consequently, it is proposed to amend the requirement so that the contribution may be utilised in the enhancement of primary health care in any existing or new primary healthcare facility across the Ashford town part of the Ashford Primary Care Network. This will, given patient choice, benefit future residents of the site.

24. An updated version of Table 1 which sets out the Heads of Terms for the Section 106 Agreement is now set out below and I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed the obligations 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 Obligations | | | Regulation 122 Assessment |
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| | Detail | Amount(s) | Trigger Point(s) |
| 1. | <p><u>Children’s and Young People’s Play</u></p> <p>Contribution towards investment in play facilities within public open space within 1km of the development</p> | <p>£649 per house / £473.23 per flat for capital costs</p> <p>£663 per house / £483.44 per flat for maintenance</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</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 Ashford Local Plan policies COM1, COM2, IMP1 and 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 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> |

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| <p>2.</p> | <p><u>Informal/Natural Space</u></p> <p>Provision on site of approx. 1.5 hectares of open land on Site 1 and 0.65 hectares on Site 2, plus off-site provision of shortfall of approx. 0.6ha of open space (dependent on final number of units on site) by way of contributions to the value set out in the adjacent column towards investment in open space within 1km of the development.</p> <p>On-site space to be provided, made available to the public and maintained through a management regime with details to be approved by the Council.</p> | <p>£434 per house / £316.46 per flat for capital costs</p> <p>£325 per house / £236.98 per flat for maintenance</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</p> | <p>Necessary as improvements to the informal/natural green 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 Ashford Local Plan policies COM1, COM2, IMP1 and Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space 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>3.</p> | <p><u>Outdoor Sports</u></p> <p>Contribution towards replacing and renewing the existing 3G</p> | <p>£1,589 per house / £1,158.65 per flat for capital costs</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that</p> | <p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be</p> |

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| | pitch adjoining the site, and /or other facilities in the area, plus maintenance thereof | £326 per house / £237.71 per flat for maintenance | phase. | <p>maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 and Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p> |
| 4. | <p><u>Strategic Parks</u></p> <p>Contribution off site towards investment at Conningbrook Lakes Country Park</p> | <p>£146 per house / £106.46 per flat for capital costs</p> <p>£47 per house / £34.27 per flat for maintenance</p> | Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase. | <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 Ashford Local Plan policies COM1, COM2, IMP1 and Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> |

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| | | | | <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> |
| 5. | <p>Allotments</p> <p>Contribution towards investment in off-site allotment sites within 1km of the development, including private, public and community sites</p> | <p>£258 per house / £188.13 per flat for capital costs</p> <p>£66 per house / £48.13 per flat for future maintenance</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</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 Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and 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</p> |

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| | | | | 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. |
| 6. | <p>Undertaking by the applicant to recycle all disposal receipts towards repaying the previous forward-funding provided for the delivery of the primary School at John Wallis Academy campus.</p> <p>Provide written evidence of the terms of disposal and receipts (including any overage or other deferred consideration) for the Oak Field (site 1) and the former Linden Grove school site (site 2) and evidence of how the receipts have been used to repay the forward-funding.</p> | Applicable to all disposal receipts, whenever received | Within 3 months of disposal of each part of the former Linden Grove School and Oak Field sites | <p>Necessary as the non-provision of new affordable housing on this important site is only acceptable in planning terms in order to fund (retrospectively) the replacement facility for the former Linden Grove Primary School on this site; the new primary school on the John Wallis campus, Stanhope, Ashford is an acceptable replacement; and the waiving of on-site affordable housing is predicated solely upon the recycling of 100% of the proceeds from the disposal of the Oak Field and former Linden Grove school sites into the delivery of a new primary school at the John Wallis Academy campus, Stanhope, Ashford.</p> <p>Directly related as the loss of this important education facility is only</p> |

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| | | | | <p>acceptable in planning terms if a replacement facility is provided; and that facility has already been provided upfront elsewhere on the wider site.</p> <p>Fairly and reasonably related in scale and kind as the replacement education facility is an acceptable replacement for the former Linden Grove school.</p> |
| 7. | <p>Primary Schools</p> <p>Project: Towards Phase 2 of Finberry Primary School</p> | <p>£4,535.00 per applicable house</p> <p>£1,134 per applicable flat</p> | <p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary As the proposal would give rise to additional primary school pupils. There is no spare capacity at Finberry school and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' 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</p> |

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| | | | | 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 or sheltered accommodation specifically for the elderly. |
| 8. | <p><u>Secondary Schools</u></p> <p>Project:- Towards Phase 2 Additional 2FE provision at the new Chilmington Green Secondary School, and/or provision of new secondary education places within the relevant group of schools</p> | <p>£4,687.00 per applicable house</p> <p>£1,172.00 per applicable flat</p> | <p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p> | <p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of</p> |

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| | | | | <p>dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p> |
| 9. | <p>Libraries</p> <p>Contribution for additional bookstock for the Stanhope library that serves the local area.</p> | <p>£48.02 per dwelling and per extra care unit</p> | <p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books 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 calculated, is based on the number of dwellings.</p> |
| 10. | <p>Health Care</p> <p>Extension / refurbishment / upgrade of the following:-</p> | <p>£177,125 (based on population growth of 545 will require 41m² based on NHS standard of 12 patients</p> | <p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of</p> | <p>Necessary as additional healthcare facilities required to meet the demand from additional occupants that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1</p> |

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| | <ul style="list-style-type: none"> • Kingsnorth Medical Practice, • Hollington Surgery, • Sydenham House Medical Centre, • Ashford Medical Partnership, • St Stephen's Health Centre <p>and/or</p> <ul style="list-style-type: none"> • towards new general practice premises in the Ashford Stour Primary Care Network area | <p>per square metre. At current build costs of £3,000 psm this equates to £136,250 plus a further 30% allowance for development fees)</p> <p>Regarding the Indexation:</p> <p>A) The £3000 psm is based on the average cost of a new surgery building in 2018/2019</p> <p>B) the NHS would typically look at the BCIS All-In Output Price Index, and also General Building Cost Index</p> | <p>25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare 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 been calculated based on the estimated number of occupiers.</p> |
| 11. | <p>Community Learning</p> <p>Project:- Additional portable IT and Equipment to enable the re-configuration and greater</p> | <p>£34.45 per dwelling and extra care unit</p> | <p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of</p> | <p>Necessary for community learning space available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> |

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| | use of rooms at the Ashford Adult Education Centre | | 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p> |
| 12. | <p>Youth Services</p> <p>Project:- additional equipment at Ashford North Youth Centre.</p> | £27.91 per dwelling (Extra Care Units are not applicable) | <p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary for youth services space available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p> |
| 13. | <p>Adult Social Care</p> <p>Project:- Changing Place Facility in the vicinity</p> | £47.06 per dwelling | <p>Contribution for each phase to be paid as follows:-</p> | <p>Necessary for social care available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and</p> |

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| | | | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p> |
| 14. | <p>Voluntary Sector</p> <p>Contribution towards investment in voluntary sector projects within 1km of the site</p> | £15,337.38 total | Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase. | <p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p> |

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| 15. | <p><u>Public Art</u></p> <p>Contribution towards the cost of retaining artist(s), embedded within the design team of the new Ray Allen Children’s Centre, and the incorporation and delivery of public art within it</p> | £59,657.10 in total | No less than 6 months prior to submission of reserved matters application for the new Ray Allen Children’s Centre | <p>Necessary in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p>Directly related as would improve the design quality of the development and would be visible to occupiers.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p> |
| 16. | <p><u>Custom/Self Build Housing</u></p> <p>Provide and market serviced plots</p> | 5% of house plots | Phased during delivery of the development | <p>Necessary as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to Policy HOU6 of the Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p> |

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| | | | | Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough. |
| 17. | <p><u>Accessible and adaptable Housing</u></p> <p>Level 2 access homes (M4(2)) to be provided on-site</p> | 20% M4(2) across the whole site | All accessible and adaptable homes for each phase are to be identified on a plan and provided before the occupation of 75% of open market dwellings in that phase | <p>Necessary as providing a mix and type of housing required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as the accessible housing would be provided on-site</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p> |
| 18. | <p><u>Affordable Housing</u></p> <p>Contribution towards provision of offsite affordable housing elsewhere in the borough, in lieu of onsite provision of the relevant proportion namely 20% of the non-flatted</p> | Total cost of offsite provision of 20 units = £654,188 at current costs | From any Deferred Contributions received. | <p>Necessary as the sum collected would provide housing off site for those who are not able to rent or buy on the open market pursuant to Local Plan Policy HOU1, IMP2, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the amount</p> |

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| | <p>dwellings as affordable housing (shared ownership) as required by policy HOU1.</p> | | | <p>requested is calculated as the cost of providing policy compliance, but it has been demonstrated that it would not be financially viable to deliver policy compliant affordable housing onsite.</p> <p>Fairly and reasonably related in scale and kind based on the viability appraisal submitted by the applicant and external advice sought from the Council's Viability Consultants.</p> |
| 19. | <p><u>Deferred payments Mechanism</u></p> <p>Mechanism to monitor sales/rental values to ensure that 40% of any rise in values above those predicted in the Council's Consultants' viability appraisal, is paid to the Council towards the Affordable Housing contributions above that are deferred (but subject to Head 6 above)</p> | <p>Up to the value of all deferred contributions (index linked).</p> | <p>To be paid if the circumstances prevail.</p> | <p>Necessary, directly related and fairly and reasonably related in scale and kind for the reasons set out above and pursuant to Ashford Local Plan 2030 Policies HOU1 and IMP2 and the Planning Practice Guidance</p> |
| 20. | <p><u>Monitoring Fee</u></p> | | | <p>Necessary in order to ensure the</p> |

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| | Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking. | £1000 per annum until development is completed | First payment upon commencement of development and on the anniversary thereof in subsequent years | planning obligations are complied with. Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored. |
| Page 86 | Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs. If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused. | | | |

Conclusion

25. Following the previous deferral of this application, I am content that the issues raised by members have now been satisfactorily addressed.
26. Despite the position of KCC H&T, I regard the alleged ‘fallback’ position of Linden Grove school potentially becoming operational again, to be unrealistic. Crucially, the applicant’s updated Transport Technical Note, has now accounted for all the trip generation associated with the new John Wallis Academy Primary School. KCC H&T have considered this updated assessment, with the school trips correctly accounted for, and they are satisfied the traffic data demonstrates the impact on the local highway network would not be severe, provided the proposed amendments to the Kingsnorth Road /Tennyson Road mini-roundabout are carried out. This matter is proposed to be addressed by planning condition 39 recommended below, and I therefore still consider that the proposals are in accordance with policies HOU3a (e) and TRA7 of the Local Plan.
27. With regards to the provision of affordable housing, the viability position for the proposal has been reassessed by the applicant and the Council’s independent advisor since the application was last considered by the Committee. This has indicated a deterioration in the scheme viability since it was last assessed to the point where it is now agreed that the development could not sustain the provision of any affordable housing and remain viable at current values.
28. However, it is considered appropriate for the Council to seek the potential for deferred contributions towards affordable housing off-site should sales values rise sufficiently in the future to enable the scheme to repay the balance of the forward funding of the new school at the John Wallis Academy and generate additional value beyond that. Therefore, this now forms part of the revised set of Heads of Terms for the Section 106 Agreement listed in Table 1 above.
29. Recommendation A below refers only to consultation on the Viability Assessments produced by the Applicant and the reports produced by Bespoke Property Consultants advising the Council on their content as these have only recently been made public. If required, any comments received in response to this consultation up to the date of the Planning Committee will be reported to Members in an Update report.

Recommendation

- A. Subject to the Head of Planning & Development or the Strategic Development & Delivery Manager considering any representations received from the consultation expiring on 16/07/2020, that relate to any material planning considerations not already addressed within the report or any update report or otherwise at the Committee meeting, and;**
- B. 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 Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit.**
- C. Grant Outline Planning Permission, including approval for the three proposed accesses onto Stanhope Road, with all other matters, (including all further vehicular, pedestrian and cycle accesses to and through the site) to be dealt with as reserved matters, subject to the following conditions and notes:**

Commencement

- 1) Standard time conditions.
- 2) Phasing Plan of construction of residential units and children's centre to be submitted and agreed.
- 3) Children's Centre tied into phasing of the whole development so that it is constructed and open to use before the existing Children's Centre can be demolished.
- 4) Development carried out in accordance with the approved plans including all parameter plans.

Highways and Parking

- 5) Parking and cycle parking to be retained
- 6) Details of cycle parking facilities

- 7) Provision of site access prior to occupation of any dwellings
- 8) Provision of footway to be constructed on the northern highway verge between the application site and the signalled crossing.
- 9) Provision of other highway infrastructure / works (i.e. signalled crossing)
- 10) No development shall commence until the highway works, including proposed double yellow lines on Stanhope Road (as set out in drawing number 12861 H-03 Revision P2) have been secured through a traffic regulation order. The double yellow lines shall be implemented prior to the occupation of the first dwelling on the site.
- 11) Car barns/PD restrictions
- 12) Provision of final wearing course
- 13) Construction Management Plan
- 14) Visibility splays
- 15) Details of any pedestrian crossings, speed restriction measures and segregation of the pedestrian / cycleway and vehicular access onto Stanhope Road including levels and sections through and details of road markings and barriers and final surface finish.
- 16) Details of highway infrastructure / services.
- 17) Details of final surface finish for roads, driveways, cycleways and footpaths and parking areas
- 18) Details of a new east west footpath and cycle link connecting the two parts of the application site and integrating with all adjacent the main streets, cycleways and footpaths.
- 19) Details of continuous footpath and cycle link along entire south side of Stanhope Road, including tree planting, parking spaces.
- 20) Details of traffic calming measure Stanhope Road to provide pedestrian crossing points
- 21) Grampian Condition - Replacement parking, JWA existing car park. and secure availability of parking.
- 22) Grampian Condition - Details of a minimum of 118 replacement car parking spaces in Stanhope Centre car parking

23) Grampian Condition Details of car parking for a minimum of 38 spaces in Stanhope Road to serve the new Ray Allen Children's Centre. and 36 further on street perpendicular parking adjacent to site 2.

24) Parking Strategy Condition

Uses

25) Limit on residential tenure mix of up to 99 (2 ,3 and 4 bed) houses and up to 106 (1 and 2 bedroom) flats including

26) Restriction in use site 2 a maximum of 64no. Extra Care Unit (C2 use), plus no more than 205no. C3 dwellings and public open green space

27) Restriction in use site 1- Ray Allen Centre, 2 junior football pitches, MUGA, and open space

28) Any conditions required by Sports England

29) Details of location of at least two 7-a-side sized junior football pitches and unobstructed associated overrun areas around fringes of both pitches.

30) Details of location and replacement changing rooms

31) Details, and the timescale for the replacement surface of the 3G AstroTurf at Pitchside in agreement with ABC

32) Details location and timescale for the replacement toilets directly serving the Pitchside 3G pitch in agreement with ABC.

33) Details of a direct level access route from base of existing primary school access ramp connecting through Oak Field connecting to Stanhope Road and aligned with any potential new crossing points.

34) Pedestrian/cycle route from Oak field to eastern housing site secured

35) Footpath along south side of Stanhope Road behind parking and respecting the protected trees.

36) Details of pedestrian access from JWA car park to 3G pitch.

37) Details of the pedestrian access to The Limes public footpath

38) Details of potential improvements to the surface of the footpath and access road adjacent to entrance to The Limes, that links the site to Kingsnorth Road.

39) No development shall commence until details of mitigation scheme consisting of double yellow lines on Tennyson Road at the Kingsnorth Road / Tennyson Road mini-roundabout (as set out in drawing number 12861 H-05 Revision P1) have been secured through a traffic regulation order. All related works including the double yellow lines shall be implemented prior to the occupation of any of the residential units hereby permitted.

Sustainable Design

40) Sustainable designs for housing and Ray Allen Centre in accordance with policy ENV11.

Residential

41) Details of residential space standards including minimum garden sizes

42) Refuse storage details

43) Level thresholds

44) Electric car charging points

45) Water efficiency condition pursuant to policy ENV7

46) Dwellings used for C2 purposes only

47) Removal of PD rights for extensions and alterations and outbuildings

48) Reserved matters (appearance) shall limit scale of dwellings to 2 or 3 storey form with any 4 storey elements kept to an absolute minimum.

49) Architectural details for the dwellings

50) Materials/samples to be submitted

51) Joinery, colour finish and depth of reveals

Landscaping & Open Space

52) Details of hard and soft landscape proposals including all open spaces

53) Protection of TPO trees

54) All boundary treatment including open spaces.

- 55) If two replacement sports pitches require the loss of the existing oak tree on Oak Field then 2 replacement semi mature specimens (no less than 5metres in height) will be planted in an agreed central location
- 56) Reserved matters shall include details of the extra care facility secure boundary treatments and landscape buffer to back of houses and no balconies overlooking.
- 57) Reserved matters shall detail a landscaped buffer to new residential units adjoining Courtside pitches and to backs of properties adjoining the rear of homes in The Limes adjoining the site, to avoid disruption from floodlights and any methods necessary to mitigate noise.
- 58) Details of management strategy for green spaces and landscaped buffers to be submitted
- 59) Open space designed in accordance with Secured By Design.

Drainage & Disposal of Foul water and flooding

- 60) Reserved matters shall include Integrated SUDs
- 61) Sustainable Surface Water Drainage Scheme relating to SPD Kent County Councils Drainage and Planning Policy Statement.
- 62) SUDs Verification Report
- 63) Protect or divert sewers
- 64) Surface Water drainage/run off
- 65) Foul water and sewerage disposal for site and in relation to Ray Allen Children's Centre

Others

- 66) Broadband
- 67) Contamination and remediation / verification report
- 68) Lighting Design Plan
- 69) Noise control measures / mitigation
- 70) Air quality mitigation measures
- 71) Archaeology

72) Standard approved plans condition

73) Standard enforcement condition.

74) Ecological, mitigation and biodiversity enhancements

75) External Lighting

76) Dark skies

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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/agent responded by submitting amended plans, which did not address all the outstanding issues, and an objection was raised.,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was dealt with/approved 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. EA Informatives

- UK Power Networks
- Others to be clarified.

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 18/01861/AS)

Contact Officer: Mark Chaplin (Placemaking Team Leader)

Email: mark.chaplin@ashford.gov.uk

Telephone: (01233) 330240

| | | |
|--------------------------------|---|---|
| Application Number | 18 /01861/AS | |
| Location | Land at Playing Fields and Linden Grove Primary School, Stanhope Road, Stanhope, Kent | |
| Grid Reference | 599666 / 140550 | |
| Parish Council | Stanhope | |
| Ward | Stanhope Ward, (immediately adjoins Norman Ward, Roman Ward and Washford Ward) | |
| Application Description | Outline application with all matters reserved, except the 3 main "Access" points off Stanhope Road into the site, for the construction of up to 205 no. dwellings and up to 65 no. bedroom Extra Care housing, replacement of the Ray Allen Children's Centre, together with the provision of open space, landscaping, drainage, infrastructure and earthworks. | |
| Applicant | Kent County Council | |
| Agent | Barton Willmore LLP The Observatory Southfleet Road Ebbsfleet Dartford, Kent DA10 0DF | |
| Site Area | 7.06 hectares | |
| Consultation | | |
| (a) 335/46R/2X | (b) R | (c) KCC H&T – X, KCC SUDs – X, KCC Arch – X, KCC Bio – X, EHM – X, ABC Refuse – X, ABC Housing – X, Open Spaces – X, Police – X, Kent F&R – X, NHS – X, SW – X, SGN – X, UKPN – XSE – X, RS IDB – X |

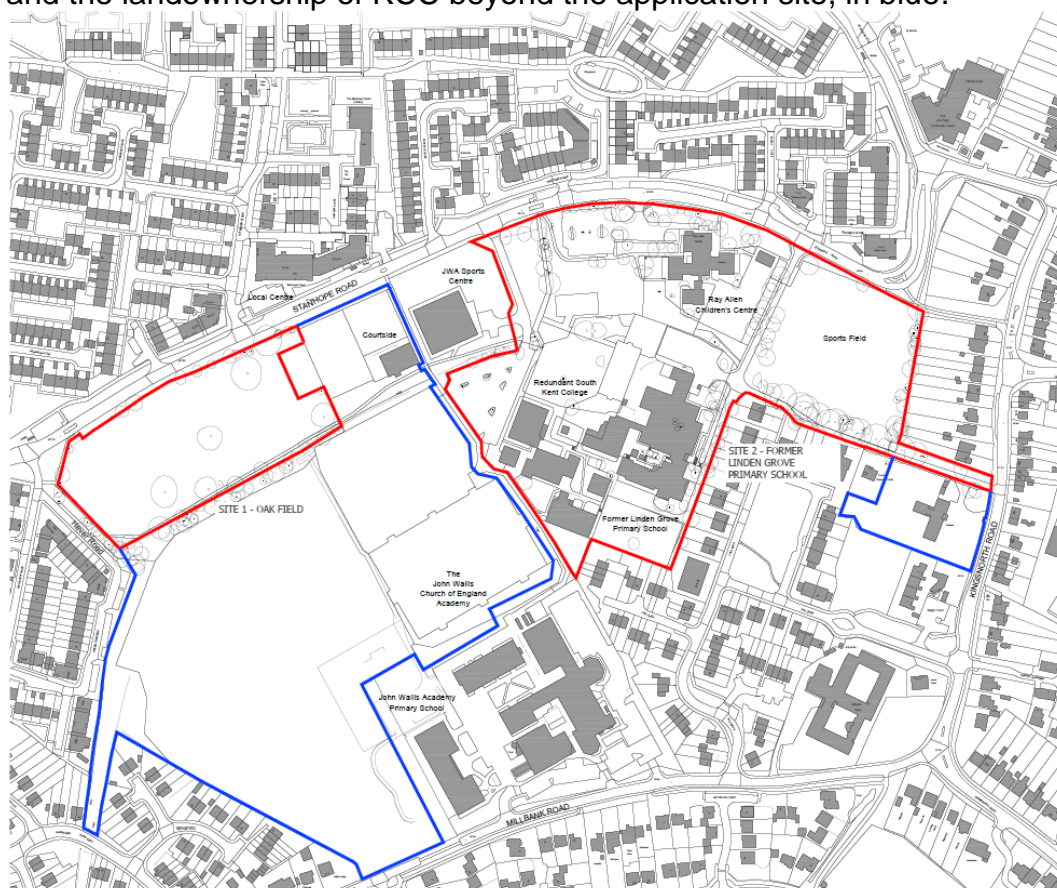
Introduction

1. This application requires determination by the Planning Committee under the scheme of delegation because the scheme proposes more than 9 houses and the site is more than 0.5 hectares in size, so is classified as a major development.

Site and Surroundings

- The application sites comprises two separate plots of land approximately 100m apart,, with an overall combined site area of approximately 7.04 hectares. To the west lies Site 1 (Oak Field) which has an approximate area of 1.55 hectares and to the east is Site 2 (Former Linden Grove Primary School). This is now largely unused, and has an area of approximately 5.49 hectares. These sites are on land surrounding the John Wallis Academy which features a cluster of large educational buildings set within substantial landscaped grounds featuring both grass and artificial sports pitches. A new primary school and nursery building was built by John Wallis Academy 3 years ago to replace the Linden Grove School buildings.

A site location plan has been submitted showing the application site in red and the landownership of KCC beyond the application site, in blue.



- Both parts of the application site immediately adjoin a major community sports facility known as Pitchside and Courtside, with some of these facilities being available for use by the school, including indoor sports hall, outdoor grass pitches (used for football, rugby, athletics and rounders), 6 outdoor hard surface courts (used for tennis and netball) and a full size artificial grass football pitch. A significant number of these pitches are floodlit to enable community use in the evenings.

Both parts of the application site are bounded on the northern side by Stanhope Road, and beyond that the 1960's Stanhope housing estate. A relatively new retail centre featuring flats was built approximately 13 years ago and is located directly to the north of Site 1 fronting onto Stanhope Road.

The application site is located within the Parish of Stanhope and it immediately adjoins both Norman Ward and Roman Ward.

4. The smaller of the two plots (Site 1 Oak Field) comprises mostly open grassland punctuated by several trees which are protected by TPO, and it is bounded on the north side by Stanhope Road, with residential development to the north and west. To the immediate south is the open sports grounds owned by the John Wallis Academy. The larger plot (Site 2 Former Linden Grove Primary School) comprises land previously owned by the redundant South Kent College and former Linden Grove Primary School, and it contains a number of vacant buildings previously used for education purposes, with an open sports field to the north east and hardstanding playgrounds and car parks. This site includes the Ray Allen Children's Centre building which is still in use. With the exception of the northern side bounding Stanhope Road, both plots of land are enclosed by mature trees and sparse hedgerow.
5. The application site is situated on the southern edge of Stanhope, and is surrounded on all sides by residential development. To the east is Kingsnorth Road, which services the larger plot with an access road.

6. To the south of the site is the John Wallis Academy, which contains a secondary school, nursery, and the relocated Linden Grove Primary School. The school sports/playing field abuts the southern boundary of the smaller plot in this application.

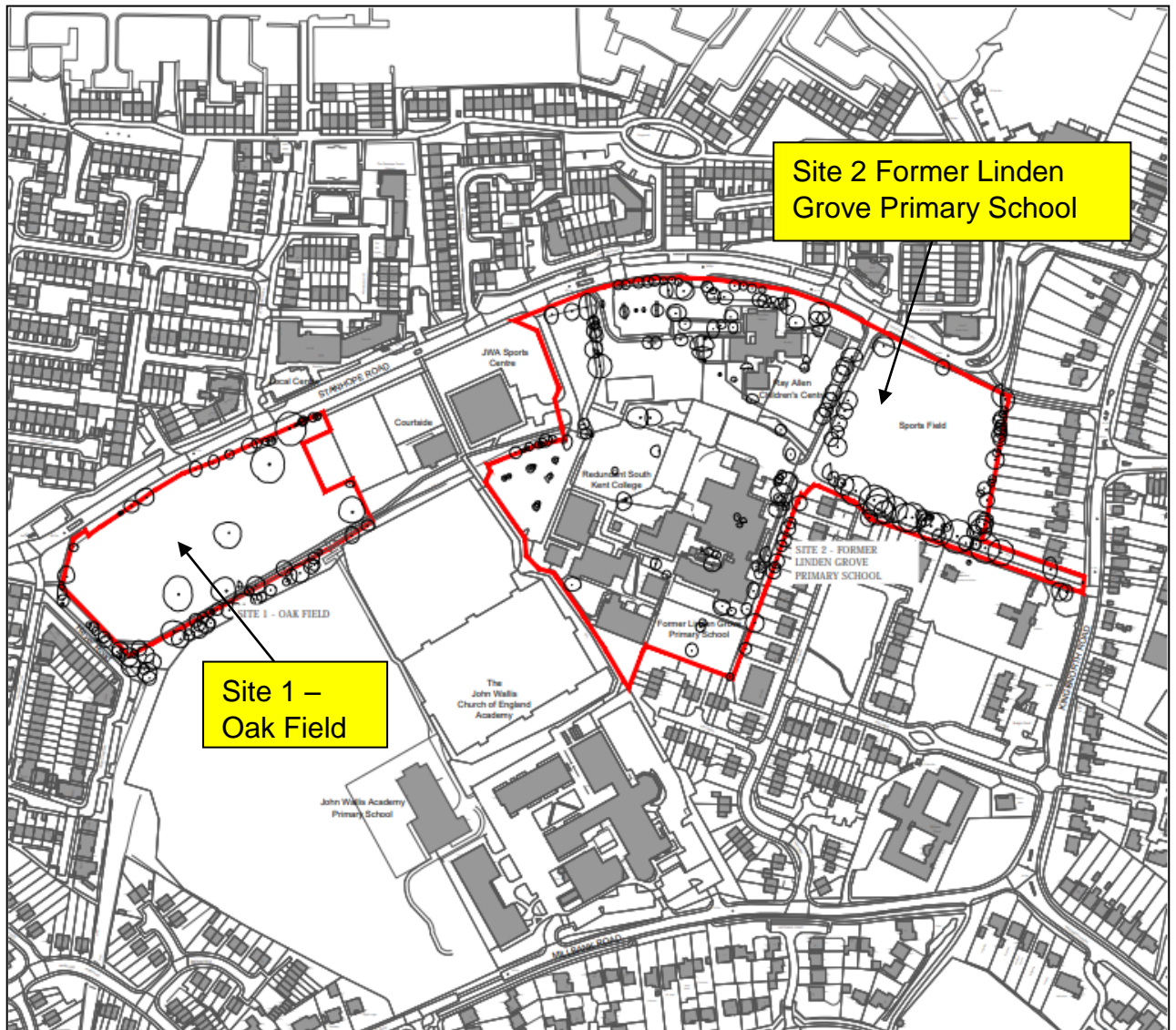


Figure 1 – Site location plan

7. To the south east of the larger plot are residential dwellings situated on The Limes as well as a large area of modern housing to the south of Millbank Road. The back gardens of some of these properties along with properties in Kingsnorth Road form the boundary with the Linden Grove sports field. There is an existing pedestrian connection from The Limes into the school as well as an informal narrow vehicle access lane from Kingsnorth Road which at one time seems to have served as a secondary access to the Linden Grove school. A relatively well used cycleway and footpath connects Kingsnorth Road to Stanhope Road on the north-west corner of Site 2.

8. To the east of the site are residential dwellings along Kingsnorth Road. As with the properties on The Limes, the rear gardens form the boundary with the site.
9. There are no designated PROWs running through the site, though there are public footpaths adjoining Stanhope Road and Kingsnorth Road that the application site has easy access to. There are no designated wildlife sites or nature reserves within the application site or immediately adjoining it, although there is a considerable amount of archaeology & archaeological potential within the application site.



Figure 2 – Aerial photo of the site

Proposal

10. Originally the outline planning application proposed the construction of up to 246 dwellings including 210 residential units and 36 Extra Care Housing units and replacement of the Children's Centre together with the provision of open space landscaping, drainage, infrastructure and earthworks on Land at former Playing Fields and Linden Grove Primary School. Initially all matters except access were reserved.

Following negotiations, and for the purpose of clarity, the initial scheme was amended following discussions. The proposals now include an increase of 29 extra units from the original 36 extra care units up to a maximum of a 65

bedroom extra care housing units. The number of dwellings has reduced by 5 from a maximum of 210 units down a maximum of 205 residential units. This proposal for up to a combined 270 residential and extra care units could result in a net overall increase of up to 24 units from the initial combined 246 residential dwellings and extra care units originally proposed when the application was first submitted. The proposals now feature the following changes;

- Extra care units relocated from Oak Field (site 1) to eastern part of the site (site 2)
- Inclusion of replacement football/sports pitches.
- Inclusion of a replacement MUGA
- The existing sports changing rooms are now to be replaced by new changing room facilities located in close proximity to sports facilities but not within application site.
- Further off-site improvements are being provided including replacement parking spaces (172 spaces); improvements to route from existing JWA car park; resurfacing of existing 3G pitch

11. The main reasons for the need for these changes were because;

- The Oak Field was considered unsuitable for housing development
- The extra care facility was considered to be better located to the east closer to Farrow Court as this existing facility includes a community resource centre, sheltered housing units for older people, an eight-bed recuperative care centre and 12 independent living units for people with learning disabilities.
- The extra care facility needed more units to make it a viable facility.
- The loss of car parking facilities was not supported and securing extra parking provision was necessary.
- Sports England wanted replacement football pitches as mitigation for the loss of the former school sports field with good parking and changing facilities. The new location of replacement pitches near existing sports facilities, changing facilities and parking was more appropriate than within the main residential area as initially proposed.
- The existing changing rooms needed upgrading and in the current position would hamper the ability to create a satisfactory housing layout.

12. The matters for consideration at this stage are the principle of the development, the quantum of development and uses proposed. In addition, the three vehicular accesses to the site from Stanhope Road are to be determined, with all other access matters being reserved matters. All other matters relating to landscaping, layout, scale, appearance and all further access ways into or through the site are all reserved matters for consideration at a later date should outline planning permission be granted.



Figure 3 Parameter Plan (Including Accesses)

13. An indicative layout has been submitted and this shows that Site 1 Oak Field, which is the western most part of the application site, will accommodate the replacement Ray Allen Children’s Centre; a replacement multi use games area; 2 replacement junior grass football pitches; and a new footpath link within this existing area of informal green open space. The parameter plan (at figure 3 above) which is being approved as part of this application shows the same indicative layout and the 3 points of access from Stanhope Road which are for approval.



Figure 4- Illustrative Layout

14. The indicative layout for Site 2 which is the eastern most area and which contains the former Linden Grove Primary School, includes all the proposed housing (C3 use); and the extra care housing facility (C2 use), along with some new linked open green spaces and some swales/attenuation ponds.
15. The extra care facility (up to 65 beds), with its dedicated parking and private gardens, is proposed along part of the eastern boundary of the site.
16. In terms of parking provision, the proposal is:

| Existing Parking Spaces | | Replacement Parking Spaces | |
|--|-----------|---|-----------|
| Pitchside/Courtside Car Park | 87 | On street (site 1) adjacent to RAC | 38 |
| Stanhope Sports Centre Car Park | 5 | On street (site 2) | 36 |
| Ray Allen Centre (RAC) | 55 | Stanhope Sports Centre | 82 |
| | | John Wallis Academy | 163 |
| | | <i>(existing car park – available for users of sports pitches during most weekday evenings and at weekends)</i> | |
| Total 147 | | Total 319 | |
| <i>Former Linden Grove school car park 49* (Car park was never available to users of sports pitches or RAC – spaces have not been used since school moved)</i> | | | |
| Net Increase for users of sports facilities 172 | | | |
| <i>Available for users of sports pitches during most weekday evenings and at weekends</i> | | | |

The new parking will be provided in the following locations;

- 163 spaces to be made available within the existing John Wallis Academy school car park (off site)
- 82 newly constructed car parking spaces within an area of land adjoining the Stanhope Sports Centre (off site)
- 38 new on street parking spaces along Stanhope Road close to site 1 (Oak Field) (off site)
- 36 new parking spaces along Stanhope Road close to Site 2 (former Linden Grove Primary School)

As the new parking is outside the site boundary the new parking is not shown on the illustrative layout or parameter plan, however it shown on the plan below in figure 5.



Figure 5 - Indicative layout showing location of proposed parking provision

17. Protected trees will be retained on the site wherever possible although some flexibility may ultimately be required when the detailed layout comes forward at the reserved matter stage. Only in exceptional circumstances will an individual protected tree be considered acceptable for removal and if this scenario arises they will need to be replaced by more than one semi mature replacement tree of equivalent quality.



Figure 6 - Site 2 Indicative Layout

18. The indicative layout suggests a potential housing mix of
 - 57 x 1 bed apartments
 - 49 x 2 bed apartments
 - 27 x 2 bed houses
 - 52 x 3 bed houses
 - 20 x 4 bed houses
 - 65 x 1 & 2 bed extra care units (C2 use)

19. The following documents have been submitted in support of the application:

20. **Planning Statement** – This provides an overview of the site, its context and the relevant planning history. It also provides a review of all applicable development plan and emerging policies as well as the NPPF and other relevant guidance. The report concludes that the planning proposal is appropriate in planning terms. In summary it states
 - Section 38(6) of the Planning & Compulsory Purchase Act 2004 confirms that planning applications are to be determined in accordance with the Development Plan unless material circumstances dictate otherwise.
 - The Site is located within the urban area of Ashford, largely consisting of previously developed land. The buildings on the Site are imminently to become redundant following relocation of the Linden Grove Primary School onto the John Wallis Academy campus. The new school has been

forward funded by Kent County Council at the request of the local community. KCC is therefore seeking to ensure best value from the disposal of the existing site to recover the costs of the new community facility.

- The Site is situated in a sustainable location, with good access for future residents to local services via a range of transport options other than the private car. Its redevelopment would contribute to the three objectives of sustainability as set out within the NPPF and would make most efficient use of land through the maximisation of density, which is reflective of the character of the local area.
- The principle of development is supported within the Council's Local Plan to 2030 (SP1 & HOU3a), being the redevelopment of land within the most sustainable settlement of Ashford. The proposals would also positively contribute to the Council's windfall housing land supply.
- The planning application is supported by a comprehensive suite of technical reports, which demonstrate that the proposed development does not give rise to any harmful environmental impacts. The parameter plans include details to demonstrate how the proposed development could be delivered on the Site in an appropriate manner and reflective of local character.
- The proposals have been the subject of public consultation and significant pre-application discussions. The public consultation event attracted relatively little public interest (48 attendees from 600 invitations) and those in attendance generally supported the principle of redevelopment of the Site.
- It is a key theme of the NPPF that there is a 'presumption in favour of sustainable development.' This Statement demonstrates compliance with the themes in the NPPF and when taken together it has been demonstrated that the proposals represent a sustainable form of development.
- Therefore, it is concluded that the proposals are acceptable and will contribute towards creating a high quality environment. As such, the proposals should be supported and planning permission granted without delay (NPPF, para 14).

21. **Transport Statement** – The Transport Statement concludes follows:

- In terms of transport planning policy, the proposals are not considered to conflict with any local or national policies in regard to accessibility, sustainability and highway safety. The site lies within walking distance of an hourly bus service with amenities located within a short walking distance, it is considered that the site is located within a sustainable location.

- A review of local road safety conditions has identified no overarching concerns. Six incidents were recorded within the study area, with the causation being human error. As such, it is not considered that the development proposals will exacerbate road safety concerns in the area.
 - A trip attraction forecasting has been undertaken for the proposed development across the weekday AM and PM peaks. This included an assessment of the existing site trip potential following discussions with the Highway Authority.
 - An addendum to this report has been provided, outlining the results of the junction capacity assessment exercise, as requested by KCC Highways and Transportation.
22. In April 2019 a Transport Technical Note was produced to provide a response to the comments made by Kent County Council Highways and Transportation (KCC H&T) on 27th February 2019 to the application as originally submitted..
23. Following the amendments to the numbers of units and location of the extra care home and Children's Centre, further highway information was submitted on 16th December which demonstrate that the amended scheme proposals will result in a reduction of 5 vehicle trips in the am peak and reduction in 5 vehicle trips in the pm peak.
24. **Drainage Strategy** – The Drainage Strategy concludes as follows:
- Following consultation with the drainage authority and utility companies, it has been confirmed that some aspects of the proposed scheme cannot be serviced from the existing infrastructure, as follows:
- Water: South East Water advise that the applicant that two areas of offsite reinforcement will be required to serve the site [the applicant has subsequently advised that South East Water would have to pay for these reinforcement works and would charge the developer for connecting to the network].
- Foul Water Drainage: A Feasibility Study is required to define extent of works required to provide capacity. The cost of the study is £4,320.00. For the existing rising main crossing the western land parcel, the options are to revise the development layout or consult with Southern Water regarding diversion works.
- Southern Water has informed the applicant that they have undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water have requested a condition.

This can be dealt with by condition.

25. **Design and Access Statement** – The Design and Access Statement accompanying the application summarises the following opportunities to arise from the development: The opportunities are to contribute to the character and quality of the area by replacing poor quality vacant and redundant former educational buildings with good quality housing, open space and associated infrastructure by:

- Providing for a mix of affordable and market housing to meet an identified need in a location that reduces the need to travel by private transport and is near services and facilities
- Securing the efficient use of brownfield land in a wholly sustainable location;
- Improving safe pedestrian linkages across the sites for schools and community use
- Creating a new and attractive frontage along Stanhope Road
- Providing improved open spaces for the community
- Providing other publicly accessible open spaces including gardens, informal recreational space and a community green which can be utilised by the wider locality as well as new residents
- Providing significant opportunities for biodiversity enhancements on the Site and supporting the wider eco-system
- Delivering much needed Extra Care accommodation for older people
- Providing a new and improved children’s centre, as well as replacement sports provision

26. **Landscape Strategy – (Included within D&A Statement)**

This states that the development landscape proposals provide a significant amount of high quality accessible green space with the enhancement of an informal public park (Oakfield), the creation of a central pocket green; and the retention of a sports field.

The enhanced informal park on Site 1 will have new residential units and the extra care unit overlooking from the west and north allowing for natural passive surveillance and borrowed landscape. The relocated Ray Allen Centre to the east allows the potential for further natural integration of open space into community interaction. The parks maintenance procedures will be structured to enhance biodiversity and ecology.

The central pocket green will be a focal space and will include natural resting stops in the key pedestrian movement from east to west.

The retained sports field on Site 2 on the eastern boundary has mature tree hedged boundaries on the east and southern boundary. Although the central areas will be maintained for playing sport, the boundaries will be informal space with landscape designed to provide a number of different wildlife habitats looking to maximize opportunities to enhance ecology.

Landscape Design - The Landscape proposals for the Site seek to: • Retain and enhance boundary vegetation and tree planting;

- Use green infrastructure to help soften the development and tie into the existing boundary planting;
- Provide new safe links into the adjacent JWA school site.
- Provide new cycle footpath connections through the Site.

One of the key influences on proposed site layout is to provide and integrate a variety of open green spaces overlooked and encircled by residential housing. The retention of all Category A and most Category B trees formed the developable footprint including the natural creation of a central pocket green formed around key specimen trees.

The layout of has allowed for sensible and realistic locations for street trees, using different species to provide character and distinctiveness. The selection of these trees has been carefully considered to reflect the scale of the street and their proximity to homes.

Open Space Types - A key focus of the proposal is to provide and enhance public open space over the two Sites. The proposal will provide a variety of types of open space to cater to the wide diversity of the local community and the proposed development.

Taking inspiration from the existing landscaping, the provision of open space green spaces has been weaved through the proposed retaining a substantial amount of the existing mature trees. Types of Open Space to be provided:-

1. Oak Parkland (informal open space)
2. Landscaped Pathways & Streets
3. Secure Landscaped Gardens
4. Landscaped Green (pocket park)
5. Incidental Open Spaces
6. Sports Field

27. **Arboricultural Impact Assessment** – Overall, the Arboricultural report prepared by RSK Environment concludes that: “It is clear that some Arboricultural features will need to be removed to facilitate development and the tree stock should be carefully considered during the design stage so unnecessary removals or impacts are avoided. Arboricultural input from an

early stage and throughout the design phases will help avoid late design changes and delays.”

28. A detailed consideration of the impact of development upon the trees will be produced at Reserved Matters stage to ensure those specimens of highest value can be retained. Subsequently, an Arboricultural Method Statement will be produced to inform how construction should be undertaken to avoid harm to the trees to be retained.

Across the Site, there are a total of 131 trees, of which 67 are either Category ‘A’ or ‘B’. In most instances the illustrative layout allows for these high grade trees to be retained. Those trees which may ultimately need to be lost are low grade trees located within the existing school grounds and further details about the detail of any trees that may need to be removed will be dealt with at reserved matters stage. The one instance where a protected tree might be at risk to the provision of the two grass sports pitches will be the one labelled T18 on the Oak Field. This is an English Oak, mature tree, and if this interesting tree cannot be accommodated around the sports pitch then 2 replacement semi mature trees of appropriate species will be planted very close to its current location.

Planning History

Below is the most recent and relevant planning history

13/01112/AS - Planning renewal for temporary building. Ray Allen Centre, Stanhope Road Approved 14/11/14

On land adjoining

17/00236/AS – Consultation from Kent County Council for the construction of a new 2 FE two-storey primary school with nursery facility within the existing John Wallis Church of England academy school site with associated soft and hard landscaping and access to form a 3 - 19 through school. Raise no objections 08/06/17.

Consultations

Ward Members:

No comments received. The Ward Member is a Member of the Planning Committee.

Parish Council:

First consultation response

Stanhope Parish Council object to the following grounds;

- Concerned that the existing car parking provision for over 100 cars for the ball courts will be removed. These ball courts are used by various organisations whose clients use these car parks.
- At least once a week the existing car park is not big enough resulting in cars parking along Stanhope Road and in the existing Ray Allen Car Park (which is to also go).
- The existing car parks should not be lost. The alternative of being able to use the school car park is not a workable or viable option due to security and location.
- Parish Council are extremely concerned about the loss of the green space being called 'Oak Field'. This is a popular area for recreation for those living in and around Stanhope.
- Parish Council are also concerned about the proposed development on the existing infrastructure, for example the existing doctor's surgery (St Stephen's Walk Medical Centre) is full and not taking any more clients.
- The junction leading off Stanhope Road onto Kingsnorth can be extremely busy and members are worried that there seems to have been no junction assessment undertaken to assess the impact of the proposed development on the local highway network.

Second consultation response

- i) Traffic: the flow of traffic from the proposed development will likely enter and exit Stanhope from Kingsnorth Road. This junction is already a bottleneck at certain times of the day and Kingsnorth Road is already a busy road. These extra vehicle movements have the potential of causing extreme congestion on this junction and on Kingsnorth Road.

[SDDM note – Kent County Council Highways and Transportation have agreed a highways mitigation scheme in the form of double yellow lines on Tennyson Road to prevent obstructive parking on the approach to the Kingsnorth Road roundabout to deal with this issue. This will improve the capacity of the Kingsnorth Road / Tennyson Road roundabout. This has been dealt with in paragraphs 103 to 106 (page 52) of the committee report.]

Concern has already been expressed by residents living in Washford Farm regarding the new Chilmington development with the possibility of vehicles going through Washford Farm, then through Stanhope onto Kingsnorth Road and accessing the motorway via the A2070 Bad Munstereifel Road. This has the real potential of being a 'rat run'. A full and detailed road survey needs to be undertaken which includes the effects of the Chilmington Development on the surrounding area.

[SDDM note – The applicant has confirmed that when completing the junction modelling assessments, background growth was taken into consideration using TEMPRO growth factors and therefore the Chilmington development would have been considered as part of this assessment – the results of which show there to be no capacity issues

subject to the mitigation scheme on Tennyson Road in the form of double yellow lines, raised above]

With Kingsnorth Road likely to become more over-crowded than it is at the moment, those living at The Limes will find it difficult to access their estate. The turning into The Limes is already on a blind corner making it hard to come out of and go into. This increase in traffic will make the situation worse.

[SDDM note - The applicant has explained that the forward visibility for vehicles turning into The Limes is approximately 80 metres which is in excess of the required 43 metre visibility for a 30mph road. It is therefore considered that there are no concerns regarding impacts on The Limes junction.]

There will also be increased school traffic due to the John Wallis Primary Academy being accessed via Kingsnorth Road into Millbank Road rather than via Stanhope Ring Road.

[SDDM note – The applicant has stated that the new primary school was permitted as part of another planning application and not a consideration for this application.]

- ii) ***The Ray Allen Centre:*** is a valuable asset to the community and the wider community. In all definite plans this centre should not be lost.

[SDDM note – the proposals include a replacement Children’s Centre and the timing of its construction will be covered by conditions requiring the new Children’s Centre to be constructed and opened before the closure and demolition of the existing Children’s centre. This issue has been dealt with in paragraph 93-96 (page 50) of the Committee Report]

- iii) ***Sport Facilities:*** No football pitches should be lost. The outline plans show two mini football pitches on Oakfield however the replacement playing fields need to be of the same if not better quality than those they are replacing. Oakfield needs to be assessed in detail to ensure that they are fit for purpose. The new proposed pitches should be flood lit and secure if they are to be a true replacement to the existing football pitches. There also needs to be in place an adult football pitch. Members of Stanhope Parish Council fully support the comments made by Sport England.

[SDDM note – Sport England’s comments have been addressed and the proposals include the provision of two replacement junior grass football pitches on Oakfield (site 1). Sport’s England did not require the pitches to be floodlit and, the grass pitches on the former school pitches, which these new pitches are replacing, were not floodlit when they were in use. The replacement of the pitches will be covered by conditions. This issue has been dealt with in paragraph 62 (page 43 - 44) and para 82-89 (page 48 - 49) of the Committee Report. The applicant has confirmed that no floodlighting is currently proposed. Should floodlighting subsequently be required, this will be subject to a separate planning application]

- iv) **Parking:** The sporting activities and the Ray Allen Centre all need adequate parking. Parking is proposed around the existing Sports Hall. This needs to be in place before any development occurs otherwise the sporting facilities will become difficult to access by those who do not live in the area. This parking needs to be accessible and members of the Parish Council note that at the moment the gates to the sports hall are closed and locked hours before the main car park is closed. This needs to be addressed.

[SDDM note – The amount of provision of on street parking is set out in the table in paragraph 18 (page 9) and paragraph 112 (page 54). The applicant has confirmed these figures are correct. There will be an increase in the amount of new and replacement car parking and this will all be required to be put in place by imposing suitable conditions. The applicant does not envisage providing a vehicular access for the Ray Allen Centre (RAC), and has confirmed that parking will only be provided along Stanhope Road frontage.

The applicant has confirmed that the JWA Sports Centre is in private ownership, so there is no certainty that extra parking for the Children's Centre would be available in this new car park. Adequate parking (38 spaces) would be provided for the Ray Allen Centre just off Stanhope Road. The applicant has stated however that they will work with all parties to create mutually convenient and agreeable parking arrangements across all facilities.

The availability of the JWA car park for users of the sports facilities on week day evenings and at weekends is dealt within paragraphs 116 – 117 (page 55) of the report. The applicant has confirmed they will seek an agreement to ensure that appropriate arrangement measures will be put in place to ensure the car park is readily available by people using the sports facilities and they support this being covered by condition.

The applicant has pointed out that there are another proposed 36 parking spaces proposed further along Stanhope Road by Site 2 just a short walk away. The applicant has pointed out that this means there is an increase in car parking spaces available for users of the Ray Allen Centre from 55 existing spaces to 74 spaces.

However the applicant has pointed out the intention is to engage all parties to use and share all parking facilities flexibly, and that although these discussions have not started yet, it will be in the interests of all parties i.e. ABC, KCC, Stanhope Sports Centre, Courtside, JWA school, RAC etc. to work together and flexibly on the parking in the area. The applicant has pointed out the Ashford Borough Council have full control over the parking situation through Grampian conditions 19, 20 and 21, which will ensure that the parking is constructed and made available for use Thereafter the long term availability of parking in the immediate area will be dealt with by the imposition of a condition requiring a parking

strategy to be submitted to and approved by the local planning authority and then implemented. (To include the agreement of the relevant land owners where the parking is off site)]

Additional email from Stanhope Parish Council

Stanhope Parish Council Members have not asked that their original objection be removed. The letter [set out above] sent being comments to the updated plans that were submitted in December 2019.

Kent County Council Highways and Transportation:

First consultation response

Holding Objection

- (1) Proposed Highway Works** – Far Western parking bay is likely to impede on pedestrian visibility splays and will need to be removed. An existing mobile phone mast located to the West of the existing Courtside entrance will need to be relocated, but the highway works plan contains no details regarding relocation. The existing street light in the footway to the west of access 4 needs to be re-located so it is not in the footway. New dropped kerbs and tactile paving are required for both accessed 4 & 5.
- (2) Transport Assessment** – Stage 1 Road Safety Audit is required for the proposed access points onto Stanhope Road. Need for a mechanism ensuring the primary school/Academy's car park can be used outside of school times, and implementation of a pedestrian link between the car park and Courtside and Pitchside.
- (3) Servicing** – Need vehicle tracking for access 3 to demonstrate than an 11.4 metre long refuse vehicle can turn right out of the proposed site avoiding a collision with the existing central island crossing. Also need vehicle tracking for access 5 to ensure a 11.4 metre long refuse vehicle can turn in and out of the site access.
- (4 & 5) Trip Generation, Distribution and Assignment** – In agreement.
- (6) Traffic Impact** – Need for junction assessments to assess the impact of the proposed development on the local highway network at the following junctions on a 2019 and 2024 future year scenario:- **AM Peak:** Kingsnorth Road/Tennyson Road mini roundabout junction; Wotton Road/Malcom Sargent Road roundabout junction. **PM Peak:** Stanhope Road mini roundabout junction; Kingsnorth Road/Stanhope Road mini roundabout junction; Kingsnorth Road/Tennyson Road mini roundabout junction; Wotton Road/Malcom Sargent Road roundabout junction.

Second consultation response

No objections to the application subject to conditions attached to grant of planning permission. Make the following comments on the application:

Transport Technical Note -

- It is agreed that it is not necessary to re-locate the existing mobile phone mast on Stanhope Road as this is set back 1.7 metres from the edge of the carriageway. The highway works plan has been amended to include dropped kerbs and tactile paving on accesses 4 and 5.
- As outlined in my planning consultation response dated 3rd December 2019, the
- Replacement car parking to serve the Stanhope Sports Centre and Courtside needs to be secured prior to the commencement of development on site. Subsequent discussions with both Ashford Borough Council and the applicant have taken place since this consultation response and it is agreed that this replacement car parking can be secured through a suitably worded Grampian planning condition rather than being secured through a Section 106 Legal Agreement. Details of this suggested condition are set out in a suggested list of planning conditions. The formal illuminated footpath linking John Wallis at the Sports Centre and Courtside will need to be secured through an appropriately worded planning condition.
- Vehicle tracking has now been provided to demonstrate that an 11.4 metre long refuse vehicle can access the site via access 5.
- Updated traffic flow analysis has now been presented for a 2024 future year scenario for all of the junctions included within the study area. This demonstrates that growth in the flows from 2023 to 2024 would result in a minimal increase in movements, with the maximum increase being 24 vehicle movements at the Stanhope Road / Kingsnorth Road mini-roundabout and the Kingsnorth Road / Tennyson Road mini-roundabout. KCC Highways and Transportation therefore agree that it is not necessary to remodel the junctions using a 2024 future year scenario.
- A mitigation scheme is now proposed for the Kingsnorth Road / Tennyson Road Mini-roundabout in the form of double yellow lines on Tennyson Road to address future capacity concerns on this arm of the roundabout as set out in the above plan. The presence of parked cars here results in vehicles slowing to pass the parked cars. The parked cars result in a narrowing on Tennyson Road which subsequently results in some queuing in the PM peak as drivers are returning home after their working day. The double yellow lines will directly address this issue and will need to be secured through a suitably worded Grampian planning condition. Details of this suggested condition are set out in a suggested list of planning conditions.
- Double yellow lines are now proposed are now proposed to the east of access 3 as set out in the above highway works plan. The provision of these double yellow lines will again need to be secured through a suitably worded Grampian planning condition.

Amended plans

- There has subsequently been an increase in unit numbers associated with the extra care facility which has resulted in an increase in 29 extra care units and a reduction in 5 residential dwellings. The current proposals are for a total of 65 extra care units, 99 houses and 106 flats. The trip

generation assessment has subsequently demonstrated that the new scheme proposals will result in a reduction of five vehicle trips in the AM peak and five vehicles trips in the PM peak. This is acceptable to KCC Highways and Transportation. The housing mix will need to be secured through the proposed Section 106 Agreement for the site.

- The applicant has confirmed that the proposed parking bays on Stanhope Road are indicative only and these will be reviewed at the reserved matters stage. A planning condition is therefore required to say that development shall not be commenced until details of the parking on Stanhope Road have been submitted to and agreed in writing by the Local Planning Authority. The application description will also need amending to only include the 3 points of access as currently set out in the Parameter Plan (RG-A-14 Revision A). No other access points will currently be approved by Kent County Council in its position as Local Highway Authority. The emergency access previously proposed onto Stanhope Road is no longer part of the current proposals.

[SSDM Note- The application description has been amended to include only the 3 points of access]

KCC Ecological Advice Service-

First consultation response

States that further information is required prior to determination of the planning application, specifically: A site-wide mitigation strategy regarding the potential mitigation for protected species; bat surveys; reptiles surveys; ecological enhancement; a breeding bird informative; and assessment of the site for the potential presence of Great Crested Newts. They also recommend appropriate ecological enhancements in line with paragraph 175 of the NPPF 2019.

Second consultation response

Bat, reptile and Great Crested Newt surveys have now been undertaken, sufficient information has now been provided. Satisfied with the report's conclusion that Great Crested Newts are unlikely to be present and that no mitigation measures are required for this species. Request conditions in relation to: a lighting design plan for biodiversity; fence gaps for hedgehog movement; and a Landscape and Ecological Management Plan (LEMP). Suggest an informative in relation to protection of birds' nests during bird breeding season.

KCC Heritage –

First consultation response

The site of the application lies in an area of high potential associated with Iron Age and Romano British activity. The important sites of Brisley Farm Iron Age funerary site to the south west and Westhawk Farm Roman small town are within the vicinity and associated remains could survive in this site. Formal investigations (eg The Limes) along the line of the Roman road heading north out of Westhawk Farm up Beaver Road have located Iron Age activity,

including cremations. Formal investigations within the general school complexes here have tended to also locate Bronze Age and early Iron Age activity.

I note the application is supported by an Archaeological DBA by RSK which does highlight some of the key archaeological issues. It is not clear if RSK formally consulted the HER for this report and it seems that they have not included some of the most up to date information. Their archaeological assessment is exceedingly brief.

The site has areas which are likely to have been disturbed by previous development. In addition, although there is an indicative layout, the application is an outline one with some options for flexibility with the layout. As such I consider archaeological issues can be addressed by condition. Request a condition in relation to archaeological field evaluation work and safeguarding.

Second consultation response

No additional comments

KCC Flood and Water Management –

First consultation response

No objections to the Flood Risk Assessment (December 2018) in principle at the outline planning stage. Wish to see focus on incorporation of SUDs features at the reserved matters stage.

Second consultation response

Have reviewed the additional information and updated illustrative layout and have no objections to make. Reiterate previous comments raised which should be included at the Reserved Matters stage, primarily the requirement of incorporating SuDS features.

KCC Economic Development

First consultation response

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Follow up statement - The County Council will be continuing to seek S106 contributions from this development site.

Whilst the extra care units will not be subject to youth and education contributions, the expectation is that residents of this facility remain independent and therefore, able to partake in the services offered by the local library, social services and community learning.

All other units (with the exception of 1 bed flats below 56 sqm GIA) will be expected to contribute towards education and community services. The forward funding of the John Wallis Academy does not negate the need for education contributions as no additional capacity was created by the rebuild. Neither does the new provision of the Ray Allen Children's Centre mean that Early Help/Youth and Community Learning contributions are not required. The Ray Allen Centre will not deliver either of these services and therefore, will not increase the capacity of these services to meet the needs of the new residents.

With regard to the library service, I have sought contributions for additional book stock to meet the needs of the new population.

Second consultation response

The following summary takes into account the indicative housing mix provided by you on 14th January 2020. Total contributions are indicative only. As the application is outline, the county council requests that the Section 106 Agreement uses a 'per dwelling' contribution rate to calculate the contributions once reserved matters applications have been agreed. I hope that this clarifies KCC's Education and Community Services S106 request.

| | | | | |
|--|---|--------------------------|--|--|
| AS/18/01861 Land at Playing Field and Linden Grove Primary School, Stanhope Road, Stanhope TN23 5RS | Per Applicable House (106) | Per Applicable Flat (99) | Estimated based upon indicative dwelling mix provided – January 2020 | Project |
| Primary Education | £4,535.00 per house | £1,134 per flat | £592,976.00 | Contribution towards Phase 2 of Finberry Primary School |
| Secondary Education | £4,687.00 per house | £1,172.00 per flat | £612,850.00 | Phase 2 Additional 2FE provision at the new Chilmington Green Secondary School |
| 'Applicable' excludes 1 bed units of less than 56 sqm GIA. | | | | |
| | Per Dwelling 205 & 65 extra care units | Total | Project | |
| Community Learning | £34.45 | £9,301.50 | Additional portable IT and Equipment to enable the re-configuration and greater use of rooms at the Ashford Adult Education Centre | |
| Libraries (65 Extra care units) | £48.02 | £12,965.40 | Bookstock for Stanhope Library | |
| Youth Service (65 Extra Care Units are not applicable) | £27.91 | £5,721.55 | Equipment for Ashford North Youth Centre | |
| Adult Social Care | £47.06 | £12,852.00 | Changing Place Facility in the vicinity | |
| | 3 Wheelchair Adaptable Homes as part of the on-site affordable homes delivery | | | |
| High Speed Fibre Optic Broadband connection: | <p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p> | | | |
| Highways | <i>Kent Highway Services will respond separately</i> | | | |

ABC Culture

First Consultation Response

The table below identifies on and off site public open space contributions:

| | Total capital contribution for on-site provision | Total capital contribution for off-site provision | Total commuted maintenance sum for the development | Ha contribution required on-site |
|------------------|---|--|---|---|
| Sport - outdoors | | 294,097.42 | 60,337.17 | |
| Informal/natural | 67,000.17 | | 60,152.08 | 0.89 ha |
| Play | | 120,119.08 | 122,710.25 | |
| Allotments | | 47,751.50 | 12,215.50 | |
| Strategic Parks | | 27,022.17 | 8,698.92 | |
| Cemeteries | | 52,563.67 | 32,574.67 | |
| Totals | 167,130.25 | 541,553.83 | 296,688.58 | |

Contributions are also required for:

Art: £62,632.20

Voluntary Sector: £16,102.25

Regarding the current layout (Illustrational Layout RG-A-04).

- The sports field at 3 is not applicable as outdoor sport as it does not provide the necessary changing facilities; without changing facilities the site cannot be used for genuine outdoor sport purposes. We would not be averse to this site being put forward as informal public open space, but as currently shown it is too isolated. We would welcome dwellings overlooking the open space, and as such would consider dwellings back-to-back with Kingsnorth Road, if sensitively designed and properly integrated.
- The attenuation pond currently indicated at '3' will not count towards public open space provision. The approach to providing SUDS must be in accordance with the borough council SPD for Sustainable Drainage, and provide an attractive landscape feature as part of the local green infrastructure.
- The outdoor sport contribution will be provided off-site, as a contribution towards the re-surfacing of the existing 3G facility.
- The existing changing rooms have not been moved. It is not clear exactly how they have been integrated, but they appear to have a boundary precluding access from the proposed development. This will create an unattractive setting for the development, and how is the building to be accessed by vehicles?
- We require a replacement MUGA for community use, in lieu of the loss of two existing MUGAs. The replacement will not count towards the necessary public open space provision, but is solely to replace the loss of existing provision.

- As previously commented, public open space on site must be a minimum of 0.25 ha and integrated within the development. It must be well overlooked by front of properties, and delivered as part of the development at not at a later stage. There are several tree protection orders on and off site, and proposed development must allow for future growth and prevent potential management issues. The development proposal is yet again indicating public open space which are too small and poorly laid out.

In terms of projects, the Parish Council will need to comment on where off-site contributions could be allocated.

Second consultation response

Here are updated contributions, based on 99 houses and 106 flats:

| | Capital contribution for on-site provision | Capital contribution for off-site provision | Commuted maintenance sum for the development |
|-------------------------|---|--|---|
| Sport - outdoors | | 280,127.46 | 57,471.08 |
| Informal/natural | 18,769.70 | 54,006.96 | 40,443.00 |
| Play | | 114,413.29 | 116,881.38 |
| Allotments | | 45,483.25 | 11,635.25 |
| Strategic Parks | | 25,738.58 | 8,285.71 |
| Cemeteries | | 50,066.83 | 31,027.33 |
| Public art | | | |
| | £59,657.10 | | |
| Voluntary sector | | | |
| | £15,337.38 | | |

The development requires 0.85 ha of informal open space; the development appears to provide maximum of only 0.25ha so therefore a proportionate amount will be required off site, as calculated above.

Further comment

- The outdoor sport contribution will be provided off-site, as a contribution towards the re-surfacing of the existing 3G facility
- Informal/natural: investment in public open space within 1km of the development
- Play: investment in public open space within 1km of the development
- Allotments: investment in an allotment site within 1km of the development, including private, public and community sites
- Strategic Parks: investment at Conningbrook Lakes Country Park

- We are not requesting cemeteries contribution at the moment, please delete
- Public Art: investment towards an artist(s) embedded within the design team of the Ray Allen centre
- Voluntary Sector: investment in voluntary projects within 1km of the site

ABC Environmental Services:

First consultation response

Requested adequate measures were implemented to minimise the proliferation of dust, noise pollution, pollution of groundwater and surface water, implementation of arrangements for public consultation and liaison during the construction works.

Second consultation response

In light of the revised layout earlier comments remain pertinent. The applicant will now also need to demonstrate that noise from the proposed MUGA and football pitches will not have a detrimental effect on surrounding residents, by way of including this in the previously requested noise assessment, as well as ensuring any lighting scheme for the same will similarly not cause detriment.

ABC Street Scene and Open Spaces –

First consultation response

- (1) Full swept path analysis for a refuse vehicle needed showing access, turning and exit.
- (2) Final design must allow for kerbside placement of domestic bins with a maximum pull out for each dwelling of 25m.
- (3) Ensure adequate provision of bins and bin storage for the flat blocks.
- (4) If development is to be implemented in stages, arrangements must be made to ensure waste collection services are in place from the time of occupation of each stage.
- (5) Provision of storage of bins with 1100sqm capacity should be designed into the plan at an early stage to avoid unsatisfactory appearance & collection inefficiencies.

Second consultation response

Response to previous consultation remain valid. Points of indemnity, full swept path analysis, etc. still needs to be agreed.

ABC Housing Services –

First consultation response

We note that this application has come forward with a lack of affordable housing given the context of the wider area, where the Stanhope development has a much larger percentage of affordable homes.

We understand this rationale, while ideally wanting as much affordable housing to come forward as possible. However, an opportunity may well exist to provide a larger number of care-ready units in the proposed 'extra care'

facility, which would help to redress the tenure mix within the site. With 178 units of 'extra care' accommodation in the borough already, and a further 150 units having been granted planning permission, we would suggest that any proposals are for care ready/independent living accommodation on the site, which provide the opportunity for residents to buy in care as and when they require it, without the additional care charge applied irrespective of current need.

It may also be sensible for any new care ready facility to be located nearer to Ashford Borough Council's sheltered housing scheme at Farrow Court, enabling residents to make use of the communal facilities such as the hairdressers and the Age UK day care centre with meals provided.

In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable.

Second consultation response

We are happy that the amended drawings of 2nd December show the facility has been moved to sit nearer to Ashford Borough Council's sheltered housing scheme at Farrow Court, enabling residents to make use of the communal facilities such as the hairdressers and the Age UK day care centre with meals provided.

We are also pleased to see this come forward as Extra Care, given the wider context of the area sees a lot of council-owned and council-built independent living accommodation coming forward - so a facility with the additional care on top of it will complement other provision in the area.

In line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable.

Additional comments

this site lies in the town centre area as identified and defined in Policy HOU1 in the borough council's emerging local plan.

Therefore, the policy compliant position would ordinarily see an expectation of 20% affordable housing being delivered within the houses in this scheme – but with no requirement for any affordable housing within the flatted development. Consistent with the policy, no affordable or social rented units are required but 20% of the total dwellings should be made available for affordable home ownership (of which 10% of the total dwellings should be shared ownership).

With 205 dwellings on the site, of which 106 are proposed to be flats, this leaves 99 to houses – which would see the required amount of affordable housing being 20 units. These would be split at 10 homes for shared ownership and 10 homes for shared ownership or another affordable home ownership product.

However, we note that this application has come forward with a lack of affordable housing given the context of the wider area, where the Stanhope development has a much larger percentage of affordable homes.

We understand this rationale, while ideally wanting as much affordable housing to come forward as possible. However, an opportunity may well exist to provide a larger number of care-ready units in the proposed 'extra care' facility, which would help to redress the tenure mix within the site. With 178 units of 'extra care' accommodation in the borough already, and a further 150 units having been granted planning permission, we would suggest that any proposals are for care ready/independent living accommodation on the site, which provide the opportunity for residents to buy in care as and when they require it, without the additional care charge applied irrespective of current need.

In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable.

Kent Fire & Rescue Services –

First consultation response

Means of access is considered satisfactory.

Second consultation response

No response received.

Kent Police –

First consultation response

Stated the following issues needing to be addressed:

- (1) Development layout must avoid compromising the security of the development with excessive permeability;
- (2) Green spaces, play areas, safety of users and access with mitigation for misuse;
- (3) Cycle and pedestrian routes need to be secure and kept clear of obstruction;
- (4) Perimeter, boundary and divisional treatments for the development and existing dwellings;
- (5) Parking, including visitor and sports attendance, to avoid parking conflict;
- (6) Lighting and CCTV;
- (7) Access Control to meet SBD accreditation standards;
- (8) Doorsets and windows to meet SBD accreditation standards;
- (9) Apartment security and defensible space for ground floor windows, especially bedrooms and dual certification communal doorsets;
- (10) Mail delivery, cycle and bin store security;
- (11) Alarms and compartmentation depending on number of units in each apartment block;
- (12) Proximity of school and sports fields to protect the security of pupils, staff and visitors;

- (13) Extra care housing required defensible space to protect the security and privacy of the potential residents, visitors and staff;
- (14) The overall security of the proposed development to minimise the opportunity for crime, fear of crime, ASB, nuisance and conflict.

Second consultation response

State that the previous comments remain valid and flag additional points, mainly around the viable use of accessing the sports facilities and the new Ray Allen Children's Centre as follows:

- (1) Secured by Design (SBD) for the development should be attained as there will be many uses in this area that must work together to reduce the opportunity for crime and disorder.
- (2) A lighting plan must be approved by a Member of the ILP or the Society of Light and Lighting. This is to ensure that the proposed route for the users of the Courtside and Pitch side are able to use the facilities and the parking safely and securely. While bollard lighting and/or a torch can help enable wayfinding, it can also highlight people that could be vulnerable to crime. The lighting should not be subject to manual control that could affect the safety of users when it is dark.
- (3) The existing footpath must be wide, ideally 3m min, must avoid pinch points, places of concealment and unnecessary maintenance (shrubs and trees in proximity).
- (4) Where space permits, routes of this nature, where people might reasonably be expected to carry large sports bags should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). The path must be subject to maximum natural surveillance but sited so that local residents will not suffer from possible noise pollution. In addition, they should be sited in such a way that those using the path will not be subject to harassment or otherwise be put in fear. The proposed pedestrian link is included in these comments.
- (5) Trees and shrubs must not affect the lighting, parking, access or the pathway.
- (6) Parking is a frequent cause of conflict, therefore layout is critical and we strongly advise that we meet the applicants/agents to discuss layout. It is unclear from the plans to date, how the proposed parking at the school will be managed, how many spaces provided for use and for whom, when they will be available and exactly where they will be placed, secured and lit.
- (7) The Sure Start, Ray Allen's Children's Centre should also be required to attain an SBD award in its own right to ensure that those using it are protected.

If the points above and those in the earlier response are not addressed, they can affect the development, the surroundings and have a knock on effect for local policing. Therefore, if this application is to be approved Kent Police request that a condition be included to address these concerns.

First consultation response

NHS Ashford Clinical Commissioning Group (CCG) has delegated co-commissioning responsibility for general practice services in Ashford and is the body that reviews planning applications to assess the direct impact on general practice.

I refer to the above outline planning application which concerns the proposed development comprising of 246 dwellings.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

In line with the Planning Act 2008 requests for development contributions must comply with the three specific legal tests:

1. Necessary to make the development acceptable
2. Be directly related to the development
3. Be fair and reasonably related in scale and kind to the development

We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in below.

| | Total Chargeable units | Total | Project |
|------------------|------------------------|----------|--|
| General Practice | 495 | £159,900 | Towards extension and reconfiguration of the Ashford Stour Primary Care Network Practices. |

The obligation should also include the provision for the re-imbursalment of any legal costs in incurred in completing the agreement.

Justification for infrastructure development contributions request

This proposal will generate approximately 435 new patient registrations when using an average occupancy of 2.34 people per dwellings, and an additional 60 registrations from the proposed extra care housing units. This generates a total of 495 patient registrations. The proposed development falls within the current practice boundary of Kingsnorth Medical Practice, Hollington Surgery, Sydenham House Medical Centre, and Ashford Medical Partnership. The residential dwellings patient registration numbers will exceed the current capacity available across any of the practices in the locality and this will be further impacted by the needs of the extra care housing as these patients require in house care and this require additional workforce to be recruited.

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the

creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

The 4 medical practices the development impacts on are working in collaboration as Ashford Stour Primary Care Network (PCN) and are developing new ways of working and expansion and reconfiguration plans which will require a financial contribution to create the capacity the new patients will generate.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future. It is likely that the restrictive occupancy nature of this development will have a higher impact than normal on the workforce as residents are more likely to have multiple or complex health needs.

The population growth of 495 will require 41 m² based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £123,000. A further 30% allowance for development fees means our request totals £159,900.

In addition to the above we request that any agreement regarding a financial contribution:

- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practice detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

The CCG is of the view that the above complies with the planning regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with regulations the CCG confirms that there would not be more than four other obligations towards the final project(s).

Second consultation response

Please note the amended comments below in reference to the change advised on the application.

- 1) The housing mix will still generate the same base difficulties for workforce as referenced in our original comments.

- 2) The financial figure will not change as with rounding the extra beds and the drop in units still equates to the same requested amount.
- 3) As the location is not changing then the same practices would be the ones affected and required to find capacity for the additional patients as they cover that area.

UK Power Networks

First consultation response

Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

Various suggested safety information was provided
ESP Utilities Group Ltd confirmed it has no gas or electric apparatus in the vicinity of this site address and will not be affected by your proposed works.

Second consultation response

No comments received.

Environment Agency

First consultation response

No comments received.

Second consultation response

No comments received.

River Stour IDB –

First consultation response

The site of the development proposal drains, in part, to Court Lodge Dyke which is maintained by the Stour IDB. I am pleased to note that the proposals include for runoff to be substantially reduced, to bring them in line with ABC's policy. Provided this remains the case, with details of the final SuDS agreed with KCC's SuDS Team, this development is unlikely to affect IDB interests.

Second consultation response

No response received.

Southern Water –

First consultation response

Request conditions are attached to a grant of planning permission

Second consultation response

The proposed Ray Allen Children's Centre will lie over an existing public foul rising main. Southern Water objects to the proposed development layout. If planning permission were to be granted, Southern Water (as the statutory sewerage undertaker) would request that the Council (as the Building Control Authority) refuse Building Regulations approval on the grounds that building over the public foul rising main cannot be permitted. In order to progress the

proposed development on the site, the layout should be amended to achieve the required standoff distances. Southern Water requests that this application is not determined until such time as the applicant produces a suitable layout.

[SSDM; As the layout is outline at this stage, the question of siting of the new Ray Allen Children's Centre can be dealt with at the reserved matters application stage]

It might be possible to divert the surface water sewer (375mm), so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Request a grant of planning permission includes conditions in relation to: measures to divert/protect public sewers; phased occupation of the development; surface water runoff; foul and surface water sewerage disposal.

Sport England –

First consultation response

The proposal is adjacent to a number of playing fields and sports facilities including netball and tennis. It involves the loss of a car park which would appear to be currently serving these playing fields and sports facilities. Some parking would appear to be being reprovided though it is unclear whether this is adequate.

There are significant concerns, particularly from the Football Foundation on behalf of the FA, that the level of parking re provision may not be adequate and this could therefore prejudice the use of the playing fields and other sport facilities. In order not to object to the application, Sport England requires confirmation that the same amount of parking is proposed to an equally accessible level as existing.

Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

Second consultation response

Generally supportive of the proposals to replace the playing field that would be lost at the former school site with new playing field at Oakfield. In quantitative terms the area of replacement is equitable to what is being lost and the applicant has provided an illustrative plan to demonstrate that it would be capable of accommodating two 7v7 mini football pitches as previously, so I'm comfortable with this in quantitative terms.

Given the close proximity to the existing playing field, I consider this is a suitable location for replacement provision. What remains to be addressed to meet with Exception E4 of Sport England's Playing Field Policy and para 97b) of the NPPF is to ensure that the replacement playing field is equitable in quality and subject to equivalent or better accessibility and management arrangements.

The quality of the playing field (and its subsequent maintenance) can be addressed by securing further details of the design and specification of the replacement playing field by planning condition.

Request the following conditions are imposed to agree these details:

- A detailed assessment of ground conditions of the land proposed for the playing field, a scheme to address constraints which could adversely affect the playing field and a programme of implementation.
- A playing field maintenance schedule.
- Details of design and layout of playing pitches and MUGA.
- A management and community use agreement in relation to the replacement grass pitches.
- Implementation of the replacement playing field, changing rooms and replacement car parking (prior to loss of existing playing field).

Ashford Netball Senior club

First consultation response

Raise concern over lack of new car parking provision for the sports facilities. Notes that 31 parking spaces are indicated on plans by the Indoor Sports Hall, however these are outside of the red line. Would like clarification on parking provision and that it is in place before work begins on the existing parking area.

Second consultation response

The parking strategy document appears to propose suitable parking for the Courtside facility. Would like to make it clear that none of this parking is there at the present time and so the parking around the sports hall and on Stanhope Road needs to be provided PRIOR to commencement of building work on the facility's current car park. This will be required to avoid impact on the smooth running of the league and potential costs incurred for hire of the facility without being able to use it.

Neighbours:

First consultation response

335 neighbours were consulted, site notices posted and the development advertised in the local paper. 47 responses were received with 43 objections and 2 general comments to the plans. The objections raised numerous concerns which are summarised below:

- the loss of parking at the Courtside and Pitchside sports venues,
- the loss of public amenity/green space,
- the lack of affordable housing and the cumulative pressure on local services and the road network arising from development.
- inadequate public infrastructure: schools, GP, shops, train services,
- increase traffic congestion
- accessibility for emergency vehicles
- displacement of on-street car parking

- risk to highway safety from access and to pedestrians
- no need for sports pitches
- harm to the character of the area
- harm to biodiversity due to proximity nature reserve
- cumulative impact of development
- no need for care home facility
- Lack of affordable housing means its not meeting local housing needs
- Excessive density of development
- Flood risk
- Height of buildings
- Increase in air pollution vis-à-vis increased density of the built up area
- Lack of employment in the local area

Second consultation response

335 neighbours were consulted on the amendments to the application. Site notices were posted and the development proposal and amendments were advertised in the local paper. The closing date for comments was 2nd January 2020.

3 representations were received both objecting to the amended proposals and raising the following concerns:

- The fields that are frequented by dog walkers should be left alone, it's nice for the neighbourhood to be able to go and play on some green land.
- The area cannot cope with the additional traffic that this project will produce as the residents on Speldhurst Close already have problems with parking without this adding to the issue.
- There is no work in Ashford for the people that live here now, what about the ones that are going to live in the new houses where are going to work , and no work in Ashford for the ones that live here now,
- There are not any Doctors or schools, Hospital for more people on Stanhope , and no Police to stop any trouble on the Estate,
- bring more work into Ashford before you think about more houses ,
- bring ASHFORD into the present not the past..
- development is inappropriate, over-crowded and will result in considerable road traffic problems
- will lose a very valuable green corridor.
- It will detract from, rather than enhance this part of Ashford as a good area in which to live.
- Over-development: Extra housing proposals for Oakfield will increasing the density of this built-up area. Fitting Oakfield two seven by seven sports pitches, a MUGA and the re-sited Ray Allen Centre will be cramped.
- Parking - It is suggested cars could park in the surrounding areas. Does this mean Stanhope Road ? This is a bus route and a regular cut through for traffic. Cars parked on the road already cause difficulties.
- Ray Allen centre, will have inadequate parking provision
- Oakfield much loved as an open space and forming an important part of the current green corridor.

- Ray Allen centre could remain on its existing site, or carpark area or reverse the use of the two areas. This would leave the footage along Stanhope Road more or less unchanged.
- The proposed two seven by seven pitches and the MUGA are a ridiculous over-provision. To the rear of the Oakfield site lie extensive sports fields which are presumably unused during the school holidays and at weekends. Why cannot these facilities be made available for the use of the local community ?
- Lack of truly affordable housing nor for the needs of the increasing number of the elderly now wishing to down-size or who find themselves living alone but who do not need the extra care facility.
- The planners have totally ignored all current population projections and thought only of the maximum number of conventional dwellings which could be squeezed into the available area. This outlook is sheer folly. A different proposal for development of the old primary school site with a good variety of differently-sized and reasonably priced housing, together with the new extra care housing in its new position and the Ray Allen centre re-built more or less where it already is, would be broadly welcomed.
- One element of support was noted regarding re-siting the extra care facility at the east end of the sports field which was felt to be a good use of a space which, in the original plans, would have ended up as a little-used and neglected area.

Third consultation response

The application was readvertised as a departure from the local plan on 30th January 2020 . The closing date for comments is 20th February 2020. Any comments received prior to the Committee meeting will be reported at the meeting.

Planning Policy

29. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
30. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
31. The relevant policies from the Local Plan relating to this application are as follows:-

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

- SP6 - Promoting High Quality Design
- HOU1 – Affordable Housing
- HOU3a - Residential Windfall Development Within Settlements
- HOU6 – Self & Custom Built Development
- HOU12 - Residential space standards internal
- HOU14 - Accessibility standards
- HOU15 - Private external open space
- HOU18 - Providing a range and mix of dwelling types and sizes
- EMP6 – Promotion of Fibre to the Premises (FTTP)
- TRA3a - Parking Standards for Residential Development
- TRA5 - Planning for Pedestrians
- TRA6 - Provision for Cycling
- TRA7 - The Road Network and Development
- ENV1 - Biodiversity
- ENV3a - Landscape Character and Design
- ENV4 - Light pollution and promoting dark skies
- ENV5 - Protecting important rural features
- ENV6 – Flood Risk
- ENV7 – Water Efficiency
- ENV8 - Water Quality, Supply and Treatment
- ENV9 - Sustainable Drainage
- ENV10 –Renewable and Low Carbon Energy
- ENV12 – Air Quality
- ENV15 – Archaeology
- COM1 - Meeting the Community Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

IMP2 – Flexibility, Viability and Deferred Contributions

IMP4 - Governance of Public Community Space and Facilities

32. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD April 2012

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Affordable Housing SPD 2009

Other 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) 2019

33. 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).
34. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.

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35. At the heart of the Framework is a presumption in favour of sustainable development which is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
36. The three overarching objectives to achieve sustainable development are detailed as:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
37. Section 8 paragraphs 91-101 of the NPPF states that planning policies and decisions should help create the conditions to achieve to achieve healthy, inclusive and safe places and to provide the social, recreational and cultural facilities and services that the community needs. This section also aims to promote access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
38. Para 91 indicates that planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, and layouts that promote walking and cycling.
39. Para 92 highlights the importance of guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
40. Paragraph 93 states planning decisions should consider the social, economic and environmental benefits of estate regeneration. It also states that local

planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

41. Paragraph 96 states the importance of providing access to a network of high quality open spaces and opportunities for sport and physical activity on the grounds that it is important for the health and well-being of communities. It highlights how the need for open space, sport and recreation facilities is important to new and existing communities.

Assessment

42. The main issues for consideration are:
- (a) The principle of the development.
 - (b) The suitability of the indicative layout and the proposed mix of uses, including the relationship to school, sports facilities, green spaces and neighbouring residents.
 - (c) Impact on open space provision and mitigation of the loss of informal green open space.
 - (d) Impact on sports facilities in the vicinity of the site including Pitchside, Courtside and loss of open space
 - (e) Impact of relocation of community and social facilities to a new Ray Allan Centre.
 - (f) Access arrangements
 - (g) Parking facilities for sports facilities and impact on local area and facilities
 - (h) Impact on Residential Amenity
 - (i) Affordable Housing and viability
 - (j) Landscaping
 - (k) Other issues including Sustainable design and construction, Ecology, SUDs, contamination.
 - (l) S106 Contributions

Principle of the development

43. Part of the site to be redeveloped as part of this proposal is a redundant and vacant school site that has served as a primary and secondary school since the 1960's. It is surplus to requirements since the John Wallis Academy adjacent to the site, has grown to become a more suitable modern campus and established educational facility now with a newly constructed nursery and primary school added to the secondary school campus. The large school part of the application site is now a vacant brownfield site with a large number of unused buildings many of which have a poor appearance and some are in

poor condition. These unused vacant buildings are at risk of vandalism and if the site remains undeveloped the deterioration of the buildings will increase rapidly and be more likely to lead to the site becoming very untidy. The redevelopment of this part of the site mainly for housing will result in the opportunity to continue the regeneration of the Stanhope estate that began over 13 years ago and I therefore support the principle of this development of this site.

44. KCC has also confirmed that this development is retrospectively helping to fund the new primary school that recently opened on the John Wallis Academy campus close by, thereby significantly improving the local perceptions of the school and its facilities
45. As I have suggested the redevelopment of the site with a range of better facilities and higher quality modern housing will support the regeneration efforts of Ashford Borough Council and its many partners to secure regeneration benefits and aspirations of local people. It will also help take a further step in transforming the perceptions of the place in Ashford.
46. The principle of redeveloping the Oak field to the west was controversial locally, as this was an informal open space that local people wanted to see retained as open green space. Through discussion and design negotiations, the original plan to locate the care home and some housing on part of the field as well as the new Children's Centre was considered to be unacceptable. Amendments have therefore been secured to omit the housing and the extra care home on this part of the site and just retain the Children's Centre here, with the housing and care units relocated to the eastern part of the application site. I consider this to be a much more satisfactory situation that retains the sense of communal open space and would be a great setting for a Children's Centre. It also allows space for some junior grass football pitch facilities to be relocated into this green space. Conditions are proposed to ensure only the layout of the principal uses shown on the amended parameter plan for site 1 and only C2 and C3 uses on site 2 will be able to come forward as part of the reserved matters.
47. The principle of retaining the majority of the former sports field on the former Linden Grove primary school site as public green space is supported. It will have the appearance of a leafy park setting and although it will feature a fairly substantial extra care residential unit it is of a good size and will be an asset to the local community and is important to meeting good placemaking principles.
48. The principle of the housing development on this site is supported by Local Plan policy HOU3a which supports sustainable residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement within the built-up confines of Ashford provided it meets the eight criteria set out in the policy. I will address these eight requirements of policy HOU3a in more detail in the relevant sections of this assessment.

49. For the reason set out above, I strongly support the principle of the development on this site, and I am satisfied the proposals are in accordance with the Strategic policies of local Plan policy SP1. I will recommend a condition to ensure only the proposed principal uses and open spaces shown on the amended parameter plans for sites 1 and 2 can come forward as part of the reserved matters.

Layout and mix of uses

50. Whilst only an outline application, the proposed mix of uses across the site is supported as it proposes housing and green space on the eastern part of the application site with sports and community facilities separate on the western part of the application site. The indicative layout is supported as it avoids the potential for any conflict between the proposed residential properties and replacement sports pitches by separating these uses across the two sites. This will help prevent any concerns from local residents regarding light overspill from floodlights and noise from sports participants. The indicative layout of the proposed development although indicative is supported as it provides parking in the most sensible locations and with uses split appropriately across the two parts of the site. This will help avoid the risk of on street parking issues between residents and visitors to the sports facilities.
51. I consider the proposed numbers of dwellings and resultant indicative density to be acceptable given the existing densities within this part of the Stanhope area.
52. To test and review this I have assessed two adjacent pockets of housing and flats immediately to the north of the application site overlooking Stanhope Road. One group of terraced homes and flats built 10 years ago contains 40 units and has an approximate net density of 75 dwellings per hectare (see image A below).



Figure 7. Density Area A

53. The existing adjacent area of predominantly terraced housing built in the 1960's contains 37 units (see image B below) also directly opposite the application site, has a net density of approximately 41 dwellings per hectare.



Figure 8 -Density Area B

54. When looking at these two existing Stanhope housing areas combined, the average housing density is approximately 52 dwellings per hectare. When comparing this to the proposals for site 2, the numbers of residential units proposed would have an average density of approximately 50 dwellings per hectare. This estimate includes the main proposed area of open space and excludes the extra care facility part of the site.. The proposed maximum density for site 2 would be of a slightly lower overall density than the average density of nearby existing dwellings on the Stanhope Estate, and I therefore consider this density appropriate and should be supported. The outline proposals demonstrates a balance of open space and appropriately dense development, and I consider that a place with character and identity could be designed at the reserved matters stage.
55. The proposal to in principle include new residential uses located near to the existing John Wallis Academy school boundary is supported. The proposed housing development would potentially adjoin the existing main footpath link serving the north entrance to the school site and would also adjoin the all weather astroturf sports pitch which is intensively used for school sports during the day and evenings and weekends by local sports teams. However the school footpath and the astroturf pitch is an established use that potential new residents living in this development would be fully aware of. I accept noise from significant numbers of schoolchildren walking to school each weekday and people participating in sports in weekday evenings and at weekends could potentially be disruptive for any new residents living in proposed new homes on this site, but I am satisfied that this relationship between the homes and existing school uses can be addressed in the detailed layout, siting, design and landscaping at the reserved matter stage.
56. The relocation of the extra care housing in principle to the eastern edge of the eastern part of the site is appropriate for a number of reasons. The extra care housing will help positively define and enclose the eastern edge this new park area as well as providing a potentially interesting outlook for the elderly residents. The extra care housing would be conveniently located close to the existing Farrow Court sheltered housing scheme could benefit it by having access to some extra facilities including a dementia friendly Age UK Day

Centre which provides health and adult services, regular social activities and meals, to provide community asset for the local elderly population.

57. There was some initial concern with the original outline proposals from residents in Kingsnorth Road who's properties backed directly onto the new green park. They considered their properties would be exposed to the risk of crime by having their rear gardens and boundary fences backing directly onto this new green open space. However the amended outline proposal shows the extra care housing close to this edge of the green space which offers the chance to make the boundary to the rear gardens of the existing Kingsnorth Road properties more secure and help reduce the risk of crime. This is a critical matter for the reserved matters applications to address.
58. The amount of extra care housing has increased from initially 40 bedrooms to now up to 65 bedrooms and is shown indicatively on the eastern edge of the new green open space. I am satisfied that this maximum number of units, on this part of the site would be appropriate. The detail of the layout, form, parking and amenity spaces will be dealt with at a reserved matters stage but given the open space location and distance away from existing properties means a building that combines 2, 3 and 4 storey elements would be acceptable in this location.
59. The replacement Children's Centre is indicatively shown located on the Oak Field within the heart of the community opposite the existing parade of retail units. I fully support the principle of this location close to the school entrance and adjoining the pleasant green open space. The precise location and design will be dealt with in the reserved matters stage.
60. I also support the indicative location of the replacement grass sports pitches on the same Oak Field near to the existing Courtside and Pitchside sports facilities. In this position I consider the local sports pitches will have better access to first aid, parking, toilets and changing facilities. In this location it offers an opportunity for the John Wallis Academy school to use the pitches if the demand is there. At the reserved matters stage should the central protected oak tree be deemed to intrude onto the space needed for the two replacement grass sports pitches then it will be replaced by at least two high quality semi mature trees of the same species at a point closest to its current location. The outline plan proposal shows the retention of the protected Oak tree and a condition will be recommended to retain the tree to cover the eventuality of its loss.
61. The replacement multi-use games area is shown indicatively located on the Oakfield green space also with its precise siting to be determined at reserved matters stage. This location is also appropriate as it offers the opportunity to link up with the Children's Centre and for a space for children to play informally after school, by being directly on their route back to the main Stanhope estate.

62. Although the full detailed layout of homes, open space, community facilities and sports facilities will be dealt with at a reserved matters stage, the location and mix of uses that has been negotiated across the two distinct parts of the application site are fully supported at this outline stage. A condition is recommended to ensure only the proposed principal uses and retained open spaces shown on the amended parameter plans for sites 1 and 2 can come forward as part of the reserved matters. A condition is also recommended to address the concerns of Kent Police relating to Secure By Design.
63. The indicative layout is in accordance with HOU3a (a) because it is appropriate to this part of Stanhope and is compatible with the character and density of the surrounding area. On these grounds I support the proposals as they are compatible with policy HOU3a (a) of the Local Plan. Matters of appearance will be dealt with at reserved matters stage.

Impact on open space

64. The indicative proposals will include allocating the majority of the former Linden Grove school sports field (site 2) as public open space to meet the local needs generated by the development itself.
65. The applicant has stated that this Oak Field (Site 1) is not a designated area of Open Space and is only accessible to the public, on an informal arrangement based on the goodwill of Kent County Council as the main land owner. The Site 1 proposals will result in a minor decrease in the net area of informal open space with the inclusion of the replacement Ray Allen Children's Centre building on this part of the application site. This would result in the loss of an area of approximately 400 square metres of informal open space. I am of the opinion that the loss of a small part of the Site 1 Oak Field for a Children's Community Centre is acceptable as there is a critical need for local investment in this replacement community facility. The centre will continue to provide a valuable service to the community in need due to significant social and economic deprivation with the Stanhope area officially ranking amongst the top 10% of most deprived neighbourhoods in the England when measured against The Index Of Multiple Deprivation across England (source KCC Strategic Commissioning Statistical Bulletin January 2020). A modern replacement facility will inevitably provide and encourage more vulnerable families, children and young people living locally, to have improved access and support to critical social, health and education services. The need for this important community provision in my view, outweighs the loss of a modest area of informal grass area that is rarely used. A condition is recommended to ensure the Ray Allen centre is provided on Site 1 before it is demolished from site 2.

The replacement MUGA adjacent to the Pitchside/courtside land within site 1 Oak Field, will improve the quality of the open space and sports facility and will encourage greater levels of use and activity within the existing informal green space. It will be a better quality more modern MUGA which should be larger than the one being replaced. The MUGA is proposed to be provided in

a more suitable and prominent location near the other existing Pitchside sports hub facilities and two proposed new grass junior football pitches. The Ashford Borough Local Plan 2030 states in para. 10.47 that supports expansion of the Courtside/Pitchside Hub and the replacement MUGA is in line with this. I therefore am able to support the small loss of part of the informal green open space where the MUGA will eventually be sited, to provide a good quality sports and recreation facility for the local community. A condition is recommended to ensure the replacement MUGA is provided on site 1 before the closure of the MUGA on site 2 occurs.

66. The proposals will secure an informal green space as public open space on Oak Field. The applicant has confirmed that members of the public will be able to use the Oak field area at any time for recreational purposes, with the exception of any small external area for the new Children's Centre facilities. This space will be managed and retained as public open space in perpetuity and this will be a requirement of the S106 obligation. An informative will also be added to this effect. Given the improvement in facilities with the replacement Children's Centre, MUGA and two replacement junior 7-a-side grass football pitches I consider that the proposals will result in substantial improvement to the current range of facilities and will support a greater frequency and intensity of use by people from the local community. I also consider the minor harm from this small reduction in green space to provide the Children's Centre and the MUGA will be mitigated by the increase in overall green space across both site 1 and 2. Also the improvements on site 1 to the recreational and sports facilities available to the local community and improvements to the community social support facilities and services within a new Ray Allen Centre. A condition is recommended to ensure full details of the design and appearance of the facilities and an extensive landscaping scheme can be secured at reserved matters stage to improve the overall appearance of the green space and possibly help screen and soften the appearance of the MUGA and Children's Centre. A section 106 obligation is recommended to secure an appropriate on site management regime for site 1 in perpetuity.

The applicant has confirmed that the boundary treatment of site 1 would be submitted to and approved by the lpa. A form of low key boundary treatment to the edges of the open space may be appropriate to help improve the perceptions and attractiveness of the green public open spaces to help make it feel more formal perhaps like a park. It will also help improve the safety and security of the green public open space. Any boundary treatment would be restricted to no more than 1m high and would need to include many entrances points and would not restrict access to the space at any time.

67. On site 2 there will be a net increase in public open space based on the following
- 0.4 hectare loss of informal green space around Ray Allen Centre car park and east of sports hall access road
 - 0.52 hectare gain of former sports field as public open space

- 0.13 hectare gain with inclusion of integrated open green link space running east to west through site
68. This gives a net increase of 0.25 hectares of green space overall albeit with the loss of the sports field that will be dealt with later on in assessment in section looking at impact on sports facilities. Policy COM2 of the local plan only supports the redevelopment of existing open space, sports and recreational buildings and land for other purposes if it would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for an alternative sport and recreational provision, the needs for which clearly outweigh the loss.
69. The outline proposals include the development of some housing on a small area of informal green space (approximately 0.4 hectares) adjacent to the existing Ray Allen Children's Centre car park and Stanhope Sport Centre access off Stanhope Road. This unused space is rather concealed which gives the impression it is within the ownership of the school rather than being useable open space. This small space is partially screened by mature trees and much of it is in an unkempt condition. As such, it has little public amenity value.
70. The loss of this small pocket (0.4 hectares) of informal green open space will be compensated by the provision of a new area of public green open space of approximately 0.52 hectares on the site of the existing sports field plus a green link shown running through the heart of the indicative layout site of an area of approximately 0.13 hectares. This results in a net increase on the Site 2 part of the application site of 0.25 hectares of public open space.
71. I am satisfied that the principle of the development of the modest pockets of informal green space is acceptable as there will be a net increase in the amount of usable public open space of 0.25 hectares available within site 2. A section 106 obligation is recommended to secure an appropriate on site management regime for site 2 in perpetuity.
72. Under Local Plan policy COM2 and the Green Spaces SPD, the new 205 dwellings would need approximately 0.85 ha of additional open space to that which is available. The balance of the required new open space against the net increase of (0.25 hectares) means a contribution based on shortfall of 0.6 hectares will need to be provided through offsite contributions, which will be achieved through the section 106 obligation.
73. The new area of open space on site 2 will be integrated with the outline proposals for a residential use and layout. The open space would have a much more open character and be of much higher quality than the original primary school field now unused. I consider that an attractively designed space would have great benefit to the community by being a destination space for residents to relax in and enjoy and adding a strong sense of character and identity to the place. This would be covered by condition and secured at the reserved matters application.

74. On site 1 as well as opening up the green space to public use there will be other improvements to the facilities within Oak Field open space and the significant upgrades to the sporting facilities at Courtside and Pitchside. These include new grass pitches, resurfacing the astroturf pitch and replacing and improving changing facilities and toilets. This will help improve the quality and encourage greater usage of the sports facilities and open spaces. The Ashford Borough Local Plan 2030 para. 10.47 supports the expansion of the Courtside/Pitchside Hub. I am satisfied the new location of sports pitches on Site 1 is in line with this.
75. I therefore support the proposed amount of open space being provided. Also contributions will be sought for offsite contributions to improve open space provisions to meet any perceived shortfall.
76. As part of the outline proposals, to ensure the replacement and increase in parking facilities for the users of Pitchside & Courtside, an agreement has been reached between the applicant and the land owner (Diocese of Canterbury) to secure no less than 82 off site car parking spaces on the grassed area around the Courtside sports facilities. The provision of the replacement 82 parking spaces will be covered by a Grampian condition and will need separate planning permission to be secured which will have to be part of the Grampian too. This issue is discussed in more detail later on in the assessment section. Although not part of the outline application, I have assessed the principle of the loss of this private green space for parking. I have concluded that the loss of this green space is acceptable as the existing car parking area is on a short term agreement that will expire in the next 5 years and a longer term parking solution is required. This parking provision in a better and safer location will fundamentally help to support the ability of the Pitchside & Courtside hub facilities to play a role in delivering the sports provision. Adequate parking is a key objective of Local Plan Policy TRA3(b) and on these grounds I consider the loss of the private grassed area for extra parking to be acceptable and should be supported to enable the proposals to provide a level of parking proportionate to its activity, and which is acceptable to the Local Highway Authority. On balance I am satisfied the proposed open space meets the community's needs.
77. Although these proposals for housing and replacement community facilities will result in the loss of some small pockets of informal and formal green spaces, new areas of the site will become open space resulting in a net gain in the provision of available public open space and an improvement to its quality that will be secured at the reserved matters stage. On balance I consider the provision of open space, the improved facilities and off site contributions will meet the community needs generated by the proposed development. I consider that the development will help improve the quality, availability and accessibility to open space and sports facilities within the local community overall. The off site provisions will be delivered through off site contributions secured via Section 106 Agreement.

78. The proposals also accord with policy HOU3a (c) of the Local Plan as it would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area and in fact results in the net increase in the provision of more publicly accessible open space. On these grounds I support the proposals as they are compatible with policy HOU3a (c) of the Local Plan.
79. I consider the impact of the development on open space is therefore acceptable, since there is a net increase in green open space, the open space is being provided on site and the public open space will also be of a better quality with improved facilities that will appeal to the community much more. On these grounds I support the proposals and conditions will be recommended to ensure the detailed designs at reserved matters stage are in strict accordance with Public Green Spaces and Water Environment SPD.

Impact on sports facilities

80. The principle of the loss of a modest part of the former school sports field needs to be assessed against policy COM2 of the Local Plan, relating to sports, recreation and play space and outdoor sports pitches.
81. Linden Grove Primary School grass sports pitches were used until recently by the John Wallis Academy school and at times in the past by local junior football clubs. As part of the initial proposal the sports pitches were not due to be replaced. ABC and Sports England had major concerns about this which led to negotiations between ABC, Sports England and the applicant about the Oak Field (Site1). Subsequently it has been agreed to provide the junior football pitches in this location, nearer to the other Pitchside and Courtside sports facilities. This enables these potentially noisy activities to be kept away from the proposed housing part of the development. on the site 2 part of the application site.
82. I am satisfied that the proposals will provide space for better quality grass football pitches and a replacement MUGA in a location close to the Pitchside/Courtside sports hub. It will also directly fund the resurfacing of the existing 3G Astroturf sports pitch, the surface of which is due to expire within the next couple of years. This is outside the application site and within the grounds of the John Wallis Academy site and therefore this resurfacing will need to be secured by a Grampian condition.
83. Sport England also require replacement changing rooms and replacement car parking spaces and the applicant proposes to provide these in a way that will be more accessible by the users of Pitchside/Courtside. Parking will be looked at in subsequent sections but the upgrading and increase in numbers of more accessible car parking spaces will significantly improve the appeal of using the facilities within the community.
84. The redevelopment of part of the former school sports field is in keeping with policy COM2 which indicates sports facilities should only be redeveloped or

used for other purposes if any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. I consider that the proposals accord with Policy COM2, through the delivery of new sports better quality sports facilities as well as the enhancement of existing astroturf facilities and it improves its quality, availability and accessibility in a better location with improved parking.

85. The scheme therefore includes some new sports provision delivered via a combination of both on-site measures on site 1 Grampian conditions relating to the adjoining facilities outside the site and provision for the new housing through off-site financial contributions, secured via Section 106 obligations. The extent of the on and off site sports provision is factored into the viability assessment, which is dealt with later in this report.
86. Despite objecting to the original application, Sports England has confirmed it is now satisfied with the amended proposals. To ensure accordance with exception E4 of Sport England's Playing Field Policy and para 97(b) of the NPPF, they are recommending conditions are attached to any approval to ensure the sports pitches are equitable in quality and subject to equivalent or better accessibility and management arrangements. I am recommending these conditions be imposed on any grant of permission.
87. Policy COM2 requires the provision of sports facilities to be targeted towards the Borough's sports and recreation hubs, which includes Pitchside/Courtside at Stanhope. On these grounds the proposals will secure direct improvements close to this facility and I am satisfied that the replacement sports facilities and any s106 contributions for off site provisions will be acceptable and in accordance with policy COM2. For this reason the development accords with current policies and with Sports England withdrawing their objection, I support the provision of the sports facilities which meets the policies of the local plan and NPPF.

Impact on Community & Social Facilities

88. Site 2 was formerly the site of the Linden Grove primary School. The school moved to the John Wallis Academy on their main campus which immediately adjoins the application site.
89. Kent County Council as applicant has indicated the redevelopment of the vacant Linden Grove primary school site and surrounding land including the former South Kent College, Ray Allen Children's Centre and Oak Field is to recoup the capital cost of providing the new school.
90. The new Ray Allen Children's Centre will rehouse all the current facilities operating from the existing Children's Centre. These include;
 - Community Centre.
 - Nursery childcare and early education
 - Cafe

- NHS Kent Community Health - Health advice and support for mother and baby
 - Child health clinics
 - Patient advice and liaison service - confidential advice and support to patients, families and their carers, and can provide information on the NHS and health related matters.
 - Family support programmes
 - Antenatal classes
 - Services for children with special needs and disabilities
 - Music sessions for children with additional needs
 - Training opportunities
91. The existing facility needs considerable investments to bring it up to modern requirements and KCC has opted to include a replacement Children's Centre facility on site 1 Oak Field. It is ideally located within the community by being in a busier area opposite the main parade of shops and directly on route to the schools as well as being near bus stops. This will allow for improved facilities in a more visible location which could help raise its profile within the local community.
92. The exact design and siting of the building, adjacent on street car parking, and landscaping will be dealt with at a reserved matters stage and needs to be designed holistically with the route to the primary school access, MUGA and football pitches.
93. The development is in accordance with Local Plan Policy HOU3a (h) as the proposals would not displace off site any active use such as employment, leisure or community facility. The proposals include the principle that community facilities on site will be upgraded and replaced and I am satisfied this can be addressed in more detail at the reserved matters stage.
94. Policy COM1 (Meeting the Community's Needs) requires infrastructure and facilities to meet the needs generated by new development, including sports, arts, community (including youth) and voluntary sector space, education and health provision. This policy states community facilities shall be provided as the community is established and such facilities shall be secured through Section 106 Agreements.
95. The provision of the replacement Children's Centre needs to be carefully tied into phasing of the whole development so that it is constructed before the demolition of the existing Children's Centre. There is no reason why this cannot be done at a relatively early stage of the overall development and this will be dealt with by condition. On the grounds that the existing community uses are to be replaced on site the scheme is in accordance with HOU3a (h)

The applicant has confirmed that new Ray Allen Centre (RAC) will be open once the existing RAC is closed and a condition will be imposed to require this. The timing and phasing of the relocation of the Children's Centre will need to be carefully considered in relation to the overall construction of the

site to minimise disruption to the users of the building. To ensure the replacement Ray Allen Children's Centre is secured early on it is important the first submission of reserved matters for the site includes details of the centre, its parking and its access onto Stanhope Road.

Highways & Access

96. The proposed three main vehicular accesses are the only matters to be considered as a formal part of the outline application. Any other accesses relating to vehicles, cycling or pedestrians are reserved matters as I am satisfied with the position of the accesses as in urban design grounds they make effective use of the existing accesses that can potentially help retain many of the established trees and landscaping features of the two parts of the application site. The location of the accesses will provide an excellent basis for an overall well connected layout as shown on the indicative layout plans I. The distances between the 3 main access points are acceptable and will offer suitable flexibility to enable options for the eventual overall site layout of buildings to be explored. The location of the accesses will ensure a variety of street block depths can be provided to ensure a good movement framework and hierarchy of streets with good legibility and which is vital to achieving a well designed place with a strong identity and distinctiveness. The proposed highway access points accords with policy TRA7 of the local plan which requires accesses to be safe and avoid delays by being well related to the existing road network. Kent County Council Highways has no objection in highway terms.
97. The site offers many opportunities to connect with existing footpaths and surrounding streets. Policy TRA5 and TRA6 states that development proposals shall demonstrate how safe and accessible pedestrian and cycle access and movement routes can connect to the wider movement network and whenever possible, encouraging journeys on foot or on cycles. This demonstrates clearly there is a strong need to ensure the entire south side of Stanhope Road is improved for pedestrians and cyclists and given the number of schools and the children's centre and new housing, some crossing points and potentially some simple traffic calming measures at key points will be required. The traffic calming measures need to be covered by conditions.
98. The need for a potential emergency access into the site off Stanhope Road and all other cycle and pedestrian accesses to the site is not being considered at the outline stage and will be a detail to be dealt with at the reserved matters stage.
99. Kent Highways and transportation do not object to the proposed development and are content with the provision of 65 extra care units and the 205 residential dwellings, as the trip generation assessment has subsequently demonstrated that the new scheme proposals will result in acceptable vehicle trip levels.

The applicant has confirmed, in their Transport & Technical Note, that the proposals will see a residual increase in trips and when these trips were distributed using census data, this exercise showed that only a minimal number would travel west on Stanhope Road. It was therefore agreed at the pre application stage with KCC Highways that there is no requirement to assess the impacts of the proposals on any of the junctions to the west. Kent CC Highways have confirmed that the increase in trips does not require any modelling of junctions to the west on Stanhope Road.

100. Kent Highways and Transportation agree that the replacement car parking to serve the Stanhope Sports Centre and Courtside needs to be secured prior to the commencement of development on site and that this replacement car parking can be secured through a suitably worded Grampian planning condition rather than being secured through a Section 106 Legal Agreement, and have suggested conditions to deal with this. They support the applicants proposal for an improvement of the formal illuminated footpath linking John Wallis car park to the Sports Centre, Pitchside and Courtside and have agreed that this also needs to be secured through an appropriately worded Grampian condition. This will significantly improve the experience and security of users after dark.
101. Kent Highways have asked for a mitigation scheme consisting of double yellow lines on Tennyson Road at the Kingsnorth Road / Tennyson Road mini-roundabout about 70m east of the site (300m by road) to the east of the site. The introduction of more double yellow lines will help discourage indiscriminate resident parking that is occurring close to the junction. This will help provide increased traffic capacity on this arm of the roundabout, by improving the flow of traffic at the junction. Reducing the existing parked cars around the junction will significantly improve visibility for drivers. This is included in the proposals and I support the proposed changes. Kent Highways agree this will need to be secured through a suitably worded Grampian planning conditions.
102. Kent Highway's support the principle of introducing parking bays along Stanhope Road and recognise they are indicative only and the detail will be reviewed at the reserved matters stage. They have suggested a planning condition is therefore required to say that development shall not be commenced until details of the parking is agreed.
103. Kent Highways accept that the application only includes the 3 points of access off Stanhope Road from Site 2 and any other further access points for vehicles, pedestrians or cyclists will need to be approved by Kent County Council in its position as Local Highway Authority at a reserved matters stage. The application description has been amended to reflect this.
104. Kent Highways support the inclusion of double yellow lines proposed to the east of access 3 and will again need to be secured through a suitably worded Grampian planning condition.

105. Kent Highways noted a Stage 1 RSA has been completed for the three existing access points on Stanhope Road and have noted any further works to further accesses will need to be addressed through the reserved matters.
106. Kent Highways are also satisfied that the location of the existing mobile phone mast will not affect junction visibility and the detail of the dropped kerb and tactile paving works at associated accesses. Kent Highways have also accepted the refuse vehicle tracking at accesses is acceptable. KCC Highways have agreed that the emergency access previously proposed onto Stanhope Road is no longer part of the current proposals.
107. I consider that the development fully accords with policy HOU3a(e) of the Local Plan by virtue of the three proposed access arrangements and indicative street network. This will ensure the development can be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network and on these grounds I support the proposals as they are compatible with policy HOU3a(e) of the Local Plan I am satisfied based on the layout principles that highway safety issues can be successfully addressed at a reserved matters stage. I support the proposals as Kent Highways are also satisfied the proposed development is safe and associated traffic movement generated and junction mitigation works will not have a detrimental on the local road network. Kent Highways also consider the proposed detailed accesses are acceptable on highway safety grounds and are in accordance with policies HOU3a (e), TRA7 and TRA8 of the local plan.

Parking

108. Although parking will form part of the reserved matters submissions, negotiations have taken place to demonstrate there is sufficient land and a strategy in place primarily to ensure sufficient car parking is retained for all the existing and proposed sports facilities. During the evening there is often high demand for parking in Ray Allen Centre car park (55 spaces) the existing car park adjacent to the astro turf pitch (87 spaces) and the 5 spaces in the sports hall car park. There are a further 49 spaces within the former Linden Grove school site to be lost but these were previously used by school staff and are now redundant. They have never been used by the users of the Pitchside or Courtside facilities so have been disregarded from the discussions about parking provision for users of the sports pitches.
109. Through discussions the proposals now include 319 replacement car parking spaces for the loss of the 147 existing spaces available to Pitchside/Courtside users. This a net increase of 172 car parking spaces all within easy walking distance of the indicative proposals for the Children's Centre and the existing Pitchside and Courtside sports facilities.

110. The car parking figures in the following table show existing and proposed locations and numbers of car parking spaces -

| Existing Parking Spaces | | Replacement Parking Spaces | |
|--|-----------|------------------------------------|--|
| Pitchside/Courtside Car Park | 87 | On street (site 1) adjacent to RAC | 38 |
| Stanhope Sports Centre Car Park | 5 | On street (site 2) | 36 |
| Ray Allen Centre (RAC) | 55 | Stanhope Sports Centre | 82 |
| | | John Wallis Academy | 163 <i>(existing car park – available for users of sports pitches during most weekday evenings and at weekends)</i> |
| Total 147 | | Total 319 | |
| <i>Former Linden Grove school car park 49* (Car park was never available to users of sports pitches or RAC – spaces have not been used since school moved)</i> | | | |
| Net Increase for users of sports facilities 172 | | | |
| <i>Available for users of sports pitches during most weekday evenings and at weekends</i> | | | |

111. The outline proposals include the provision of 82 new parking spaces in a new car park adjacent to the Stanhope Sports Centre Sports Hall. These parking spaces will replace the 5 that exist there currently and will be solely for Pitchside/Courtside users during the evenings and weekends. Although this area is outside of the application site boundary and this parking will require separate planning permission, the provision of this parking be secured through the recommendation of a Grampian condition to prevent the housing development coming forward in advance of this parking being provided.
112. Along Stanhope Road approximately 36 new car parking spaces are to be provided along the frontage of Site 2 part of the application site. These new spaces will be flexible and be available for users of the Pitchside/courtside facilities. This is only indicative and it is agreed that the detail can be reviewed at the reserved matters stage through consultation with Kent Highways & Transportation. Parts of these parking spaces overlap the edge of the application site, so to alleviate any concerns over the delivery of this parking, a Grampian condition will be recommended to prevent this aspect of the development coming forward in advance of any highway safety concerns being resolved. This condition will be worded to say that the development shall not be fully commenced until details of the parking on Stanhope Road have been agreed in writing with both Kent County Council and Ashford Borough Council. The provision of this parking will also be conditioned.
113. Further along Stanhope Road by Site 1 (Oak Field), 38 on street car parking spaces are shown indicatively to be provided for daytime users of the Ray Allen Centre and evening/weekend users of the Pitchside/Courtside users. As

they are outside of the application site they will also be secured by Grampian condition, with the detail layout of them dealt with at a later stage.

114. The outline proposals include the potential extra use of the 163 existing parking spaces serving the John Wallis Academy. These spaces will be a short walk away from the Pitchside astroturf pitch. The offer is these parking spaces will be made available for users of Pitchside during weekday evenings and at weekends. New landscaping and lighting will be required by condition, in order to provide a more direct and safer route from the car park to the astroturf pitch. On the grounds of improving lighting and pedestrian access without harming neighbours or the integrity of the streetscene I therefore support the proposals as they are compatible with policy HOU3a (g) of the Local Plan.
115. On several occasions a year John Wallis Academy holds evening meetings, open evenings, parents' evenings and school performances. On these relatively few occasions their 163 parking spaces will not be available to Pitchside users, the management of the Academy will be encouraged to inform and notify Pitchside users to find alternative arrangements. I am satisfied that despite these extra 163 JWA spaces being unavailable occasionally, the other 156 car parking spaces will still be sufficient to meet the demand as this represents an increase of 9 extra spaces than the current 147 spaces available to Pitchside and Courtside users. It would be helpful if an events plan relating to school car park closures in the evenings and weekends were to be submitted to Pitchside/Courtside each year. The John Wallis Academy will also be encouraged to notify the operators of the Ray Allen Children's Centre of any such events.
116. The Children's Centre parking will include 38 on street parking spaces located close to its indicative position although this is a reserved matter.. A further 82 will potentially be available to users of the Children's Centre during the day at the new car park next to the Sports hall. Currently the Children's Centre has 55 dedicated parking spaces so I support the outline proposals for the replacement parking proposals.
117. The indicative layout for the new residential areas contains sufficient mix of parking options but this will be dealt with in full detail at a reserved matters layout stage.
118. Kent Highways support the outline application on parking grounds. They have highlighted the importance of securing an improved illuminated footpath linking John Wallis to the Pitchside, Sports Centre and Courtside. On these grounds of having safe lighting and pedestrian access, I support the proposals as they are compatible with policy HOU3a (g) of the Local Plan
119. Kent Highways have also agreed to the Grampian condition securing the 82 'replacement' car parking for Courtside/Stanhope Sports Centre; the 38 spaces along Stanhope road serving the Ray Allan Centre and other 36 on

street parking spaces in Stanhope Road adjacent to Site. They welcome the additional 163 spaces at John Wallis Academy.

The applicant has confirmed that a site visit to Stanhope Road was completed at the end of the school day and it was noted that no cars were parked on street in the location where the on street parking for the Ray Allen Centre is proposed. Kent County Council Highways and Transportation support the levels of parking in principle and it is recommended the agreement of the detailed design and location of the parking spaces will be secured by condition.

120. As the parking provision for all new facilities is considered sufficient and there will be no impact on local residents parking facilities, I consider the proposals conform with the principles of the Local Plan policy TRA3a (parking standards for residential development) and I am satisfied that alternative car parking would be made available for the sports users and community facilities in accordance with policy TRA3b (Parking standards for Non Residential Development) . In addition KCC highways support the proposals.

Impact on Residential Amenity

121. The outline proposals for new housing, new Children’s Centre and reconfigured car parking are not expected to have a detrimental impact on amenities of existing residents due to the distance between the existing dwellings and the proposed building. .
122. Indicative plans include an enhanced boundary treatment will be provided along the rear or side boundaries of up to 30 properties in The Limes since they immediately adjoin the application site. . This will be dealt with at a reserved matters stage and good distances will be retained between the rear of new and existing dwellings.
123. The extra care housing block (C2 use) will be potentially close to the boundary of 10 properties in Kingsnorth Road that back onto the original school sports field. However the existing properties have rear gardens over 30 metres deep that are also behind a boundary featuring a dense line of mature trees that would be retained. Therefore the detail of any new care home building dealt with under reserved matters will result in a minimum separation distance of approximately 40 metres between the proposed extra care facility and the existing homes. If the building needs to be a mix of two, three and four storeys, any 4 storey sections could be positioned more than 40metres away. The design of the building would need to minimise the impact of any overlooking issues. I am satisfied the detailed design of the blocks, and with extra landscaping the proposals will comfortably be able to avoid any impact on residential amenities of adjacent properties.
124. The indicative layout proposals accord with policy HOU3a (b) of the local Plan as the development will not create a significant adverse impact on the amenity of existing residential since I consider the indicative layout and built

form is based on the principle of retaining good distances, open spaces and landscaping adjacent to the existing residential properties. I am confident that this can be carefully addressed at reserved matters stage. On these grounds I support the proposals as they are compatible with policy HOU3a (b) of the Local Plan.

125. I therefore support the outline proposal on the grounds it will not have any detrimental effect on residential amenities.

Affordable Housing

126. Policy HOU1 requires the following provision for this site in Stanhope Ward Ashford (one of Ashford Town Wards (Zone A) -

- Total affordable housing requirements = 20% of houses, but none for flats. Out of the total dwellings of 205, 106 are proposed to be flats, and 99 to be houses. Therefore the required quantum of affordable housing would be 20 units
- No Affordable/Social Rented units are required

All should be Affordable Home Ownership Products = 20 units (including a minimum of 10% shared ownership) = 10 units.

127. As part of the application, the applicant has produced a viability study for the proposed development. This study has been independently assessed by Bespoke Property Consultants on behalf of the Council. Both the applicant and the Council are agreed as to the figures and conclusions of the viability study which indicates that the scheme is viable and can provide all usual financial and onsite section 106 contributions, together with a level of affordable housing. It is not clear whether this would meet the requirements of policy HOU1 of the Local Plan and the NPPF, because this has not been explored for the reasons below.
128. The applicant has consistently stated that it does not intend to provide any affordable housing in the scheme, as a result of having incurred the capital cost of delivering a new school elsewhere on the applicant's wider site as a replacement for the Linden Grove Primary school, at the request of the local community, which provides a significant community benefit. It is important to note that the cost of the John Wallis Academy Primary School has not been factored into the viability study as it does not form part of the current application, but it is relevant to the consideration of the application as a whole within its overall site and community context.
129. Paragraph 8 of the NPPF lays out the national objectives of the planning system, economic, social and environmental. A key part of the social objective is to provide a range of homes for the present and future generations, which the current proposal does. In addition, the application proposes the construction of a care facility to meet the needs of older persons in the local community. Furthermore, the social objective includes the provision of accessible services and open spaces that reflect current and

future needs and support communities' health, social and cultural well-being. In this instance the development of the John Wallis Academy Primary School is supporting current and future needs of the community in the South Ashford area, albeit that the Academy does not form part of this application.

130. The NPPF in paragraph 9 states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It should also be noted that paragraph 12 of the NPPF states local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. In the consideration of this application, there are exceptionally, particular unique local circumstances which I consider can be taken into account in considering whether to allow the non-provision of affordable housing as part of the current application
131. The closure of the Linden Grove primary School and the construction of the immediately adjoining John Wallis Academy Primary School has enabled the current application to come forward and was essential to release the site for residential redevelopment. The construction of the John Wallis Academy, which caters for the whole of school life, has transformed the education provision with the Stanhope Estate, which as economic factors show is amongst top 10% of the most deprived areas in the country. It is clear that the Academy is making a very positive contribution to the provision of services within the area and to the character of the area through the construction of the new buildings. This change will continue through the construction of the buildings that are being considered under the current proposal. It will also allow for a greater mix of housing tenure in the area by the introduction of both newbuild market housing and an older persons' care facility.
132. Kent County Council has forward funded the provision of the John Wallis Academy in the sum of £4.5m. (and in fact Ashford Borough Council is also heavily contributing to the capital cost of the primary school element). The applicant has explained that, by virtue of its ownership of both sites, capital receipts from the development under consideration would also be used to contribute to the capital cost of the forward funding of the new primary school. The provision of affordable housing on the application site would lessen the receipts available to contribute to the forward funding of the primary school, which has been shown to be important in leading the transformational change within the area.
133. It is also relevant that the application proposes the replacement of the existing, ageing Ray Allen Children's Centre, a well-used and important facility in the area, with a new facility which will offer modern standards of provision. It is proposed that this be required by planning condition, and the

improvement in facilities that will result can therefore also be taken into account in considering the unique circumstances of this proposal.

134. Furthermore, through negotiations, important community sports facilities will be replaced and upgraded. This includes the funding of a replacement surface to the 3G astroturf pitch which is coming to the end of its life; the construction of replacement changing rooms and the provision of toilets for the users of the astroturf pitch. The changing rooms will be provided either by extending or adapting the existing courtside buildings or in a separate building next to the Pitchside astroturf pitch. It is expected that additional toilets will need to be provided next to the astroturf pitch in a location to be agreed. Landscaping and lighting improvements will be provided to make the pedestrian route from the John Wallis car park to Pitchside and Courtside feels safe and secure at night. All these facilities will not be provided within the application site but very close by and they will be secured through agreements or conditions and are a community benefit to which some weight can be given.
135. Having taken account of the Local plan policy, the advice from the NPPF indicates that the particular circumstances of the John Wallis Academy and how it relates to the proposed development on the application site immediately adjoining it can be considered. Effectively, the applicant has already delivered and opened a new school as described, which is a significant community benefit and which could, if timings had been different, have justified some “enabling” residential development being provided on this site in order to help to fund it. In the light of this obvious connection, I consider that there are sufficient unique considerations to allow for the non-provision of affordable housing on this application site and that instead, the applicant should be asked to commit to use the proceeds of sale of this site for development to repay the forward-funding of the Primary School next door in lieu of providing the affordable housing normally required onsite.
136. Bespoke Property Consultants advise that, should the Council be minded to grant planning permission with less than policy-compliant affordable housing, they recommend a viability review mechanism be included in the section 106 agreement. The Council would normally do this by using its established deferred contributions mechanism, whereby the ultimate sales values of residential units are compared with the viability assumptions, and if additional value is generated then a proportion is paid to the Council towards the affordable housing foregone.
137. However in this case the viability appraisal indicates that current values would enable the county council to recover less than half of its forward funding of the primary school. Therefore, a significant increase in sales values would be required to reach the point at which the county council was able to recover the whole of its forward funding and make a surplus which could help to fund affordable housing. The likelihood of a significant increase in sales values, of this magnitude, occurring in a short space of time is relatively small.

138. Bespoke suggest reviewing sales values if the scheme has not substantially commenced construction within 2 years. However, bearing in mind the application is in outline and that the site will first be marketed to a developer by Kent County Council, I recommend that there should be an 18 month deadline for submission of reserved matters for the site, and that any reserved matters approved must be substantially implemented within a year of approval. This would incentivise speedy sale and delivery of this important urban site within Ashford, which is itself an important objective of housing delivery.

Landscaping

139. This is a matter to be dealt through the reserved matters application. However I am satisfied with the principles of retaining important mature trees and other key landscape features, planting on open spaces and along boundaries to existing properties. The proposed indicative landscaping shows that the development could make a positive contribution to the setting of the development and the streetscene. For this reason the proposals accord with policy HOU3a (d) as it will not result in any significant harm to landscape features. I support the proposals as it proposes relevant landscape elements are protected and integrated into the development.

Other Planning Issues

Sustainable design and construction

140. Sustainable design issues will be a detail for the reserved matters stage and will be covered by appropriate conditions.
141. The NPPF states that in determining planning applications, local planning authorities should expect new development to comply with any development plans on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable; and to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
142. The Local Plan 2030 superseded the Core Strategy, and Policy ENV11 states that all major, non-residential development will achieve BREEAM 'Very Good' standard, with at least a 40% improvement in water consumption against the baseline performance of the building. In the absence of any other adopted standard, it is reasonable to use the Local Plan ENV11 standard by which the proposal for the Children's Centre should be assessed. A at the reserved matters stage, should Members be minded to grant planning permission.

Surface Water Drainage /SUDs

143. The site does not lie within any flood zone and is currently a mix of large areas of green open space and a number of large vacant school buildings and various areas of hardsurfaced paved areas, access roads and car parks.

The proposed development will potentially lead to the inclusion of some impermeable surfaces and surface water run-off issues. It is proposed to treat all surface water at source and via both above and below ground SUDs. The SUDs would connect to a detention basin before being discharged at a controlled rate into the surrounding drainage network. This is in accordance with the Council's SUDs SPD, but the layout and detailed design of the SUDs system will be formulated at the reserved matters stage and a condition is recommended. KCC drainage raise no objection subject to the imposition of such a condition. The proposal would comply with policy ENV9 of the Local Plan. I am content with the principles and support the outline scheme on surface water drainage grounds.

144. Southern Water have objected to the plans on the grounds that the indicative position of the replacement Ray Allen Children's Centre will lie over an existing public foul rising main and building over the public foul rising main cannot be permitted.
145. The siting of the Children's Centre and car parking is indicative and there is sufficient options and space on site 1 and either side of the public foul rising main to look at siting the Centre to achieve the required standoff distances. As the siting and layout is indicative and there is lots of flexibility to consider the siting of the building in relation to the public foul rising main, I do not feel it is necessary to amend the indicative layout plans at this stage
146. A condition will be attached to ensure that at the reserved matters stage the applicant needs to demonstrate the exact position of the public foul water/sewers on site and in consultation with Southern Water before the layout of the proposed replacement Ray Allen Children's Centre development can be finalised.

A plan of the sewer records showing the approximate position of the foul rising main sewer within the site is included below (figure 8) . The applicant is satisfied with this being controlled by condition 60.

148. KCC's Ecological Advice Service have reviewed all the ecological information submitted relating to bat surveys, reptile surveys and Great Crested newt surveys. Great Crested Newts are unlikely to present and that no mitigation measures are required for this species. Kent Ecological Service have confirmed that they are satisfied with recommending conditions to ensure ecology issues will be dealt with at a reserved matters stage. On the grounds that the proposals would not result in any significant harm to any biodiversity interests. I support the proposals as they are compatible with policy HOU3a (d) of the Local Plan

Heritage & Archaeology

149. There is some high potential for some Iron Age and Romano archaeological activity as an old Roman Road appears to have run through the eastern side of the Site. Historical aerial photographs also show that a second world war Prisoner of War camp located to the north of Stanhope Road extended into the northern part of the Site.
150. KCC heritage have pointed out that although the archaeological assessment is brief, this is an indicative layout, and since the application is an outline there are options for flexibility with the layout and archaeological, matters can be dealt with by condition. The proposed development does not impact on any heritage assets.
151. Therefore I consider the scheme to be acceptable on heritage and archaeological grounds and the proposals are in accordance with the principles of the Local Plan policy SP1 which seeks to conserve and enhance heritage assets in the borough and to protect the settings of such assets in a way that promotes distinctive places. On these grounds I support the proposals as they are compatible with policy HOU3a (d) of the Local Plan as the proposals would not result in any harm to heritage assets. I am satisfied that any heritage archaeological issues can be addressed by conditions to ensure they are dealt with at the reserved matters stage.

Self-Build Housing

152. Under policy HOU6 Self build housing is required for sites of over 40 units. An obligation will be secured by section 106 agreement.

Accessible Standards & Adaptable Dwellings

153. Under policy HOU14 at least 20 percent of all 'new build' homes shall be built in compliance with building regulations part M4 (2) as a minimum standards. This is intended to help create safe, accessible environments and promote inclusion and community cohesion. This accessibility standard will be secured by section 106 agreement.

Contamination

154. The Environmental Protection team at Ashford Borough Council have acknowledged that there is a low risk of contamination on the site and they advise that any minor contamination issues on the site can be covered by condition so that any issues can be addressed fully at the reserved matters stage.

S106 Contributions

155. 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
156. The Local Plan Policies COM 1 and COM2 state that it is required to provide appropriate contributions towards the provision, management and maintenance of related community facilities and infrastructure to support new dwellings. These are set out in Table 1 below which sets out the heads of terms for the S106 Agreement.
157. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed the obligations 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.
158. Policies COM1 and COM2 of the Local Plan 2030 and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure and facilities required to meet the needs generated by development. The LPA may consider whether an application in a settlement with assessed and demonstrated public open spaces needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon those facilities.
159. Contributions are also required to enhance Voluntary Sector Services to meet the demand generated from this development.
160. A public art contribution is also required to enhance the design of the development and the locality.
161. KCC has requested that the development proposal gives rise to up to 37 additional primary school pupils during the occupation of the development and as well as 26 additional secondary school pupils which KCC has identified can only be met through the enlargement of John Wallis Academy.

162. KCC has also requested contributions for the following:

Libraries – contribution towards additional book stock at Stanhope Library to serve the increased demand for borrowing arising from the development. This would go to meeting the additional demand

Youth Services – contribution requested towards additional equipment for local Youth Services. This is a priority service area for Kent Youth, enabling it to take the service to different localities..

Community Learning -. Additional portable IT and equipment for Ashford North Youth Centre.

Adult Social Care - the S106 contribution was requested towards upgrading a Changing Place Facility in the vicinity where social care services are delivered by KCC or a third party. Also they require 3 Wheelchair Adaptable Homes as part of the on site affordable homes delivery.

Contributions under the Green Spaces SPD – Contributions are as per those set out in table 1.

High Speed Fibre Optic Broadband connection: to be covered by condition.

Contributions under the Green Spaces SPD – Contributions are as per those set out in table 1

163. The NHS have requested contributions towards the refurbishment / expansion of local healthcare facilities.
164. Should any of the projects identified in Table 1 be subsequently amended then delegated authority is requested to amend the S106 agreement accordingly.
165. In light of the above, 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 Obligations | | | Regulation 122 Assessment |
|-------------------------------|--|---|---|
| | Detail | Amount(s) | Trigger Point(s) |
| 1. | <p><u>Children’s and Young People’s Play</u></p> <p>Contribution towards investment in play facilities within public open space within 1km of the development</p> | <p>£649 per house / £473.23 per flat for capital costs</p> <p>£663 per house / £483.44 per flat for maintenance</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</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 Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, 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 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> |

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| 2. | <p><u>Informal/Natural Space</u></p> <p>Provision on site of approx. 1.5 hectares of open land on Site 1 and 0.65 hectares on Site 2, plus off-site provision of shortfall of open space by way of contributions to the value set out in the adjacent column towards investment in open space within 1km of the development.</p> <p>On-site space to be provided, made available to the public and maintained through a management regime with details to be approved by the Council.</p> | <p>£434 per house / £316.46 per flat for capital costs</p> <p>£325 per house / £236.98 per flat for maintenance</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</p> | <p>Necessary as improvements to the informal/natural green 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 Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space 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> |
| 3. | <p><u>Outdoor Sports</u></p> <p>Contribution towards the resurfacing of the existing 3G pitch facility adjoining the site,</p> | <p>£1,589 per house / £1,158.65 per flat for capital costs</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that</p> | <p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be</p> |

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| | and/or another facility in the area | £326 per house / £237.71 per flat for maintenance | phase. | <p>maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p> |
| 4. | <p><u>Strategic Parks</u></p> <p>Contribution off site towards investment at Conningbrook Lakes Country Park</p> | <p>£146 per house / £106.46 per flat for capital costs</p> <p>£47 per house / £34.27 per flat for maintenance</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</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 Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> |

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| | | | | <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> |
| 5. | <p>Allotments</p> <p>Contribution towards investment in off-site allotment sites within 1km of the development, including private, public and community sites</p> | <p>£258 per house / £188.13 per flat for capital costs</p> <p>£66 per house / £48.13 per flat for future maintenance</p> | <p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</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 Local Plan 2030 Policies SP1, COM1, COM2, COM3, 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</p> |

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| | | | | <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 period is limited to 10 years.</p> |
| 6. | <p>Undertaking by the applicant to recycle all disposal receipts towards repaying the previous forward-funding provided for the delivery of the primary School at John Wallis Academy campus.</p> <p>Provide written evidence of the terms of disposal and receipts for the Oak Field (site 1) and the former Linden Grove school site (site 2) and evidence of how the receipts have been used to repay the forward-funding.</p> | <p>Applicable to all disposal receipts, whenever received</p> | <p>Within 3 months of disposal of each part of the former Linden Grove School and Oak Field sites</p> | <p>Necessary as the loss of affordable housing on this important site is only acceptable in planning terms in order to fund (retrospectively) the replacement facility for the former Linden Grove Primary School on this site; the new primary school on the John Wallis campus, Stanhope, Ashford is an acceptable replacement; and the waiving of affordable housing is predicated solely upon the recycling of 100% of the proceeds from the disposal of the Oak Field and former Linden Grove school sites into the delivery of a new primary school at the John Wallis Academy campus, Stanhope, Ashford.</p> <p>Directly related as the loss of this important education facility is only</p> |

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| | | | | <p>acceptable in planning terms if a replacement facility is provided; and that facility has already been provided upfront elsewhere on the wider site.</p> <p>Fairly and reasonably related in scale and kind as the replacement education facility is an acceptable replacement for the former Linden Grove school.</p> |
| 7. | <p>Primary Schools</p> <p>Project: Towards Phase 2 of Finberry Primary School</p> | <p>£4,535.00 per applicable house</p> <p>£1,134 per applicable flat</p> | <p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary As the proposal would give rise to additional primary school pupils. There is no spare capacity at Finberry school and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' 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</p> |

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| | | | | 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 or sheltered accommodation specifically for the elderly. |
| 8. | <p><u>Secondary Schools</u></p> <p>Project:- Towards Phase 2 Additional 2FE provision at the new Chilmington Green Secondary School</p> | <p>£4,687.00 applicable house</p> <p>£1,172.00 per applicable flat</p> | <p>per</p> <p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p> | <p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of</p> |

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| | | | | <p>dwelling and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p> |
| 9. | <p>Libraries</p> <p>Contribution for additional bookstock for the Stanhope library that serves the local area.</p> | <p>£48.02 per dwelling and per extra care unit</p> | <p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books 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 calculated, is based on the number of dwellings.</p> |
| 10. | <p>Health Care</p> <p>Extension / refurbishment / upgrade of the following:-</p> <ul style="list-style-type: none"> • Kingsnorth Medical | <p>£159,900 (based on assumed 495 new patient registrations)</p> | <p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of</p> | <p>Necessary as additional healthcare facilities required to meet the demand from 495 additional occupants that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and</p> |

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| | <p>Practice,</p> <ul style="list-style-type: none"> • Hollington Surgery, • Sydenham House Medical Centre, • Ashford Medical Partnership, and/or • new general practice premises in the area | | <p>25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>IMP1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare 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 been calculated based on the estimated number of occupiers.</p> |
| 11. | <p>Community Learning</p> <p>Project:- Additional portable IT and Equipment to enable the re-configuration and greater use of rooms at the Ashford Adult Education Centre</p> | <p>£34.45 per dwelling and extra care unit</p> | <p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary for community learning space available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the</p> |

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| | | | | number of dwellings. |
| 12. | <p>Youth Services</p> <p>Project:- additional equipment at Ashford North Youth Centre.</p> | £27.91 per dwelling (Extra Care Units are not applicable) | <p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary for youth services space available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p> |
| 13. | <p>Adult Social Care</p> <p>Project:- Changing Place Facility in the vicinity</p> | £47.06 per dwelling | <p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary for social care available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent</p> |

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| | | | | of the development and because the amount calculated, is based on the number of dwellings. |
| 14. | <p>Voluntary Sector</p> <p>Contribution towards investment in voluntary sector projects within 1km of the site</p> | £15,337.38 total | Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase. | <p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p> |
| 15. | <p>Public Art</p> <p>Contribution towards the cost of retaining artist(s), embedded within the design team of the new Ray Allen Children's Centre, and the</p> | £59,657.10 in total | No less than 6 months prior to submission of reserved matters application for the new Ray Allen Children's | <p>Necessary in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and IMP2 (if applicable) and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> |

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| | incorporation and delivery of public art within it | | Centre | <p>Directly related as would improve the design quality of the development and would be visible to occupiers.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p> |
| 16. | <p><u>Custom/Self Build Housing</u></p> <p>Provide and market serviced plots</p> | 5% of house plots | Phased during delivery of the development | <p>Necessary as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to Policy HOU6 of the Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough.</p> |
| 17. | <p><u>Accessible and adaptable Housing</u></p> | 20% M4(2) across the | All accessible and | <p>Necessary as providing a mix and type of housing required to meet</p> |

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| | Level 2 access homes (M4(2)) to be provided on-site | whole site | adaptable homes for each phase are to be provided before the occupation of 75% of open market dwellings in that phase | <p>identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as the accessible housing would be provided on-site</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p> |
| 18. | <p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.</p> | £1000 per annum until development is completed | First payment upon commencement of development and on the anniversary thereof in subsequent years | <p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p> |

Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.

If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.

Human Rights Issues

166. 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

167. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

168. In assessing this proposal, I have concluded that it is within the built-up confines of Ashford, in a sustainable location and can be satisfactorily integrated into the settlement. It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area.
169. The application is supported as it is acceptable on the basis it is in accordance with policy HOU3(a) for many reasons including the proposals would not create a significant adverse impact on the amenity of existing residents. It also accords with HOU3(a) as it would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens). The proposed development would not result in significant harm to the landscape, heritage assets or biodiversity interests. It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network. The proposals are also compatible with HOU3(a) as it would not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure. As the proposals are capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene it is considered to be in accordance with policy HOU3(a). I regard the development to comply with HOU3(a) on the grounds that it would not displace an active use such as employment, leisure or community facility.
170. In light of the above it is recommended that outline planning permission is granted. The application, the Page 176 in line with the development plan as a

whole, as no affordable housing is proposed and the applicant is unwilling to change its stance on this in the light of the costs it has already expended upfront by forward-funding the new John Wallis Academy Primary School. As such, the application has recently been formally advertised in the local press and by notices onsite as a Departure from the Development Plan (previously, it had been advertised on two occasions as a Major Development, but not specifically as a Departure). Any comments received before the Committee meeting, in response to this third round of public consultation, will be reported to the Committee. Any further comments received up to the closing date of 20 February will be considered by the Strategic Development & Delivery Manager or the Development Management Manager, and would only need to be reported to the Committee if they raise new material matters not covered in this Report, the Update Report or discussions at the Meeting. My Recommendation below has been drafted accordingly.

171. I consider that the unique site and local circumstances of this proposal, together with the public benefits already provided through the new primary school and those to be secured as part of this application, can be a material consideration of sufficient weight to grant planning permission notwithstanding the lack of affordable housing (shared ownership) as required by Policy HOU1. The recommended terms of the s.106 Agreement will allow the applicant to recoup its expenditure on these items from the proceeds of the development. To ensure that the viability assessment does not become dated, and to incentivise a speedy commencement of development on this site, I recommend that the time limits for commencing substantial construction are significantly reduced. I consider this to be a reasonable and appropriate balance between the competing material issues in this case. My recommendation is therefore to grant planning permission subject to those terms being secured under section 106 and in conditions.

Recommendation

(A) Subject to:-

- (i) the expiry of the period of public consultation on the application as a Departure from the Development Plan in line with statutory requirements, and**
- (ii) any further responses to that consultation which in the opinion of the Strategic Development & Delivery Manager or the Development Management Manager raise new material issues which are not considered in this report, any update report or otherwise at the Committee meeting, being reported back to the Committee for consideration, and**
- (iii) the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations**

detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit.

(B) Grant Outline Planning Permission, including approval for the three proposed accesses onto Stanhope Road, with all other matters, (including all further vehicular, pedestrian and cycle accesses to and through the site) to be dealt with as reserved matters.

(C) Subject to the following conditions and notes:

Commencement

- 1) 18 months reserved matters and 12 months implementation conditions to be reduced to 18months
- 2) Phasing Plan

Highways and Parking

- 3) Parking and cycle parking to be retained
- 4) Details of cycle parking facilities
- 5) Provision of site access prior to occupation of any dwellings
- 6) Provision of footway to be constructed on the northern highway verge between the application site and the signalled crossing.
- 7) Provision of other highway infrastructure / works (i.e. signalled crossing)
- 8) Details of speed reduction measures / waiting restrictions as shown on drawing 11520-T-01 Rev P10 prior to occupation of any dwellings
- 9) Car barns/PD restrictions
- 10) Provision of final wearing course

1.84

1.85

- 11) Construction Management Plan
- 12) Visibility splays
- 13) Details of speed restriction measures and segregation of the pedestrian / cycleway and vehicular access onto Ashford Road including levels and sections through and details of road markings and barriers and final surface finish.
- 14) Details of highway infrastructure / services.
- 15) Details of final surface finish for roads, driveways, cycleways and footpaths and parking areas
- 16) Details of a new east west footpath and cycle link connecting the two parts of the application site and integrating with all adjacent the main streets, cycleways and footpaths.
- 17) Details of continuous footpath and cycle link along entire south side of Stanhope Road, including tree planting, parking spaces.
- 18) Details of traffic calming measure Stanhope Road to provide pedestrian crossing points
- 19) Grampian Condition - Replacement parking, JWA existing car park. and secure availability of parking
- 20) Grampian Condition - Details of a minimum of 118 replacement car parking spaces in Stanhope Sports Centre car park
- 21) Grampian Condition Details of car parking for a minimum of 38 spaces in Stanhope Road to serve the new Ray Allen Children's Centre and 36 further on street perpendicular parking adjacent to site 2 .

Uses

- 22) Limit on residential tenure mix of up to 99 (2 ,3 and 4 bed) houses and up to 106 (1 and 2 bedroom) flats including
- 23) Restriction in use site 2 a maximum of 65 bedrooms Extra Care Unit (C2 use), no more than 205 dwellings and public open green space

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- 24) Restriction in use site 1- Ray Allen Centre, 2 junior football pitches, MUGA, and open space
- 25) Any conditions required by Sports England
- 26) Details of location of at least two 7-a-side sized junior football pitches and unobstructed associated overrun areas around fringes of both pitches.
- 27) Details of location and replacement changing rooms
- 28) Details, and the timescale for the replacement surface of the 3G AstroTurf at Pitchside in agreement with ABC
- 29) Details location and timescale for the replacement toilets directly serving the Pitchside 3G pitch in agreement with ABC.
- 30) Details of a direct level access route from base of existing primary school access ramp connecting through Oak Field connecting to Stanhope Road and aligned with any potential new crossing points.
- 31) Pedestrian/cycle route from Oak field to eastern housing site secured
- 32) Footpath along south side of Stanhope Road behind parking and respecting the protected trees.
- 33) Details of pedestrian access from JWA car park to 3G pitch.
- 34) Details of the pedestrian access to The Limes public footpath
- 35) Details of potential improvements to the surface of the footpath and access road adjacent to entrance to The Limes, that links the site to Kingsnorth Road.
- 36) Details of mitigation scheme consisting of double yellow lines on Tennyson Road at the Kingsnorth Road / Tennyson Road mini-roundabout

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Sustainable Design

- 37) Sustainable designs for housing and Ray Allen Centre in accordance with policy ENV11.

Residential

- 38) Details of residential space standards including minimum garden sizes
- 39) Refuse storage details

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- 40) Level thresholds
 - 41) Electric car charging points
 - 42) Water efficiency condition pursuant to policy ENV7
 - 43) Dwellings used for C2 purposes only
 - 44) Removal of PD rights for extensions and alterations and outbuildings
 - 45) Reserved matters (appearance) shall limit scale of dwellings to 2 or 3 storey form with any 4 storey elements kept to an absolute minimum.
 - 46) Architectural details for the dwellings
 - 47) Materials/samples to be submitted
 - 48) Joinery, colour finish and depth of reveals

Landscaping & Open Space

1.87

- 49) Details of hard and soft landscape proposals including all open spaces
- 50) Protection of TPO trees
- 51) All boundary treatment including open spaces.
- 52) If two replacement sports pitches require the loss of the existing oak tree on Oak Field then 2 replacement semi mature specimens (no less than 5metres in height) will be planted in an agreed central location
- 53) Reserved matters shall include details of the extra care facility secure boundary treatments and landscape buffer to back of houses and no balconies overlooking.
- 54) Reserved matters shall detail a landscaped buffer to new residential units adjoining Courtside pitches and to backs of properties adjoining the rear of homes in The Limes adjoining the site, to avoid disruption from floodlights and any methods necessary to mitigate noise.
- 55) Details of management strategy for green spaces and landscaped buffers to be submitted
- 56) Open space designed in accordance with Secure By Design.

Drainage & Disposal of Foul water and flooding

- 57) Reserved matters shall include Integrated SUDs
- 58) Sustainable Surface Water Drainage Scheme relating to SPD Kent County Councils Drainage and Planning Policy Statement.
- 59) SUDs Verification Report
- 60) Protect or divert sewers
- 61) Surface Water drainage/run off
- 62) Foul water and sewerage disposal for site and in relation to Ray Allenn Children's Centre

Others

- 63) Broadband
- 64) Contamination and remediation / verification report
- 65) Lighting Design Plan
- 66) Noise control measures / mitigation
- 67) Air quality mitigation measures
- 68) Archaeology
- 69) Standard approved plans condition
- 70) Standard enforcement condition.
- 71) Ecological, mitigation and biodiversity enhancements

1.88

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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/agent responded by submitting amended plans, which did not address all the outstanding issues, and an objection was raised.,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was dealt with/approved without delay.

1.89

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. EA Informatives

- To be clarified.

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 18/01861/AS)

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| Application Number | 19/00483/AS |
| Location | Harvest House, Branch Road, Chilham, CT4 8DR |
| Parish Council | Chilham |
| Ward | Downs North west |
| Application Description | Full planning application for the erection of 10 2-storey dwellings with associated access, parking, private amenity space and landscaping and provision of 5 no. additional parking bays for use in association with existing surgery |
| Applicant | Caroline Jackson and Philippa Salmon |
| Agent | Lee Evans Planning |
| Site Area | 0.8ha |

First consultation

| | | |
|--|----------|--|
| (a) 30/8R;2C;1S Chilham Parish Recreation Ground Trust R St. Marys C of E Primary School R | (b) PC R | (c) SW X EA + KCCH&T - KCC Bio - Kent Police - ABC street scene X |
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Second consultation

| | | |
|-----------|----------|---|
| (a) 30/8R | (b) PC R | (c) EA + KCCH&T X KCC Bio X KCC Infrastructure - |
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Introduction

1. This application is reported to the Planning Committee because it relates to major development.

Site and Surroundings

2. The site is an allocated housing site at the southern edge of the village. It forms the greater part of the garden area of Harvest House, a substantial property, with access off Branch Road. The site is broadly rectangular in shape and laid to lawn. The boundaries are well planted with trees, although there are some gaps in the vegetation along the southern boundary. There are a string of trees in the south west corner of the site and a clump of trees to the west of Harvest House, There is also an apple tree (category B) within the centre of the lawn. The site slopes gently downwards towards the open countryside to the south.
3. Immediately to the north of the site is a small village surgery which shares the same vehicular access off Branch Road as Harvest House. Beyond the surgery to the north and north-west is existing residential development, including the semi-detached properties to the north-west, known as Hatfield House and Hatfield Lodge, which are Grade II listed. These properties front onto Hambrook Lane and back onto the application site. The area to the north east, known as Arden Grange, is a small C20th housing estate with mature landscaping.
4. To the west of the site are the large residential gardens of properties fronting Hambrook Lane and to the east are playing fields/ recreation ground. Open countryside is to the south.
5. The site is located within the Chilham Conservation Area. The village of Chilham and surrounding area are within the North Downs Area of Outstanding Beauty.
6. A location plan is shown in figure 1a and b below.

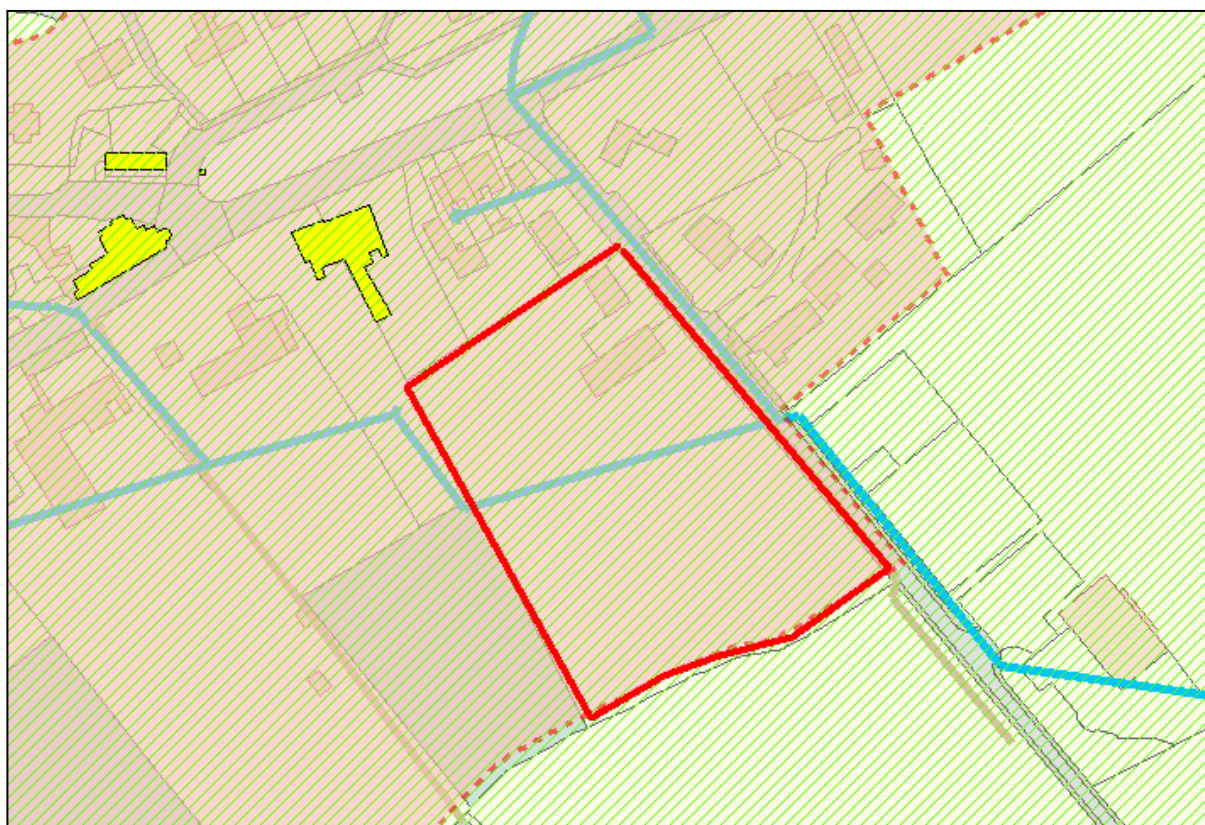


Figure 1a and b: Site location plans

Proposal

7. This proposal is for 10 residential units comprising 6 detached and 4 semi-detached in the garden of Harvest House. Eight of the units would be arranged around a short cul-de-sac off Branch Road with two detached properties directly fronting Branch Road. It also provides for 5 additional car parking spaces for use by the surgery.
8. The original plans showed a development of 11 units with a unit very close to Harvest House and the 4 semi-detached units positioned together in the northern corner of the site. Officers considered this layout to be too intensive. The plans were subsequently amended to delete the unit close to Harvest House and to intersperse the semi-detached units across the site; with one semi-detached unit within the cul-de-sac and one at the entrance into the development.
9. The layout has been configured around a mains sewer that runs east to west across the site and requires a 3m easement to either side within which there should be no built development or tree planting.
10. Most of the trees would be retained by the development, but there would be some removal of trees at the access and in the north-west corner of the site. The tree group within the south west corner of the site would be retained. The proposals include new planting, especially to the southern boundary where there are currently gaps within the tree line and within the central open space, where the apple tree (which has potential for roosting bats) would also be retained. This space includes a bench for people to meet.
11. A small ecology area (the reptile translocation area and SUDs) would be provided within the south west corner of the site. This can be accessed, for maintenance purposes only, via a path which extends between units 4 and 5.
12. The layout also facilitates vehicular access to the rear of Harvest House, where replacement parking is proposed for this property.
13. The layout is shown in figure 2, which also shows the alignment of the mains sewer.

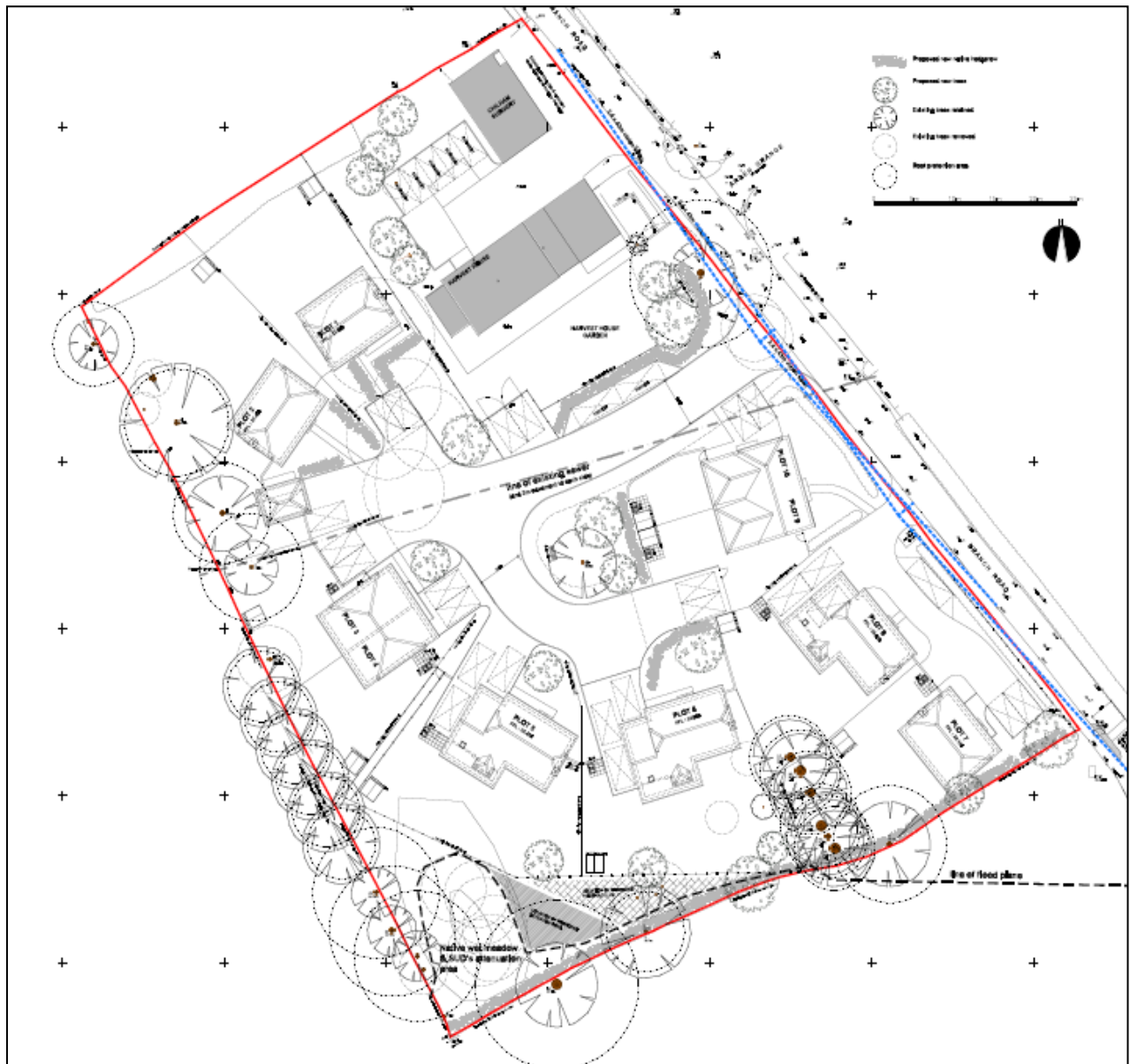


Figure 2: Proposed layout plan

14. The properties would provide a mix of 2, 3 and 4-bed accommodation as follows: 1 x 2-bed; 6 x 3-bed and 3 x 4-bed. The two bed unit and three of the three bed units are semi-detached and would be provided as affordable housing.
15. The dwellings would have a two storey, traditional design with clay plain tile roofs and a mix of brick/plain clay hanging tiles to the walls. The windows would be white painted timber. The detached units would have real working chimneys. Typical plans and elevations are shown in figures 3, 4 and 5.

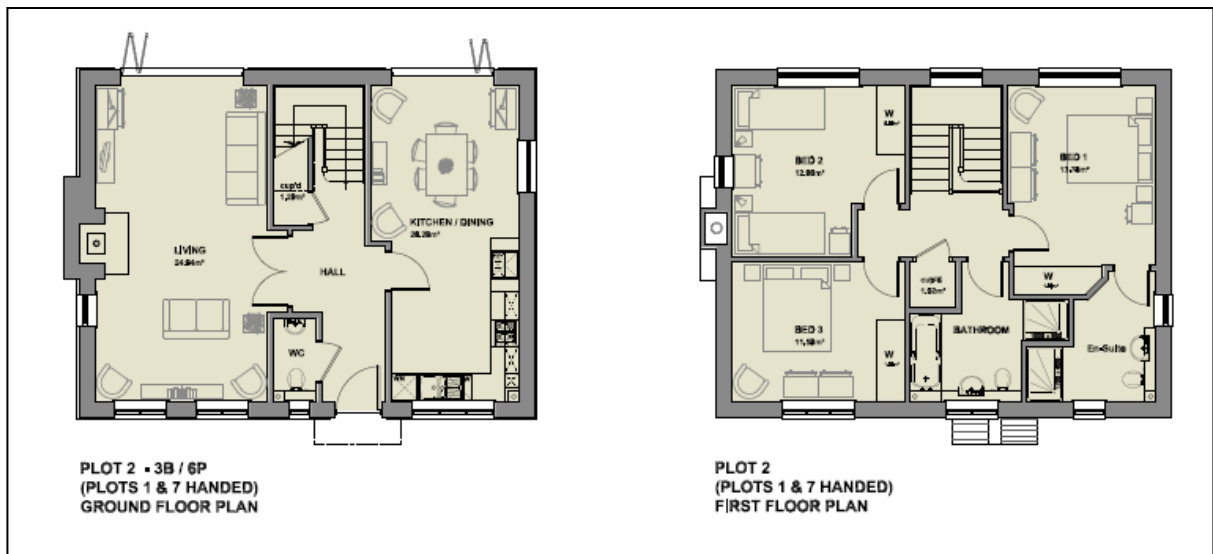


Figure 3: 3-bed unit



Figure 4: Corner turning 3-bed semi-detached units



Figure 5: 4-bed unit

16. In support of the application the following have been submitted and summarised below.

Arboricultural Survey and Constraints

The report surveys 28 site trees mostly around the boundaries of the site and makes recommendations. These are made up of 1 'A' category tree; 1 'A/B' category tree; 10 'B' category trees and 16 'C' category trees. The layout plan shows that as most trees are to boundaries they would be retained. It shows the removal of a pair of category C trees at the access and the removal of a small group of three trees to the west of Harvest House, comprising a category B Cherry; Category A Birch and Category B Maple.

Planning, Design and Access Statement

Overall, this report concludes that the proposed development is policy compliant and that it would have an acceptable landscape impact. It identifies mitigation to offset the visual effects of the development, including traditional building styles and materials and landscape enhancements. It concludes that the proposal would provide a high quality of design and layout.

Landscape and Visual Impact Assessment

The report identifies anticipated effects on visual amenity and recommends mitigation. It acknowledges that the proposal would be evident from viewpoints in the Kent Downs AONB and also from within Chilham Conservation Area and that the site is located near to Grade II listed buildings.

- The elevated viewpoints in Herons Close provide some views into the site in the context of a listed building (Hatfield House). These views are only likely to be gained by a small number of pedestrians using the footpath, with a similar effect possibly experienced by residents in Herons Close during the dormant season of large trees lining the footpath.
- Parts of the roofs of about two proposed dwellings are likely to be seen in views from Bagham Road.
- There are views of the proposal from Branch Road approaching the site. The landscape proposal includes native planting along the southern site boundary.
- Views from Ashford Road are limited, and the significance of effect on these views assessed as minor.
- Long distance views from the direction of Julliberrie's Grave, Long Barrow and the Stour Valley Walk would not be adversely effected.

The primary mitigation recommended in the report to offset visual effects includes the use of traditional building styles and materials for proposed dwellings, and landscape enhancements in and around the landscape curtilage.

Preliminary Ecological Appraisal

The report identifies the need for further survey work for reptiles, badgers and bats. It also identifies ecological enhancements.

Great Crested Newts

Due to the paucity of ponds in the general area and distance to nearest pond, it is judged unlikely that GCN would be present on site.

Reptiles

The likelihood of viviparous lizard and slow worm is considered to be high; grass snake and adder possible within the areas of nettles.

Birds

There is high potential to support breeding birds within the trees and hedges.

Hazel Dormouse

No potential.

Badger

Whilst there is no evidence, it is considered that a survey is required.

Bats

One fruit tree within the centre of the site is considered moderately suitable for roosting bats due to a cavity within the tree. An Oak on the southern boundary is also considered suitable for roosting bats.

Reptile Survey and Mitigation Strategy

The survey recorded slow worm and common lizard restricted to the edges of the site where the vegetation does not get mown. Due to the loss of some reptile habitat an area has been set aside in the south east corner of the site. This would be enhanced and suitable management put in place as mitigation. It is proposed that a translocation exercise takes place prior to any ground works commencing.

Badger Survey

The report confirms there is no evidence of badger.

Flood Risk Assessment

The report concludes that the development will not increase the risk of flooding at the site or elsewhere. It identifies a number of mitigation measures that will need to be incorporated into the design if it is to meet the requirements of the NPPF.

Heritage Impact Statement

This document concludes that whilst new houses will have some impacts on the setting of the village, this is mitigated by the choices of materials, forms and

proposed landscaping. The location of the housing is surrounded by relatively modern buildings such as at Arden Grove and the Village Hall, this also mitigates the impact of the new development on the village's significance.

Consultations

Ward Members: No comments have been received.

First Consultation (11 unit scheme; 4 surgery parking spaces)

Parish Council: No objection in principle but raises the following objections:

- The quality of the scheme falls below what council would expect and it would like to work with the developer to address this matter and the other concerns it has regarding the proposed development.
- Not enough has been proposed to address highway safety issues concerning access to and from the site with Branch Road.
- Not enough has been proposed to ensure safe passage of children and pedestrians using Branch Road in the vicinity of the site.
- The design articulated in the Design Statement is not in character with this part of the village of Chilham and the conservation area in which it is sited.
- The density of housing is excessive.
- The possibility of using s106 monies to address highway and pedestrian safety issues on Branch Road which would be materially impacted by this development should be considered.

Environment Agency: No comment.

UK Power Networks Electricity: Provides details of the electricity supply in the vicinity of the site.

Southern Water: Provides details of the public sewer running across the site and advice in terms of its easement.

KCC Ecology: The submitted ecological report has confirmed the presence of common lizards and slow worms and highlighted that there is potential for breeding birds and roosting bats to be present. They advise that additional ecological information is required prior to the determination of the planning application.

KCC Flood and Water Management: No objection subject to a condition.

KCC Highways and Transportation: Additional information required.

KCC Highways are satisfied with the proposal as it relates to refuse tracking; bicycle storage and visibility at the main access. Based on the findings of a traffic survey that the applicants had carried out at its request, they are also satisfied with the proposal to provide 4 extra car parking spaces for the surgery. However, the applicant is required to demonstrate that the necessary site lines can be achieved for those plots with separate access from Branch Road. It also requests full details to be submitted in respect of traffic calming in Branch Road. Additional parking is required for some units to make them policy compliant.

Kent Police: Makes the following comments:

- Parking needs better surveillance opportunity from ground floor “active” windows.

- Visitor parking needs to be signposted and managed to ensure that it is not used solely by the nearest dwelling, especially if it is closer to their front door and in has better surveillance than the “on plot” parking spaces.

- Hedgerows can be strengthened with native prickly species to help with perimeter security.

- The gates to the rear garden areas should be 1.8m min to match the fencing and lockable from both sides.

- Door sets to meet PAS 24: 2016 certified standards.

- Windows to ground floor and any vulnerable i.e. above flat roofs to meet PAS 24: 2016 certified standards.

- The more natural surveillance achieved in the plan, the better.

ABC Refuse: Comment as follows:

The tracking needs revising for an 11.4m refuse vehicle and the visibility splays at the entrance need to reflect the size of the vehicle and the swing needed off the narrow access road.

(Officer comment: This has been done and the plans amended).

The developer needs to be aware of the requirement to pay for provision of new services (full sets of wheeled bins) to these premises when completed. Roadway within the development will need to be adopted or if it is to remain private, then an indemnity must be signed off prior to commencement of any waste collection.

Chilham Parish Recreational Ground Trust: has long raised concerns about the dangers of the traffic on Branch Road and the speed limits. Many parents with children as well as two local schools use the Recreation Ground and Sports Hall on a regular basis. This is an ideal opportunity as part of this proposed development to include a footpath along Branch Road to the entrance to the Recreation Ground. As

a further safety measure perhaps now is the time to make the A28 end of Branch Road one way to reduce traffic.

St Mary's CE Primary School: The head teacher has highlighted that children regularly walk down Branch Road to the Recreation Ground where PE lessons and after-school sports clubs take place. The annual sports day and various other sporting competitions and events are also held there throughout the year. This involves large numbers of young children having to walk along Branch Road which can be a very hazardous walk as it is a narrow lane with no pavement or adequate speed restrictions. The head teacher would like to see a maximum speed limit of 20mph and the addition of a paved pathway.

GP Practise and Patient Participatory Group: Insufficient parking bays provided for the surgery.

Neighbours: 30 neighbours consulted; 8 objections; 2 general comments and 1 letter of support received raising the following

Objections

:

- Overdevelopment of site. The site is only suitable for 10 units;
- Character and adverse impact on conservation area. The site should take its cue from Arden Grange – low density, detached units – which are more appropriate in a conservation area;
- Distribution of development - Units 8, 9, 10 and 11 are too close to the boundary with Hatfield House – noise and disturbance to these properties;
- amenity of adjoining residents;
- Highway safety concerns due to increase traffic in Branch Road – Branch Road should be made one-way;
- Adverse highway safety impact of cars from the two units in Branch Road reversing into street;
- Insufficient visitor parking;
- The black weatherboard is totally out of keeping in this context;
- Loss of trees;
- No mention of sustainable energy;
- Mitigation in the form of enhanced planting is not sufficient. Adverse impact on Julie Berries Grave; Long Barrow and the Stour Valley Walk;
- Adverse impact of development on AONB;
- Impact on sewerage capacity.

The comments on the scheme are as follows:

- A footpath should be provided on Branch Road between the surgery and entrance to the recreation ground due to the number of parents/young children that use this route;
- The additional 4 spaces for the surgery are too few.

One letter of general support has been received although no reasons are given.

Second Consultation (10 unit scheme; 5 surgery parking spaces)

Parish Council: Recognition that the developers had made some improvements to their proposals, but not sufficient to meet their concerns.

- Significant concerns remain about road safety and traffic on Branch Road, with the traffic survey considered to be inadequate;
- A better traffic management scheme for Branch Road is needed (fully funded by the developer) and would like to work with the developer, the community and Kent CC to agree a scheme before planning permission is finalised;
- The application does not appear to recognise the full range of uses at the surgery in that it is used by nurses and as a dispensary as well as the base for the GP;
- Any planning permission should require the developers not to provide gas heating and hot water but to rely on heat exchange or similar technology;
- The Parish Council repeats its offer to meet with the applicant to address these concerns.

Environment Agency: No further comments.

KCC Biodiversity: No objections subject to conditions.

KCC Highways and Transportation: The amended plans have addressed concerns. It is pointed out that KCC will not adopt this road as it would not be in the public interest to do so, as only 8 houses are accessed off the new road.

KCC Infrastructure has requested contributions in respect of secondary schools, community learning, libraries, youth, social care, and waste based on a reassessment of a 10-unit scheme on a site of over 0.5ha. It also suggests a condition for broadband.

Neighbours; 30/8R

A total of 8 representations have been received raising objections to the proposal. Many objectors feel the scheme has not gone far enough in addressing neighbours' original concerns. Concerns remain about the density of development; that there is too much development for such a small site and about highway safety on Branch Road and in particular the failure to provide a dedicated footway. Whilst some of the improvements are supported, such as, the substitution of the black weatherboarding for clay tile hanging, these are considered a minor concession.

Additional issues:

- Branch Road should be completely closed off to vehicular traffic;
- There is concern about a decision being taken now in this time of Covid 19.

Planning Policy

17. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
18. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
19. The relevant policies from the Local Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

S56 – Chilham, Branch Road

HOU1 – Affordable Housing

HOU5 – Residential Windfall Development in the Countryside

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

HOU18 - Providing a range and mix of dwelling types and sizes

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3b - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV13 - Conservation and Enhancement of Heritage Assets

ENV14 – Conservation areas

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

Village Design Statements

Chilham Village Design Statement

Other 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

Kent Downs AONB Management Plan 2015 – 2019

Government Advice

National Planning Policy Framework (NPPF) 2018

20. 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:-
21. Relevant sections of the NPPF include:
 - Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 10 - Supporting High Quality Communications
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 - Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

Assessment

22. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
23. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified.
24. In the rural areas, larger scale development (in a rural context) is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb new housing. This is reflected in the Council's strategic objectives set out in policy SP1 which indicates that in order to deliver the Council's 'Vision' development should be focussed at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible. Chilham is an existing defined settlement that can provide a range of services to meet daily needs. Chilham is identified in both policies HOU3a and HOU5 as being a settlement that is capable of accommodating residential development and infilling within its built up confines and also adjoining/close to its built up confines.
25. The Plan allocates a number of housing allocations at medium sized rural settlements such as Chilham in order to spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. The site the subject of this application is one such allocation and is identified under policy S56 of the Ashford Local Plan 2030 as being suitable for residential development.
26. The land to which the site allocation applies under policy S56 is identified in figure 6 below.

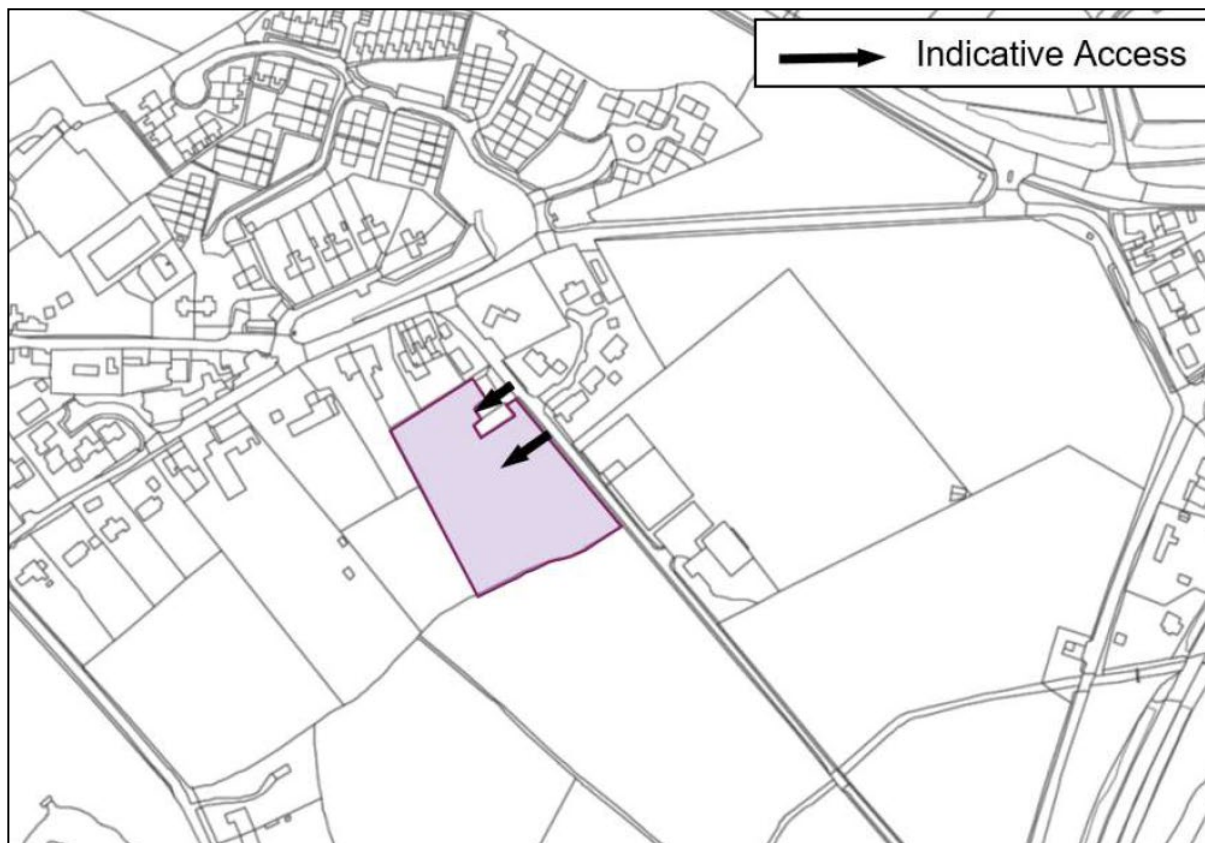


Figure 6: Site allocation.

27. The criteria set out in policy S56 against which the development will be assessed states:

Policy S56 - Chilham, Branch Road

Land at Branch Road is proposed for residential development with an indicative capacity of 10 dwellings. Development proposals for this site shall:

- a) Provide a car park of a minimum of 5 additional spaces for the use of the GP surgery;**
- b) Be designed and laid out in such a way as to conserve or enhance the character and setting of the village Conservation Area and nearby listed buildings, the residential amenity of neighbouring dwellings, taking into account the guidance in the Chilham Village Design Statement and be a maximum of two storeys in height;**
- c) Provide primary vehicle access to the residential area on Branch Road, as shown on the policies map and retain the current access for the GP surgery and associated parking;**
- d) Include the provision of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB and the Chilham Conservation Area in accordance with the recommendations of Kent County Council Highways and Transportation;**
- e) Retain and enhance the hedge and tree boundaries within and around the site wherever possible, and make enhancements to the southern boundary ensuring the character of the Kent Downs AONB is conserved and enhanced and the development is well screened from the wider area;**
- f) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider; and,**
- g) Provide contributions towards the enhancement or maintenance of public open space and equipped play at the village recreation ground in accordance with Policy COM2.**

28. Although the indicative capacity for this site is 10 dwellings, the exact amount of dwellings that will be appropriate will depend on an acceptable design/layout being demonstrated. The fact that the policy sets out an indicative capacity means that it is not an absolute. The figure is indicative to give a guide to the quantum of development that may be forthcoming when allocating sites in the development plan to ensure that the Council can demonstrate a 5 year supply of deliverable housing to meet its housing needs. Ultimately, the final number of dwellings provided will be derived through the proper planning of the site which may mean that a slightly higher or lower number of units is ultimately achieved. The original proposal on this site was for 11 units but following concerns raised by officers about the density and overall layout and form of the development, it has been amended and reduced to 10 units.

29. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist speculative inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The criteria of the policy is tested in subsequent sections of this report but subject to compliance with these the development proposed is considered to be acceptable in principle. Indeed the Local Plan has been through its Examination in Public (including this site) and deemed to be sound.
30. Further benefits associated with the scheme include the provision of 40% affordable housing, its sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

Sustainability and Location of the Development

31. The site, whilst outside of the built confines of Chilham is not in an isolated location and is allocated for residential development in the local plan. The application site is located immediately adjacent to the built up confines of an established rural settlement and within easy walking distance of the centre of the village.
32. There are a range of local services and facilities within Chilham including a shop/post office, village hall, 2 x public houses, primary school, church and recreation ground/open space including a children's play area. There are bus stops located within walking distance of the site.
33. For the reasons above, the site is not regarded as being physically isolated from services/facilities and is sustainably located hence the Inspectors acceptance of this site allocation and subsequent adoption of the policy in the local plan.

Landscape character & visual amenity

34. Policy SP1 of the adopted Ashford Local Plan 2030 sets out core principles for development within the Borough. Amongst other things, policy SP1 seeks to conserve the borough's natural environment including designated landscapes and biodiversity; as well as creating high quality designed places that are sustainably sited; meet the housing needs / mix for the Borough and ensure development is resilient to and mitigates climate change.

35. The Council has a statutory duty under the Countryside and Rights of Way Act (2000) to conserve and enhance the natural beauty of designated landscapes including AONBs.
36. The site lies within a protected landscape (AONB). The NPPF would advise refusal of major applications in such locations unless an overriding public benefit can be demonstrated. The NPPF affords the highest level of protection in such locations. Although it is considered that the development is not a major development within the meaning of the NPPF the development must demonstrate the conservation or enhancement of the AONB's landscape and scenic beauty, wildlife and cultural heritage.

37. Policy ENV3b of the Local Plan states:

“The Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs.

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

All proposals within or affecting the setting of AONBs will also only be permitted under the following circumstances:

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

38. Housing allocation policy S56 states that development on this site shall include the provision of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB ...in accordance with the recommendations of KCC Highways and Transportation. It also requires the retention and enhancement of the hedge and tree boundaries within and around the site wherever possible and the provision of enhancements to the southern boundary ensuring the character of the

- AONB is conserved and enhanced and that the development is well screened from the wider landscape.
39. Protecting the landscape and scenic value of the countryside is consistent with the NPPF, including in particular the environmental considerations as specified in the NPPF (and section 15 - Conserving and Enhancing the Natural Environment).
40. The site is a residential garden. The proposed development would not require any significant alterations to the landform or topography. Trees and hedgerows are located around the perimeter of the site to the North, West and East. The southern boundary has some trees but less hedgerows. With the exception of the existing planting to the perimeters there are few landscape features within the site. As such, the boundary trees/hedgerows are the most distinctive landscape feature on the site and they make a valuable contribution to visual amenity. Consequently, these should be retained in accordance with the requirements of policies ENV3b and S56 and the southern boundary should be enhanced in accordance with Policy S56. The proposed plans show the retention of these landscaped boundaries and the enhancement of the southern boundary. Some hedgerow is removed along the eastern boundary of the site to provide access into the development. The protection of hedgerow can be secured by condition, together with a condition which requires the existing planting to be protected during the construction phase as well as compensatory planting.
41. A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. It acknowledges that the proposal would be evident from viewpoints in the Kent Downs AONB and also from within Chilham Conservation Area and that the site is located near to Grade II listed buildings. It identifies elevated viewpoints in Herons Close which provide some views into the site in the context of a listed building (Hatfield House). The report comments that these views are only likely to be gained by a small number of pedestrians using the footpath, with a similar effect possibly experienced by residents in Herons Close during the dormant season of large trees lining the footpath. The LVIA also identifies that parts of the roofs of about two proposed dwellings are likely to be seen in views from Bagham Road. I consider these views to be limited and obscured by other buildings/planting.
42. There are views of the proposal from Branch Road approaching the site. The landscape proposal includes native planting along the southern site boundary to help screen the development in this view. Views from Ashford Road are limited, and the significance of effect on these views assessed as minor. I am satisfied that the proposed native hedgerow planting on the boundaries will help mitigate the visual effect of development in these views.

43. The report does not consider that long distance views from the direction of Julliberrie's Grave, Long Barrow and the Stour Valley Walk on higher ground to the east of the site would be adversely effected.
44. The applicant maintains that the visual effects of the development can be offset using traditional building styles and materials for the proposed dwellings, and landscape enhancements in and around the site. I agree with this view. I also consider that the provision of the some green open space within the site, whilst small in size, would help soften the impacts of development further. This space allows for the retention of an apple tree that has been identified as suitable for bat roosting (see later section of this report). It would also allow some further tree planting within the site which benefits from being outside of residential gardens. I consider that the proposed development would be acceptable in terms of its landscape impacts.
45. In terms of the surrounding pattern of development, there is no strong established pattern. Instead, the area immediately surrounding the site comprises a mix of layouts including both a cul-de-sac (Arden Grange); more historic linear frontage development and open fields. Overall, the predominant landscape characteristics are rural.
46. The Design, Access and Planning Statement submitted with the original application states that the scheme has been designed to respond to its context though using traditional building styles, materials and landscape enhancements.
47. It was considered that the originally submitted scheme for 11 units was overly engineered and too intensive, particularly in the north of the site where both semi-detached units had been located. As a consequence it was considered that 11 dwellings was too much for the site. The layout as first submitted is shown in figure 7 below for comparison.



Figure 7: Scheme as originally submitted.

48. In the scheme now to be considered, the layout has been substantially amended to include a better distribution of densities across the site and a reduction in the amount of hardstanding through the deletion of the parking court. Amongst other things, these amendments have resulted in a reduction in the number of units on the site to 10 units. A bespoke corner turning semi-detached unit has been introduced to help provide frontage onto both Branch Road and the access into the site.
49. The properties themselves would be two storey. The traditional form, scale and appearance of the development would respond to the form and scale of development at Harvest House and Arden Grange. Consequently, the proposal would not appear at odds in its contextual setting.
50. The proposed dwellings would include a number of contextual features, such as, chimneys, half hipped roofs, porches, bay windows and exposed

eaves. Given the rural location within the AONB, high quality natural materials are proposed such as red brick, clay plain tile hanging and white painted timber windows and doors with clay plain roof tiles.

51. The positioning and design of boundary treatments has been carefully considered. The use of close boarded fencing has been restricted to parts of the site that are not visually prominent from the public domain. Boundary enclosures that are prominent will be constructed using post and rail which are more sympathetic to the rural setting.
52. Although the proposals would result in a visual change from a garden to a developed housing scheme, the visual impacts associated with this would be relatively localised and have been kept to a minimum.
53. The architectural designs and driveway together with the landscaping and small central green space combine to create an interesting and varied streetscene and add visual richness to the scheme to create a distinctive 'Kentish' rural character with a strong sense of place.
54. In conclusion, for the reasons set out above, the proposals represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB.

Impact on the setting of Heritage Assets

55. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty to have special regard to the desirability of preservation or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
56. Policy ENV13 states that proposals which protect, conserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
57. Policy ENV14 permits development within conservation areas providing such proposals preserve or enhance the character and appearance of the area and its setting. It requires development to meet a number of detailed criteria, including a requirement for the scale and detailed design of development to respect the historical and architectural character of the area. Also, the proposed materials should be appropriate to the locality and complement those of the existing buildings.
58. The large rear gardens of two listed buildings adjoin the northern site boundary and the site is within the Ham Conservation Area.

59. The original plans showed 2 x 2 semi-detached properties in the corner of the site that adjoins the curtilage of the two listed semi-detached buildings. This was considered too intensive in this context. The layout has been amended and this corner of the development now has a much lower density with just two detached dwellings backing onto the residential curtilages with the listed buildings. Given also the separation distances and boundary planting, I do not consider the amended layout to adversely affect the setting of the listed buildings or obstruct any important views of them.
60. This part of the Chilham Conservation Area forms the rural approach into the village from the south. It is characterised by open land uses and the built edge of the village, which is varied, with the more historic development taking a linear form along established routes with some more recent development off these routes in the form of low density cul-de-sacs where landscaping makes an important contribution to character.
61. The shape of the site, together with its road frontage with Branch Lane, lends itself to a form of development that both fronts the street and provides reasonably low density development behind the main building line. The maintenance and enhancement of landscaping to the site boundaries and within the site will be important to preserving the character and appearance of the conservation area. The proposed development whilst preserving site boundaries and enhancing them where required also provides space within the site for planting. The units are all two storey as per policy S56. They have a traditional form and design and use high quality materials found in his context.
62. In light of the above, the proposed development would preserve the character and appearance of the conservation area as a whole.
63. Any less than substantial harm arising from the development would be offset by the public benefit of delivering this allocated housing site.

Impact on residential amenity

64. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
65. The proposed layout plan demonstrates that satisfactory distances can be maintained between the proposed and adjacent dwellings.
66. I am satisfied that the development of the site can be achieved without causing demonstrable harm to neighbours amenity or to each other through loss of light, immediate outlook or by having an overbearing presence. Further there would not be any unacceptable levels of overlooking. In addition to the distances maintained robust landscaping will help mitigate

the impacts of the development and in time, will also help to maintain a greater degree of privacy.

67. The internal and external accommodation proposed would comply with the Council's Space Standards and policies HOU12 & HOU15.
68. Given the above, I do not consider that the development would result in harm to the residential amenity of neighbouring residents or future occupiers of this development.

Ecology

69. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. Policy ENV1 of the Local Plan is consistent with the guidance contained within the NPPF.
70. The Conservation of Habitats and Species Regulations 2018 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:
 - Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
 - Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
 - Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

71. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest.
72. Considering the development against the second criteria, given that this is an allocated site, there is not considered to be any satisfactory alternative to the development in this location. In respect of the third criteria this is assessed below.
73. The proposed development has been subject to consultation with KCC Ecology. The Preliminary Ecological Appraisal concluded that surveys for reptiles and bats should be carried out due to the presence of habitat that indicates the potential for these species groups to be present and affected by the proposed development.
74. Populations of reptiles were recorded during the surveys and reported in the Reptile Survey Report. KCC has commented that the proposed mitigation area within the south-west corner of the site is significantly smaller than the development site. However, as the reptiles are predominantly recorded within the site boundaries and the receptor site has good connectivity to the wider area they accept that the mitigation area is appropriate.
75. The apple tree within centre of the site (which is retained within the central space) contains suitable features to be used by roosting bats. Bat surveys have been carried out and concluded that bats are unlikely to be roosting within the tree. At least 5 species of bats have been recorded foraging/commuting within the site and therefore an increase in lighting may negatively impact on bats. Therefore KCC have advised that there is a need for a bat sensitive lighting plan to be implemented. Due to the size of the site they do not recommend that a specific bat lighting condition is included but instead any lighting condition refers to the requirement that it must be bat sensitive.
76. KCC advise that if permission is granted, it should be granted subject to a condition requiring the submission of an Ecological Design Strategy for the proposed development site, including specifications for the buffer zone and ecological enhancements for the site. Additionally, KCC recommend a further condition requiring details of the management of the buffer zone to be detailed within a Landscape and Ecological Management Plan.
77. On the basis of the information submitted and for the reasons above, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2018. If approved, subject to conditions, the proposed

development is not considered to result in any adverse impacts to matters of ecological importance.

Drainage

Surface Water Drainage

78. Amongst other things, Policy ENV9 of the Local Plan 2030 states that all development should include appropriate sustainable drainage systems for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to minimise the drainage from the pre-developed site.
79. A number of SUDS features are proposed to restrict the discharge of surface water run off to green field run off rates. This excludes infiltration at this stage.- the applicants have taken a precautionary approach that assumes no infiltration is available due to the clay and silt deposits in the area, noting also that the site is in a Ground Water Protection Zone where there is a risk of groundwater contamination if infiltration is specified. Whilst this is something that will be looked at more closely as part of the detailed drainage strategy, the report identifies measures that demonstrate that an NPPF compliant scheme can be achieved. This includes the use of water butts; permeable paving to driveways and parking areas; highway permeable paving and the provision of a detention pond in the south west corner of the site. During storm events, runoff from the permeable paving systems would collect in the pond.
80. The application has been subject to consultation with KCC Flood and Water Management as Lead Local Flood Authority. They have reviewed the drainage strategy and have no objections to the proposed development. Within the drainage strategy report by Herrington Consulting, it mentions the possibility of utilising shallow infiltration should ground conditions prove favourable. KCC therefore recommend ground investigations are undertaken to determine if infiltration is an option for this site.
81. KCC notes from the indicative drainage layout drawing that the detention basin will be located at the southern boundary of the site with access provided alongside of a property boundary. They recommend that the built development has sufficient setback from the basin and space for access is provided to ensure that maintenance activities can be undertaken to keep the basin operating as intended. This has been achieved in the amended layout.
82. In addition, KCC require detailed drawings of the proposed drainage layout including an exceedance plan that demonstrates where the flooded volume be stored on site. These additional details can be provided as part of the detailed design by way of conditions.

83. Subject to conditions requiring further detail to be submitted to and approved in writing by the LPA in consultation with KCC, I am satisfied that surface water drainage can be appropriately dealt with within the site and that the proposed development can be accommodated without increasing the risk of flooding and without any adverse impact upon groundwater conditions.

Foul Sewage Disposal

84. Criteria F of policy S56 requires development to provide a connection to the nearest point of adequate capacity in the sewerage network. Southern Water has confirmed that there is a public sewer running across the site. They have provided a plan of the approximate position of this sewer and requested that the exact position must be determined before the layout of the proposed development is finalised. They have indicated that no development or new tree planting should be located within 3 m either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be within 5m of the public sewer.
85. The proposed layout has been designed in accordance with the above requirements with the position of the sewer and its easements shown on the proposed plan.

Highway Impacts

86. Policy TRA7 of the adopted Ashford Local Plan 2030 relates to transport impacts, and amongst other things states that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
87. Policy S56 of the Local Plan states that primary vehicle access to the residential area should be as shown on the proposals map and that the current access for the GP Surgery and associated parking should be retained. The policy also states that a car park of a minimum of 5 additional spaces for the use of the GP surgery should be provided and that traffic management measures should be provided in Branch Road Policy S56 further states that the proposal should include the provision of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB and the Chilham Conservation Area.
88. The application has been subject to consultation with Kent Highways and Transportation. KCC have stated that the addition of the proposed units does not cause concern with regard to capacity or highway safety on the surrounding network and that the proposed access and drives onto Branch

Road are sufficient in size and have adequate visibility splays in both directions.

89. The original plans showed just 4 additional spaces for the GP surgery contrary to the local plan site policy, however, the amended plans show 5 spaces. I am satisfied that the proposal is now acceptable in this respect and a condition is proposed to secure the provision of this bays and there retention.
90. The traffic management measures are shown in Figure 8 below and comprise a build out. KCC are happy with these measures subject to the details being provided by way of a planning condition. I consider this 'light touch' approach to be acceptable in this sensitive location.
91. Policy TRA3a sets out the requirements with respect to residential parking and is accompanied by the layout guidelines in the Council's Residential Parking SPD. Policy TRA3a sets out the following requirements: 1 bed: 1 parking space, 2 or 3 bed: 2 parking spaces and 4 bed: 3 parking spaces. The SPD indicates that spaces within garages cannot be counted towards parking provision. I am satisfied that the proposal is policy compliant and I therefore have no objections to the proposed parking arrangements.
92. In conclusion, based upon the number of dwellings proposed and parking provision accommodated within the site, I do not consider that the proposal would result in any demonstrable adverse highway impacts. Therefore, in terms of highway safety, the proposed development would comply with the relevant policies in the development plan.

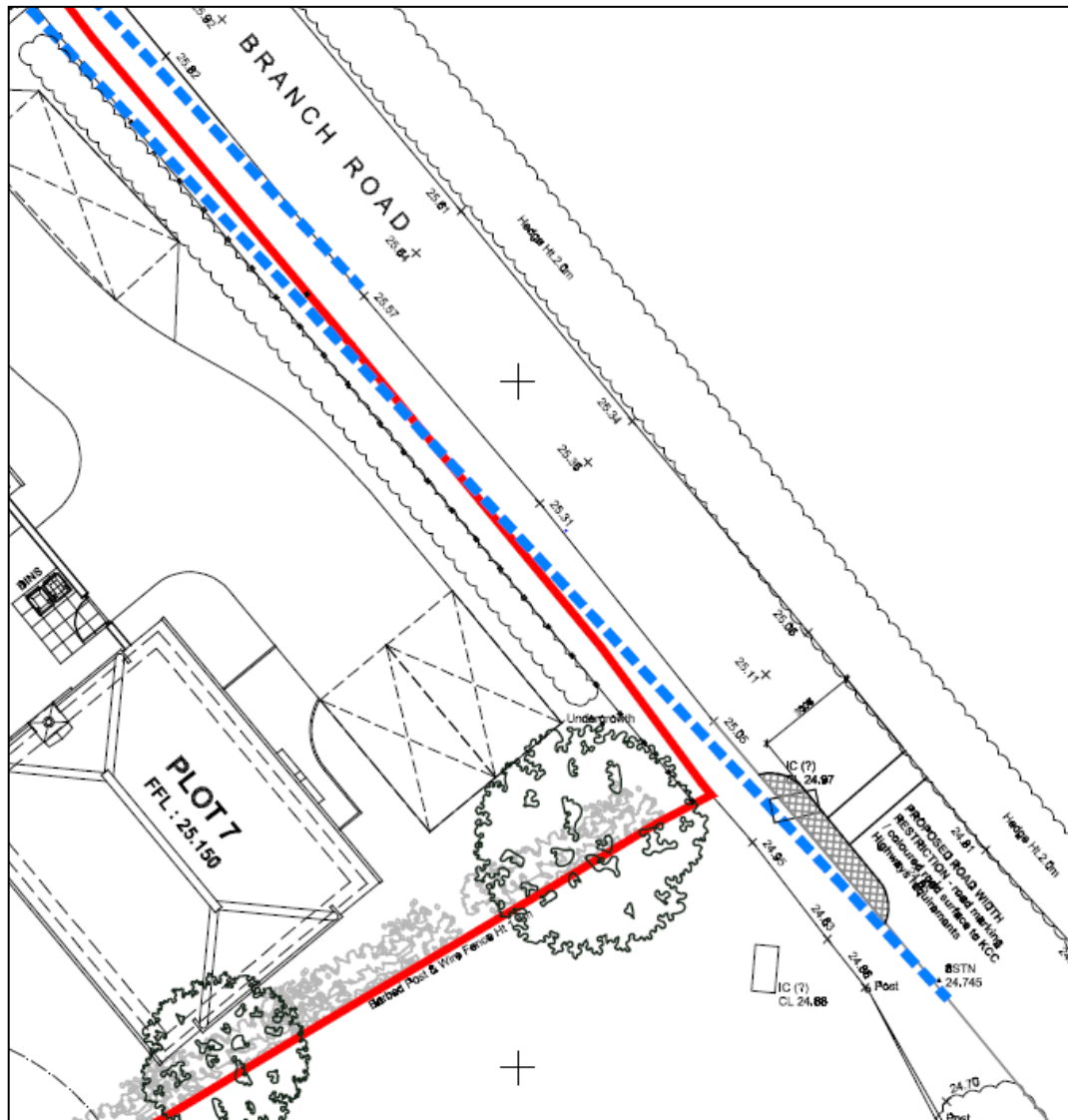


Figure 8: Proposed traffic calming in Branch Road

Other Matters

Refuse

93. The site layout has been tracked to ensure that service vehicles such as refuse vehicles and fire appliances can access / egress the site in forward gear.

94. ABC Street scene have advised that if the roads are not to be adopted by KCC (which is the case here) then the developer needs to be aware that collections will not occur until an indemnity is in place. This can be added as an informative note to any subsequent grant of planning permission.

Accessibility Standards

95. Local Planning Authorities are required by the NPPF to plan to create safe, accessible environments and promote inclusion and community cohesion, to take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.
96. In response to this, policy HOU14 of the Local Plan 2030 requires at least 20% of all 'new build' homes to be built in compliance with building regulations part M4(2) as a minimum standard. In the case of this application, this equates to 2 dwellings. The requirement for at least 2 of the 10 dwellings proposed to meet part M4(2) can be secured through the S106 agreement.

Housing Mix / Affordable Housing

97. It is proposed that the development will provide a housing mix of 2, 3 and 4 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan.
98. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
99. The scheme includes 4 units of affordable housing in accordance with the policy. This is made up of 1 x 2 bed unit and 3 x 3-bed units. The affordable housing element will be secured through the S106 Agreement.
100. In light of the above I consider that the amended proposals comprise an acceptable housing mix and affordable housing element that is compliant with the above mentioned development plan policies.

Planning Obligations

101. 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
102. A contribution is required for enhancement or maintenance of public open space and equipped play at the Village recreation ground in accordance with Policy S56 (g). As a development of 10 units, there is a requirement for the proposal to provide affordable housing in accordance with Policy HOU1 (see section above).
103. Following the amendment of this proposal from 11 dwellings to now 10 new households on a site of more than 0.5ha and the removal of CIL Reg 123 restriction in September 2019 (pooling restrictions), KCC service providers have reviewed their requirements upon the proposed residential development. The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Contributions are requested in respect of secondary schools, community learning, libraries, youth and adult social services. There is currently no primary school requirement.
104. 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.

Heads of Terms for Section 106 Agreement/Undertaking

Table 1

| | Planning Obligation | | | Regulation 122 Assessment |
|----------|---|---|--|--|
| | Detail | Amounts (s) | Trigger Points (s) | |
| Page 220 | <p><u>Informal/Natural Green Space</u></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Project: Enhancement/maintenance of public open space and equipped play at the Village recreation ground.</p> | <p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as informal/natural green 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 Local Plan 2030 Policies S56, SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space 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><u>Affordable Housing</u></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable rent units and 30%</p> | <p>1 affordable rent units</p> <p>3 shared</p> | <p>Affordable units to be constructed and transferred to a registered provider</p> | <p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> |

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| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 221</p> | <p>shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p> | <p>ownership units</p> | <p>upon occupation of 75% of the open market dwellings.</p> | <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p> |
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 221</p> | <p><u>Governance of public or community space and facilities onsite</u></p> <ul style="list-style-type: none"> • Central Open space • Ecological area <p>Scheme for ongoing management to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the space and that the entity is accountable to the owners for the</p> | <p>N/A</p> | <p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Scheme to be implemented for each dwelling before its occupation.</p> <p>Areas to be transferred to approved management entity</p> | <p>Necessary as onsite public or community space is needed to meet site-specific requirements generated from the development and needs to be effectively and sustainably managed pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p>Directly related as occupiers will use this space and the space 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 taking into account the number of users and is based on good practice stewardship arrangements.</p> |

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| | management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment. | | and funding/endowment secured, before occupation of more than 50% of the dwellings. | |
| Page 222 | <p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> | Provide on-site 20% of all units. | <p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p> | <p>Necessary as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided</p> |
| | <p><u>Libraries</u></p> <p>Contribution for additional resources and bookstock for the mobile library service attending Chilham for the new net borrowers generated by this</p> | £55.45 per dwelling | Half the contribution upon occupation of 25% of the dwellings | <p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> |

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| | development | | and balance on occupation of 50% of the dwellings | <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p> |
| Page 223 | <p><u>Community Learning</u></p> <p>Project: Additional resources and equipment for additional learners form development at Ashford Adult Education Centre</p> | £16.42 per dwelling | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services 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.</p> |
| | <p><u>Secondary Schools</u></p> <p>Project: Towards Norton Knatchbull expansion</p> | £4540.00 per dwelling | Half the contribution upon occupation of 25% of the dwellings and balance on | <p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and</p> |

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| Page 224 | | | <p>occupation of 50% of the dwellings</p> | <p>guidance in the NPPF. .</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p> |
| | <p><u>Youth Services</u></p> <p>Project: Towards additional resources for the Ashford Youth Service</p> | <p>£65.50 per dwelling</p> | <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services 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</p> |

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| | | | | accommodation specifically for the elderly |
| Page 225 | <p><u>Adult Social Care</u></p> <p>Project: Towards Extra care Accommodation Ashford</p> | £146.88 per dwelling | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community facilities and assistive technology services and the facilities and services 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.</p> |
| | <p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p> | £500 per annum until development is completed | First payment upon commencement of development and on the anniversary thereof in subsequent years | <p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p> |

[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.

If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.

Human Rights Issues

105. 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

106. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

107. The site lies within the AONB and Chilham Conservation Area and comprises land allocated for residential development under policy S56 of the Local Plan 2030. The stated allocation evidences the fact that subject to meeting the criteria identified in policy S56, the Council considers the principle of residential development on this site to be acceptable and also sustainable.
108. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and will help to boost the supply of housing which is a requirement of the NPPF.
109. The application site is located immediately adjacent to an established rural settlement and within easy walking distance of the centre of the village where there are a range of local services and facilities including a shop/post office, village hall, public houses, primary school, village hall and recreation ground/open space including a children’s play area. There are bus stops located within walking distance of the site.
110. The proposals would result in a visual change from a rear garden to a developed housing scheme, however, the visual impacts associated with this would be relatively localised and softened by the existing and enhanced landscaping. As such the wider landscape impacts are not considered to be significant. The development has been assessed as preserving the setting of the listed buildings and not being harmful to the character and appearance of the conservation area. The housing designs, the layout, the landscaping, small area of green space and building materials combine to create an interesting and varied streetscape development. Overall, it is considered that

the proposals will represent an appropriate form of development that sits sympathetically within the landscape and preserves and enhances the village setting and character and appearance of the AONB; would preserve the setting of the listed buildings and would not be harmful to the character and appearance of the conservation area.

111. There would be no demonstrable adverse impacts on the residential amenity of neighbouring or future occupiers.
112. Subject to conditions, the development can be accommodated without any adverse impact upon matters of ecological importance.
113. In terms of flooding and drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
114. The application has been subject to consultation with Kent Highways and Transportation who have stated that the development does not cause concern with regard to capacity or highway safety on the surrounding network and that the accesses onto Branch Road are sufficient in size and have adequate visibility. The proposal is also acceptable in terms of its parking arrangements.
115. It is proposed that the development will provide a housing mix of 2, 3 & 4 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan.
116. The proposed development would provide 40% affordable housing (4 units) comprising one affordable rent and 3 affordable home ownership products to comply with policy HOU1 of the Local Plan 2030. In accordance with policies S56 and COM2 of the Local Plan 2030, the development shall provide a contribution towards the enhancement or maintenance of public open space and equipped play at the village recreation ground. Together with the affordable housing, these can be secured by a S106 agreement along with the other contributions as requested by KCC.
117. Overall, for the reasons set out above, the proposed development is considered to comply with the requirements of the development plan and it is therefore recommended that planning permission is granted.

Recommendation

Permit

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Planning and Development, the Development Management Manager or the

Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

1. Standard time condition
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Landscaping scheme.
7. Details required to accompany the landscaping scheme.
8. Retention of existing hedgerows.
9. Tree protection measures.
10. Tree protection for new trees.
11. Details of boundary treatments.
12. Landscape management plan
13. Removal of permitted development rights – extensions, alterations and boundary treatments.
14. Occupation as a single dwelling house only.
15. Reptile mitigation implementation / reptile mitigation and management report
16. Bat Sensitive Lighting Design / No additional External Lighting
17. Ecological enhancements.
18. Construction Management Plan/Hours of working.
19. Completion and maintenance of access.
20. Provision and maintenance of visibility splays.
21. Use of bound surface for first 5m.
22. Provision of measures to prevent discharge of surface water onto public highway.

23. Provision and retention of parking and turning.
24. Provision and retention of parking spaces/garaging.
25. Provision and Retention of Bicycle Storage.
26. Electrical charging points.
27. Provision of parking bays for surgery and their permanent retention.
28. Detailed drawings in accordance with plan 07895-00-199 Rev M relating to traffic calming measures.
29. Sustainable surface water drainage scheme.
30. Verification report.
31. Details of the sewage treatment system.
32. Provision and retention of refuse collection facilities.
33. Broadband.
34. Unexpected contamination.
35. Enforcement condition.

Informatives

1. S106
2. Refuse collection indemnity

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative 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

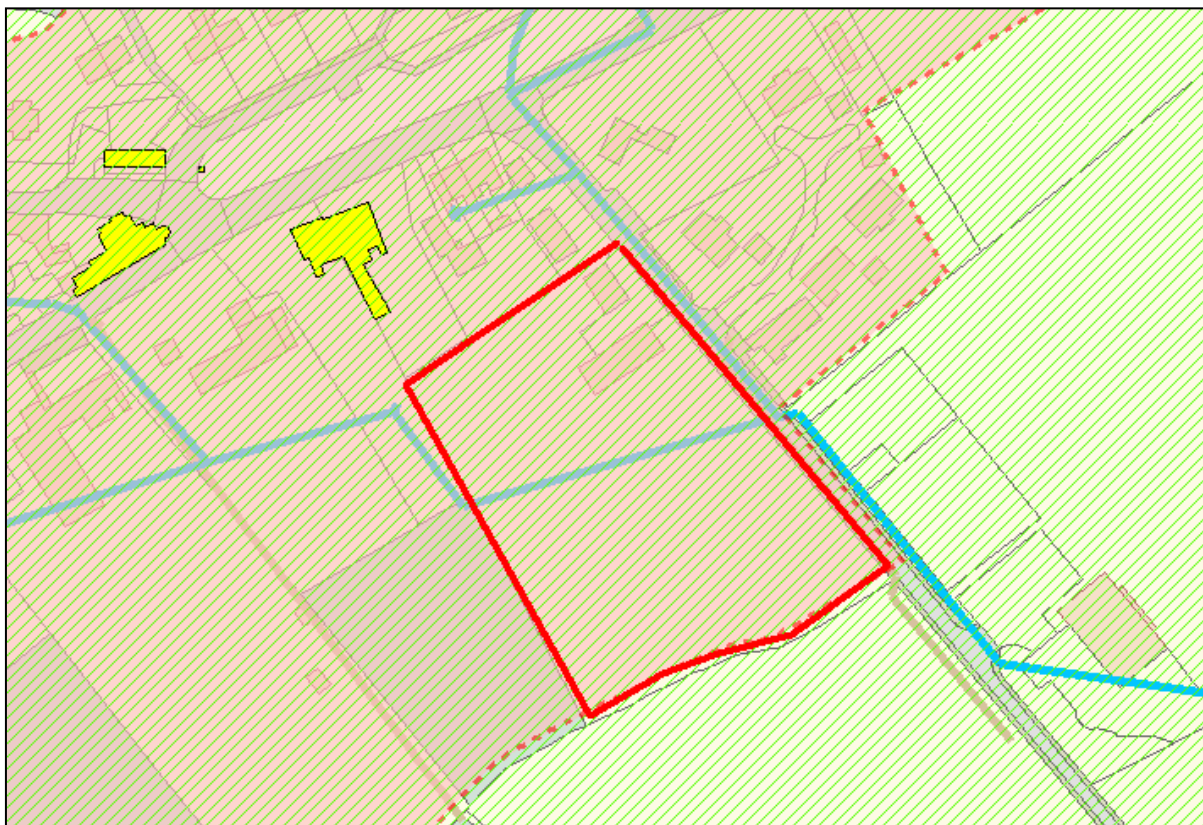
- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council 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 19/00483/AS)

Contact Officer: Katy Magnall
Email: katy.magnall@ashford.gov.uk
Telephone: (01233) 330259

Annex 1



Ashford Borough Council - Report of the Head of Planning and Development

Planning Committee 15th July 2020

| | |
|--------------------------------|--|
| Application Number | 20/00039/AS |
| Location | Land opposite Highdown west of, Mulberry Hill, Chilham |
| Parish Council | Chilham |
| Ward | Downs North Ward |
| Application Description | Erection of 2 dwellings |
| Applicant | Mr & Mrs J Healy Sheldon, GSE Group |
| Agent | Mr G Holloway, Guy Holloway Architects |
| Site Area | 0.72ha |
| (a) 12/7R, 2S 1+ | (b) Chilham PC X (c) KCC H&T X, KCCE X |

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Cllr Dehnel.

Site and Surroundings

2. The application site is located within the parish of Chilham and relates to an unused paddock located to the north west of Mulberry Hill, a narrow rural lane connecting the village of Chilham to the hamlet of Old Wives Lees.
3. Bounded by vineyards to the north and west , the commercial unit of Yew Tree Farm to the south and Mulberry Hill to the east, the site lies within the heart of the North Downs AONB. The site's surroundings are defined by steep woody narrow lanes, undulating orchards and arable land, hop gardens and woodland, all of which preserve the rural and agricultural aspect of the Old Wives Lees and, provide an important 'break' between Old Wives Lees and Chilham village.
4. The site is allocated within the Development Plan for an exclusive residential development of up to 2 dwellings under policy S41.

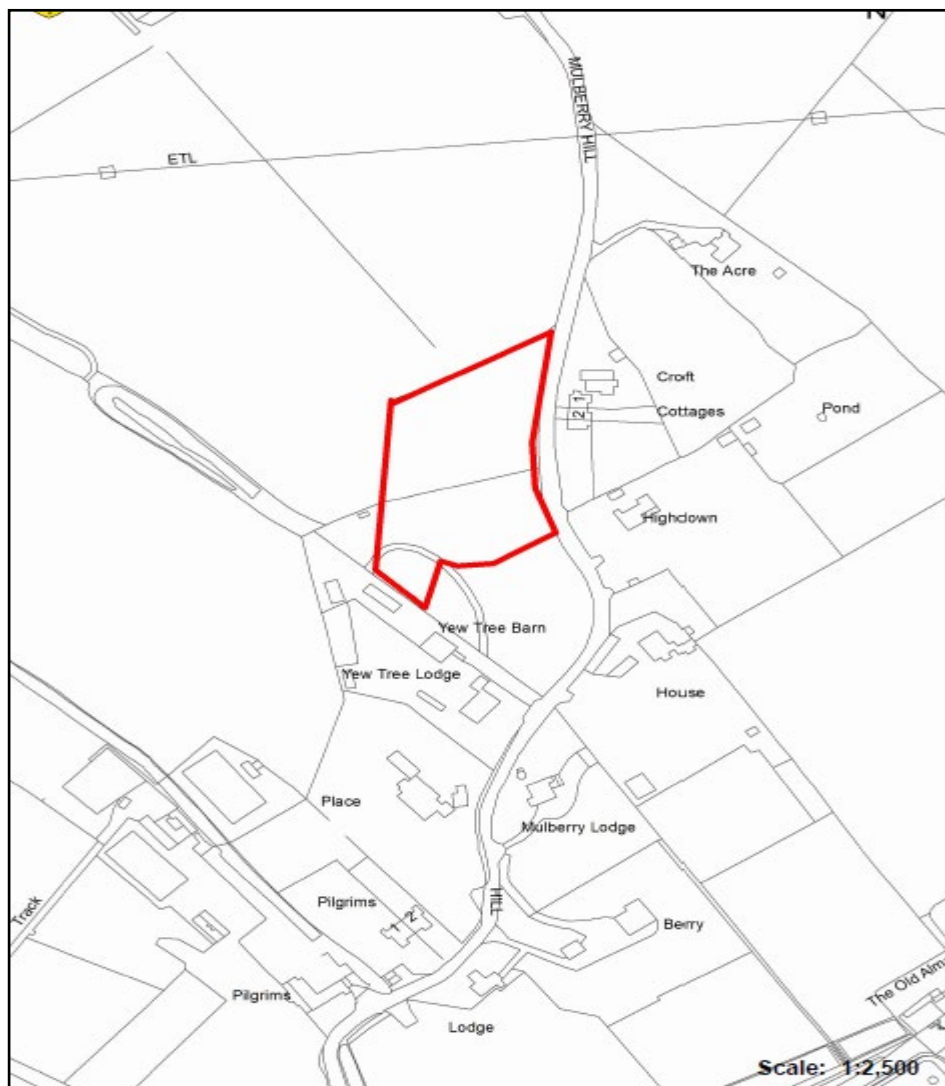


Figure 1: Site Location



Figure 2: Site location in relation Old Wives Lees and Chilham

Proposal

5. Planning permission is sought for the erection of two exclusive detached dwellings. Each dwellings is individually designed and would have separate accesses onto Mulberry Hill.



Figure 3: Proposed Block Plan

6. Plot 1 to the north of the site would be set perpendicular to the sloping hillside to allow the perceived mass of the dwelling to be located against the rear of the plot. The proposed gable form is derived from the local vernacular to echo the form of nearby agricultural buildings. To the south a stone and brick wall forms the rear of the garage and car port.
7. The accommodation would comprise an open plan hallway, kitchen/dining area, a snug, reading room, formal dining room, lounge, and study on the ground floor. An indoor swimming pool, gym and games room are also proposed along with a double garage, double car port and bin store. On the first floor, a master en-suite (and dressing room), three en-suite bedrooms and two further bedrooms along with a family bathroom and laundry room are proposed.

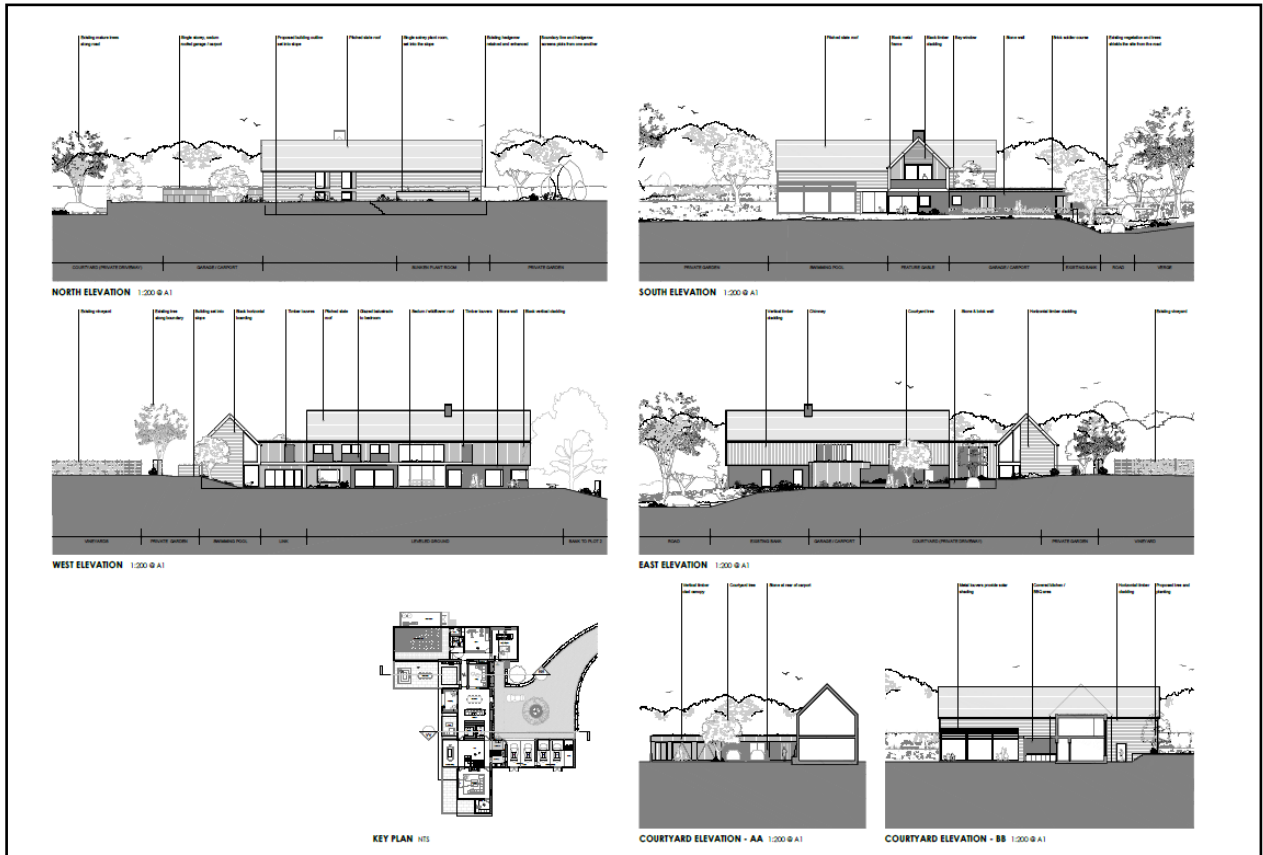


Figure 4: Plot 1 Proposed Elevations

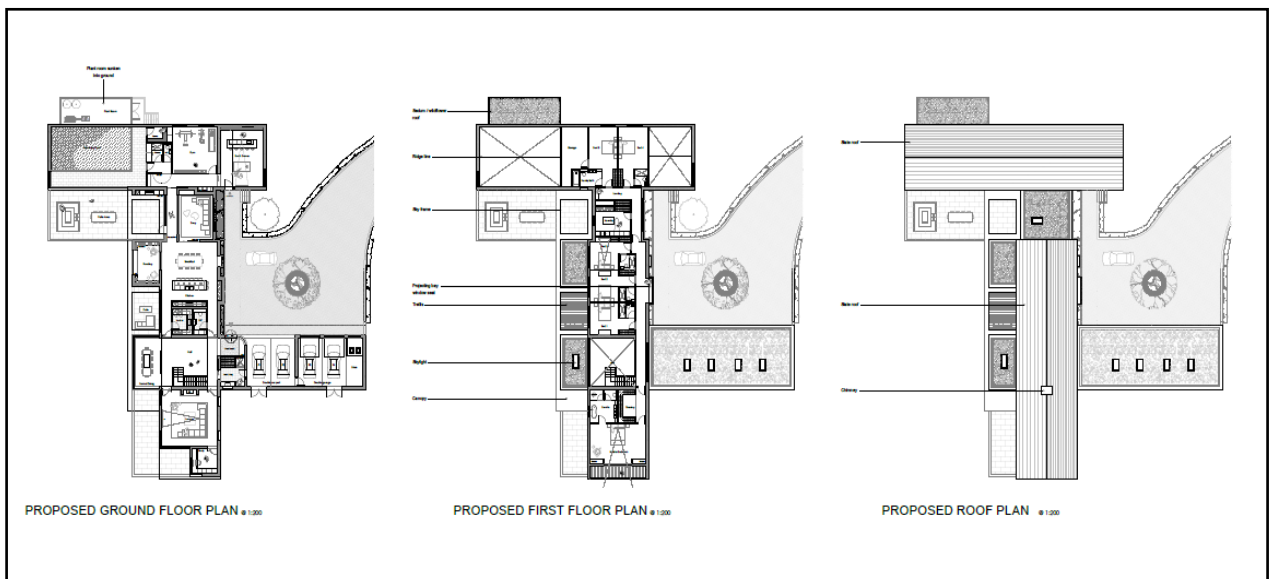


Figure 5: Plot 1 Proposed Floorplans



Figure 6: Plot 1 South Elevation



Figure 7: Artist Impression Plot 1

8. Plot 2 would be set into the hillside under a sedum roof and would run parallel to the hillside with the proposed ground floor set almost entirely into the existing ground-line, with the majority of the exposed southern elevation made up of full height glazing. The accommodation would comprise an open plan hallway kitchen/dining area/snug, lounge, games room, wine cellar, steam room and plant and store rooms on the ground floor. There would also be a double garage and double carport and bin store. On the first floor, a master en-suite (and dressing room) four en-suite bedrooms and a guest en-suite are proposed along with a laundry room. A 750mm high raised planter and bund to the south forms a boundary for the dwelling's patio

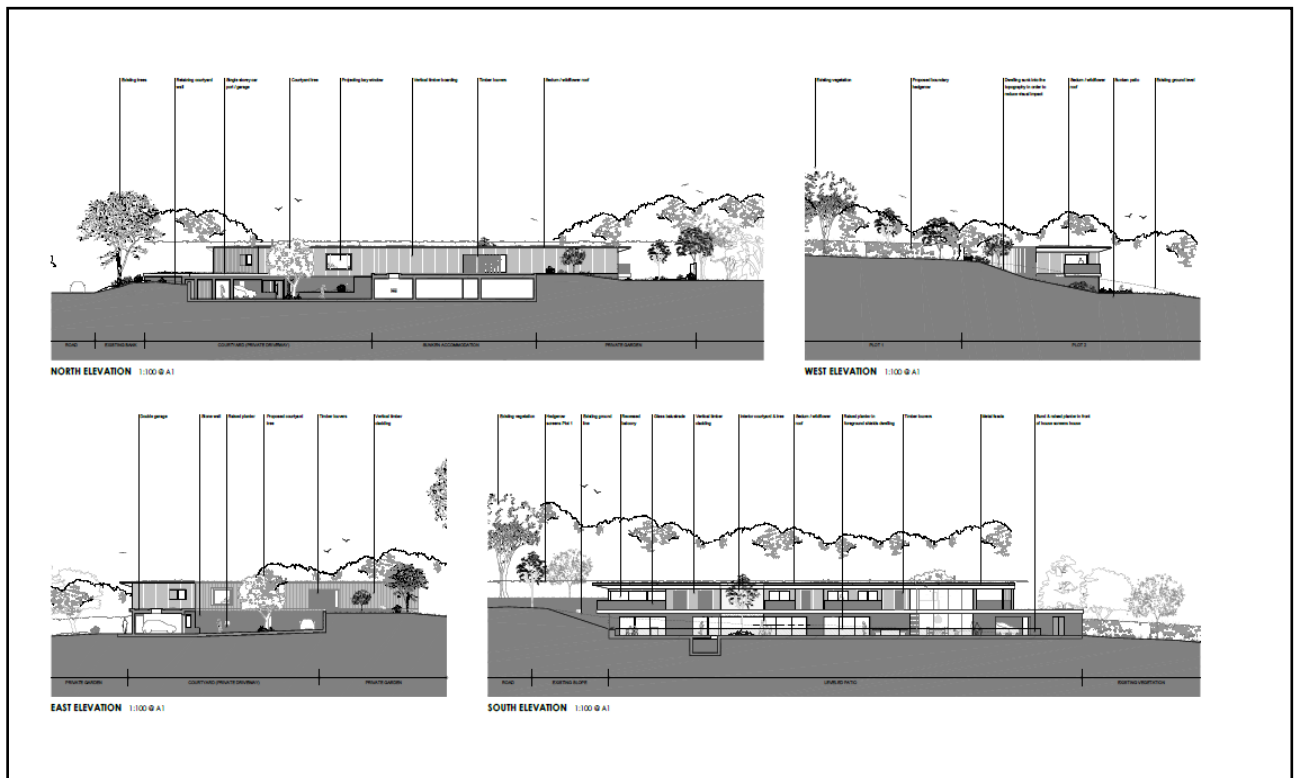


Figure 8: Plot 2 Proposed Elevations

spaces, whilst screening the majority of the ground floor.

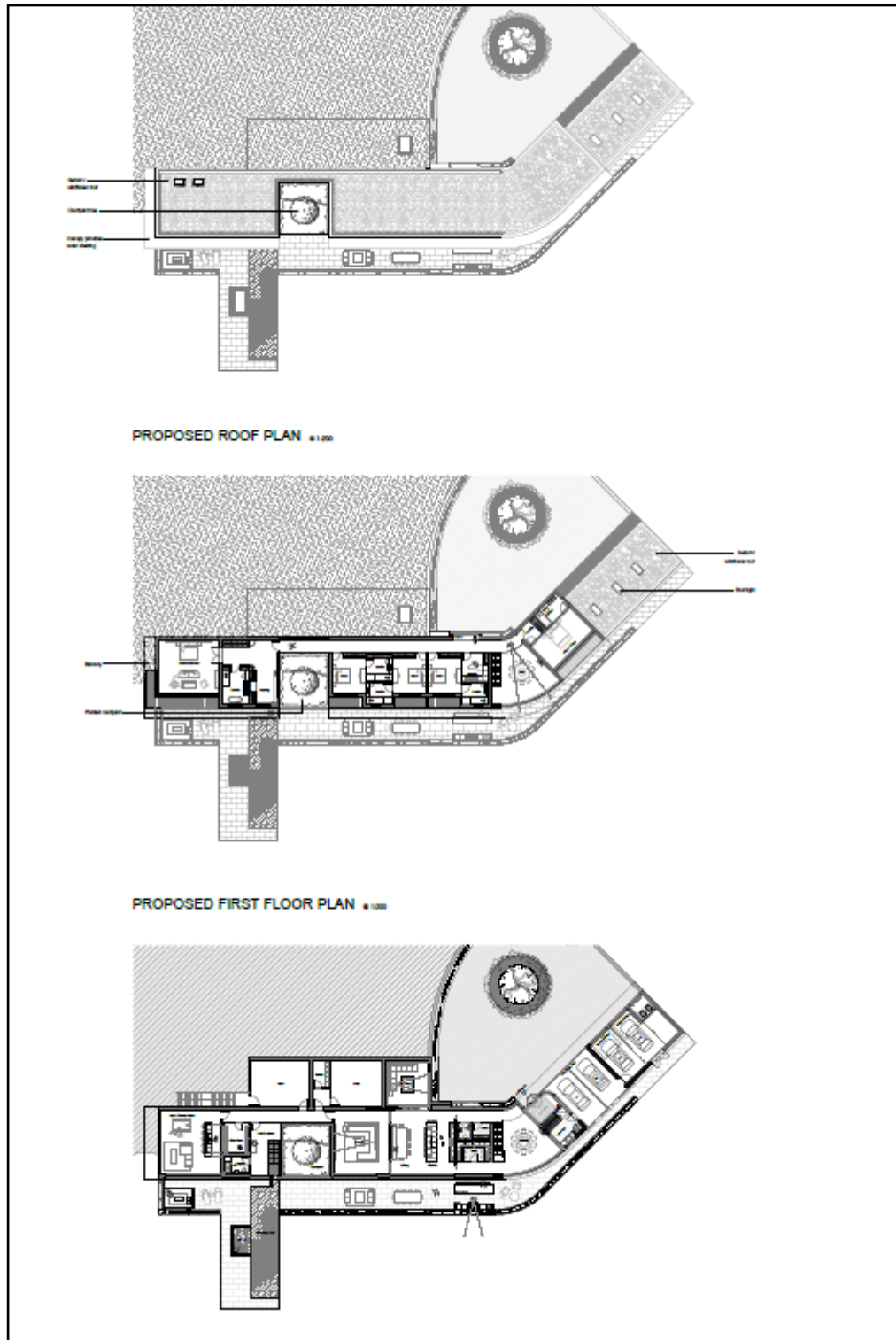


Figure 9: Plot 2 Proposed Floorplans



Figure 10: Plot 2 South Elevation



Figure 11: Artists Impression Plot 2

Planning History

No relevant planning history

Consultations

Ward Member: Has requested the application is determined by the Planning Committee

Chilham Parish Council: No objection subject to further exploration of highway safety measures on Mulberry Hill

KCC Highways & Transportation: The scheme does not meet their protocol for making comments

KCC Biodiversity: Sufficient Information has been provided.

Requests conditions securing ecological enhancement, implementation of the proposed reptile mitigation strategy and details of external lighting

Kent Fire and Rescue Service: Makes the following comment:
Development will be required to meet the access requirements of the Fire and Rescue Service as required set out under ABD B5 Section 15-17

Neighbour: 12 consulted. 8 letters of objection; 4 letters of support and 2 general comments received stating the following

Objections

- Buildings should be lower into the landscape to reduce their impact and overshadowing of the cottages opposite.
- If allowed the houses should not be two-storeys as planned as this is a high piece of ground and tall buildings would be visible from a distance.
- Proposal is not an exceptional design, nor will it blend in with its surroundings and is architecturally at odds with the local area.
- Visual impact on outlook would be considerable, particularly from the windows on the 2nd floor and attic, with some worrying overshadowing of cottages and restriction of the light in the afternoon and evenings, particularly to our living room which is on the ground floor.
- Proposal would dominate the local AONB surroundings and is not in keeping with the village.
- Proposal would harm local bat and badger populations and wildlife habitats
- Site should be preserved as an important area for conservation.
- New access near the entrance to Little Mulberry Cottage will make the road less safe.
- Proposal would increase traffic disruption on the road and in the village

- The village does not have the infrastructure to deal with the increased number of dwellings and demand upon local services.
- Proposal will bring only increased costs and dangers to local residents, and loss of amenity.
- Site should not be developed for two houses that will not be affordable for local families.
- ABC should prevent unnecessary new housing being built in such a special AONB.
- Existing buildings should be extended if necessary to allow residents more space rather than spoil land that has never been developed and which attracts visitors to the area.
- No community benefit from the proposal.
- Proposal does not correlate with the councils own criteria for granting planning permission.

General comments.

- It is obvious to see my refused proposal would have had far less impact on the AONB with the added benefits of affordable housing and good sight lines on to the road.
- Would presume the planning officers are going to judge this proposal with the same interpretation of policies otherwise many local people deserve an explanation.
- Would be natural to question the legalities of what would seem a huge disparity of how two proposals on opposite sides of the same road have been dealt with.
[Officer Comment: Each application is judged on its own merits and as set out below this is a site allocated within the Development Plan for this type of development.]
- No objection although speed restrictions should be put in place on Mulberry Hill.

Support

- It is a quality design that will be in keeping with the street and the landscape.

Planning Policy

9. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
10. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town

Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

11. The relevant policies from the Local Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

S41 – Chilham – Mulberry Hill

HOU12- Residential Space Standards Internal

HOU15 - Private External Open Space

TRA3a - Parking Standards for Residential Development

TRA7 – Road Network and Development

ENV1 – Biodiversity

ENV3b – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting Important Rural Features

ENV9 – Sustainable Drainage

12. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Landscape Character Assessment

Dark Skies

Government Advice

National Planning Policy Framework (NPPF) 2019

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 following sections of the NPPF are relevant to this application:-

Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...

Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be

avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 172 outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

Principle

13. The application site has been allocated under Policy S41 of the Local Plan 2030 for an exclusive residential development of up to two dwellings. In principle the proposal is therefore acceptable provided, it meets the policy requirements.
14. Policy S41 states that development proposals must :
 - a) *Meet a high quality or innovative nature of design, which:*
 - a. *Responds to and is well integrated with the natural topography of the site*
 - b. *Pays particular regard to its setting, and utilises design to make a positive contribution to local character and that of the AONB.*
 - c. *Uses locally appropriate materials; and to*

- b) Retain and enhance the existing hedge and tree boundaries around the site to create soft landscaping along site boundaries*
- c) Provide dedicated vehicular accesses for each dwelling; and,*
- d) Provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purposes*

15. These are assessed below.

Visual Impact Assessment

16. In respect of visual amenity, Criteria a) and b) of policy S41 need to be met. This criteria is supported by policy SP6 and ENV3b which seek good design and consideration of local character and the landscape, and is consistent with the NPPF which seeks development which adds to the overall quality of the area as a result of good architecture, layout and appropriate and effective landscaping.
17. The application site is located to the east off Mulberry Hill and has a gently sloping gradient descending to the south towards the village of Chilham. Bounded by mature roadside and field hedgerows which are interspersed with mature trees, the site is intrinsically rural in character and appearance
18. The proposal seeks to construct two exclusive high quality detached homes. Individually designed, both dwellings have been designed to integrate with the topography of the site. Set into the hillside, Plot 1 is set perpendicular to the sloping hillside to allow the perceived mass of the dwelling to be located against the rear of the plot (in the form of ancillary accommodation). Plot 2 runs parallel to the hillside with the ground floor set almost entirely into the existing ground line. A 750mm high raised planter and bund is proposed to the south forming a boundary around the proposed patio space.
19. The proposed dwellings follow the curvature of the land which falls away to the south. The proposal allows the dwellings to step down within the landscape, whilst the sloping hillside allows the dwellings to respond to the natural land formation and take advantage of the screening afforded by the existing sloping topography of the site and the boundary hedgerows and trees. The sunken driveway and walled courtyard spaces would screen the parking areas and the wildflower/sedum roofs aid with the blending of the dwellings into the landscape, preserving the site's rural character and appearance.
20. The proposal has taken design cues from local historic buildings, to respect the local vernacular in the nearby historic village of Chilham. The proposed feature gable on Plot 1, the overhangs and canopies and the recessed balconies on Plot 2, provide a good level of articulation between the ground and first floors; and, the proposed use of high quality locally appropriate

materials is acceptable, ensuring that a high quality finish to the development is achieved.

21. Both dwellings are of a scale and mass which is appropriate for their plot size and by virtue of their design, neither dwelling would be prominent or intrusive. The proposal creates an innovative and visually interesting form of development which would make a positive contribution to the local area and the AONB. This would therefore preserve and enhance the special qualities for which the AONB is designated. With restricted and very localised views, no adverse visual impact would be caused, and the quality of the surrounding AONB designated rural landscape would be complimented by the quality of the design and layout. Subject to the finer details of construction (which can be controlled by condition), it is considered that Criteria a) and b) of policy S41 have been met.

Residential Amenity

22. Policy SP6 promotes high quality design and states that development proposals must demonstrate careful consideration of and a positive response to, amongst other things, liveability. This is consistent with advice contained within the NPPF which advises that new development should create places that are safe and which promote health and well-being, with a high standard of amenity for future users (para.127 (f)).
23. The site area proposed for the new dwellings would provide enough space so that each dwelling would be located away from the existing B1c /B2 commercial buildings to the south and the existing dwellings to the east, to minimise harm for the future and existing occupiers. Set back from the road and built into the hillside, the proposed dwellings would be neither overbearing nor result in overshadowing and/or overlooking of existing neighbouring properties.
24. The proposed layout prevents any interlocking between the two properties and/or overlooking of the proposed private amenity spaces. The proposed dwellings comply with the relevant space standards set locally and nationally for external and internal amenity for future occupiers respectively. On balance a good standard of residential amenity to future occupiers would be provided, and neighbouring occupiers would not be adversely impacted.

Ecology

25. A Preliminary Ecological Appraisal has been submitted with the application and concludes that no further surveys are necessary regarding protected species. KCC Biodiversity concur with the report's conclusions. However the following ecological impacts are of note.

Hedgerow Loss

26. Approximately 8m of the existing roadside hedge will be removed as part of the proposed development, constituting a loss of valuable habitat, and

therefore, a loss in biodiversity. To compensate for this loss, it is proposed that c.50m of hedgerow habitat will be planted through the site (east to west between the two dwellings). KCC Biodiversity is satisfied with the proposed hedge planting and advises that it must consist of native species only and that the exact species to be planted should be specified. This can be sought as part of an ecological enhancement plan for the site, secured by a planning condition.

Reptiles

27. The plans show a loss of c.33ha of suitable habitat for reptiles; all species of which are protected. However, as c.37ha of habitat is available immediately adjacent to the south (under the same ownership), it is considered that enhancement of this receptor site, in combination with habitat manipulation within the proposed development site, is sufficient to negate any potential harms to reptiles and retain any population.
28. Provided the recommended precautionary mitigation measures are adhered to, the KCC Biodiversity is satisfied that any potentially present reptiles will not be harmed and can be retained on-site.

Bats

29. As stated within the report, the only tree to potentially support roosting bats will be retained. However, it is likely that bats forage and commute over and around this site and, therefore, could be impacted by any external lighting incorporated into the development. Details of external lighting design in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' are therefore required and can be sought as a condition of any planning approval.
30. On balance, in light of the above, it is considered that the proposal is acceptable in regard to its ecological impact. If Members are minded to approve the application ecological enhancements should be sought as a condition of any approval, as well as measures to protect trees and hedgerow during construction.

Highway Safety & Parking

31. Criterion c) of policy S41 requires a dedicated access to be provided for each dwelling. With each dwelling provided with its own access, the proposal meets this policy requirement.
32. With regard to the neighbours' concerns about the impact upon the highway, Policy TRA7 states that development that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that new accesses onto the road network will not be permitted if a materially increased risk in accidents or traffic delays would be likely to result.

The NPPF also states that development should ensure that a safe and suitable access can be achieved for all people.

33. The proposal is for two dwellings and one of proposed accesses is existing. The number of vehicle movements associated with the development would not be significant and would not materially impact on the capacity of Mullberry Hill. The submitted Transport Statement demonstrates that the required visibility splays can be provided at the proposed access points and turning space for each dwelling would be provided to allow vehicles to exit in forward gear. The proposed parking provision is in accordance with the Council's adopted Residential Parking Standards (Policy TRA3a).
34. Taking account of the above and, considering that no concerns have been raised by KCC Highways and Transportation, the proposal is considered acceptable in regard to highway safety. Conditions securing the required visibility splays at the proposed access would be necessary and reasonable.

Other Matters

Drainage

35. The information submitted regarding drainage is limited but given the proposal incorporates the use of permeable surfaces including a sedum roof, proposes further landscaping and there are large areas of undeveloped land surrounding the site, it is not considered there would be any significant increase in surface water run-off. No surface water drainage or flooding problems are associated with the site. To ensure adequate provision of drainage is incorporated into the development, details pursuant to a sustainable drainage system could be secured through a planning condition.
36. It is proposed to connect to the main sewers at the nearest point of adequate capacity in accordance within criterion d) of the policy, and the applicants are in negotiation with Southern Water. Further details regarding details of foul water could be secured through a condition.

Human Rights Issues

37. 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

38. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

39. In conclusion, in light of the above the submitted proposal is considered to meet the requirements of policy S41 in delivering two homes of high quality which, by virtue of their innovative nature, would respond positively to and make a positive contribution to the quality of the surrounding AONB designated landscape.
40. The proposal complies with the Development Plan in respect of the residential amenity of existing and future occupiers, ecology, highway safety and parking and drainage subject to conditions. With no matters raising an overriding objection to the grant of permission, the proposal is considered acceptable and it is therefore recommended that the application is approved.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

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

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

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

3. No development shall commence until the precautionary mitigation measures and works for reptiles as set out in section 5.4.14 of the approved Preliminary Ecological Appraisal (Greenspace Ecological Solutions August 2019) have been carried out in full.

Reason: In order to enhance biodiversity of the site.

4. No development shall take place on site until a Transport Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall include:
- a. Wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway,
 - b. Access point for HGV's (no HGV's shall reverse onto the highway without the assistance of a banksman) and site personnel,
 - c. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction,
 - d. Provision of parking, turning and unloading facilities for delivery vehicles,
 - e. Hours of operation

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and neighbour amenity.

5. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development.

6. Prior to commencement of the development hereby approved details of the proposed method for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.

Reason: To avoid pollution of the surrounding area.

7. 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 before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

8. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

- Details and location of rainwater goods;
- Details of any flues, grilles and vents to be installed including location, dimensions, colour and material;
- Details of electricity and gas meter boxes and any external pipe work including their location on the building;
- Joinery details;
- Proposed eaves detailing and roof overhangs, window and door reveals;
- Sectional details through sedum roof, the gable, curving roof form, recessed balconies; and,
- Sections through the artificial mounds to the south and lower patios of Plot 2.

Reason: In order to maintain the design quality of the development and protect the visual amenity of the locality.

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

Reason: To ensure the development sits well within the landscape and in the interests of the visual amenity of the surrounding area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class A-E of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

11. Prior to occupation of the dwellings hereby approved a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter in accordance with the plan.

Reason: In the interests of visual and residential amenity and biodiversity.

12. Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations in section 6 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions August 2019) and a list of hedgerow species to be planted. The approved details will be implemented and thereafter retained.

Reason: In order to enhance biodiversity of the site.

13. The approved landscaping scheme and biodiversity enhancements shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity and to protect and enhance the amenity of the area

14. 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 written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five 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 in writing with the Local Planning Authority.

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

- 15.** The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- a. All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved arboricultural impact assessment, tree protection plan and method statement pursuant to condition 21, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction,
 - b. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation,
 - c. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation,
 - d. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation,
 - e. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level,
 - f. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance.

- 16.** The area shown on the drawings number 18.012 002 as vehicle parking space, garages and turning shall be provided in accordance with the approved details 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.

17. The first 5m of the access hereby approved from the edge of the highway shall be constructed of a bound surface, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved detail prior to its first use and maintained as such.

Reason: To ensure that no gravel or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety

18. No gates or barriers shall be erected across the access within 5.5m metres from the back of the carriageway used by vehicular traffic.

Reason: In the interests of highway safety

19. The visibility splays shown on Appendix B of the approved Transport Statement within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge, shall be provided at the access before the first occupation of the dwellings hereby approved and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

20. If unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared in accordance

Following completion of the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 21.** The development approved 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 land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

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 20/00039/AS)

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| | |
|--------------------------------|--|
| Application Number | 19/01540/AS |
| Location | Land rear of Minnis Moor Stables, Scots Lane, Brabourne, Kent |
| Parish Council | Brabourne |
| Ward | Bircholt Ward |
| Application Description | Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking |
| Applicant | Mr Peacock |
| Agent | Finn's |
| Site Area | 176 sqm |
| (a) 1 / 3R 1G & 6-S | b) Parish Council – R (c) ESM X & RPL - R |

Introduction

1. This application is reported to the Planning Committee at the request of the local Ward Member Cllr William Howard.

Site and Surroundings

2. The application site is located outside any defined rural settlement in the open countryside which is designated AONB. The site comprises a collection of rural barns which appear to be used for keeping a small number of livestock and horses with a small paddock directly behind / south of the barns. The surrounding area is characterised by the scenic beauty of the AONB and sporadic residential development along the road frontage. PROW AE301 runs to the south of the site.

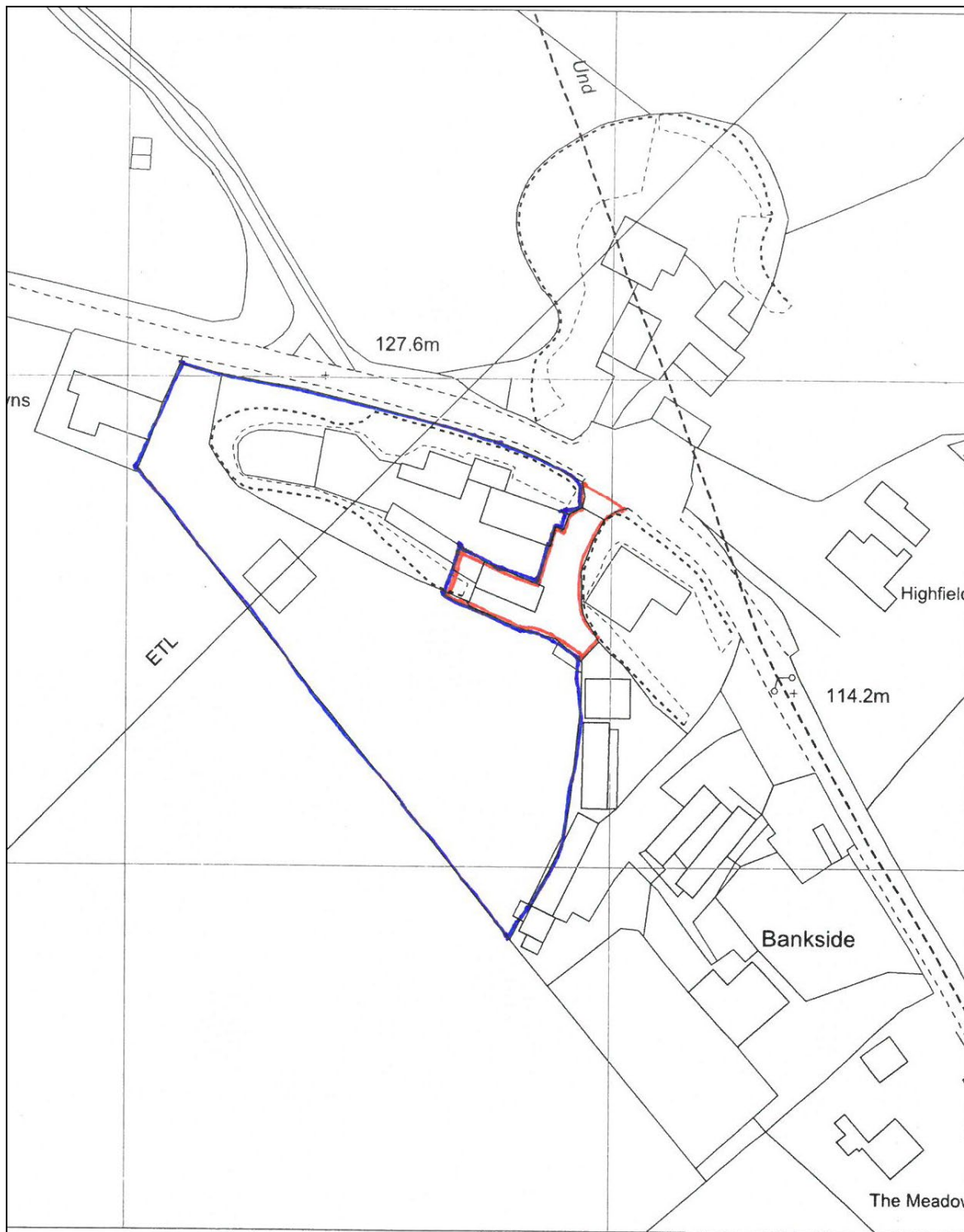


Figure 1 - Site location Plan

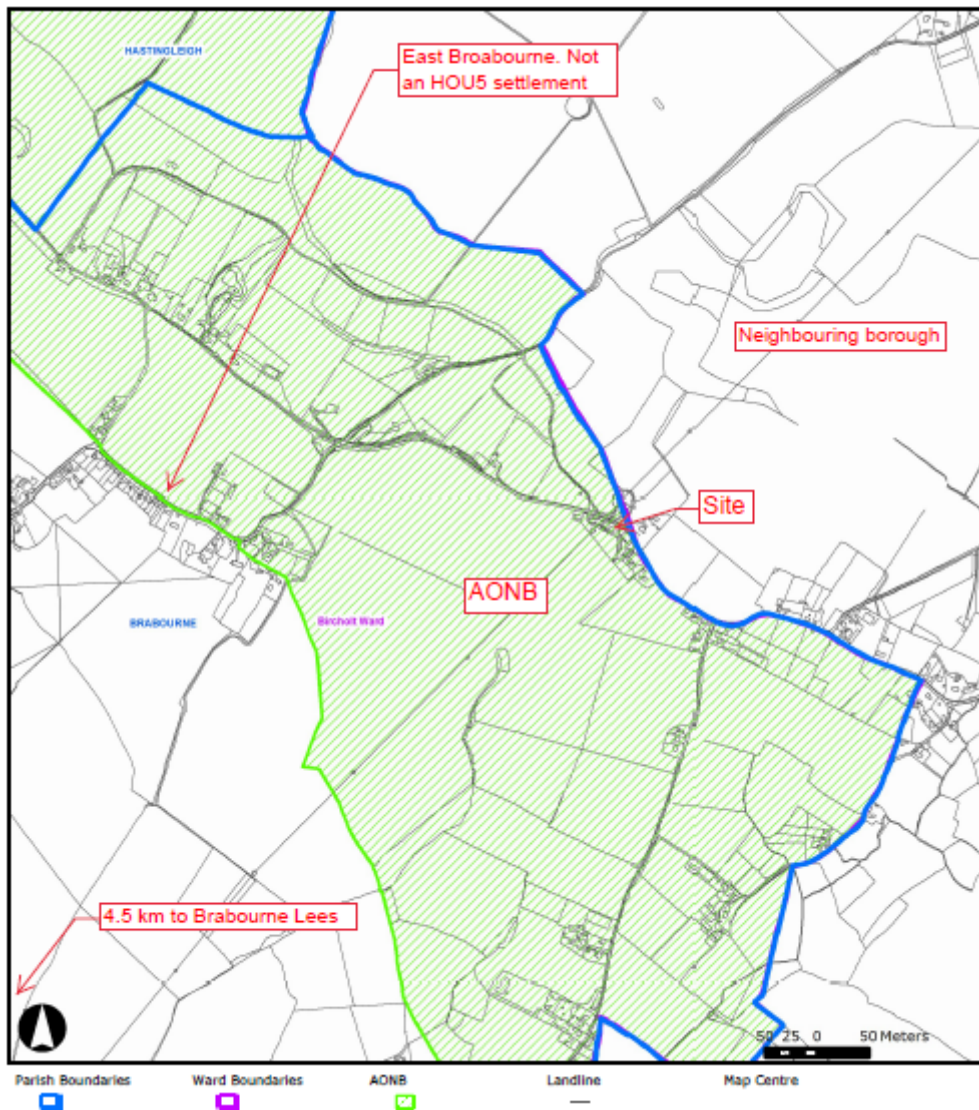


Figure 2 - Site location Plan (wider surrounding area)

Proposal

- Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking.

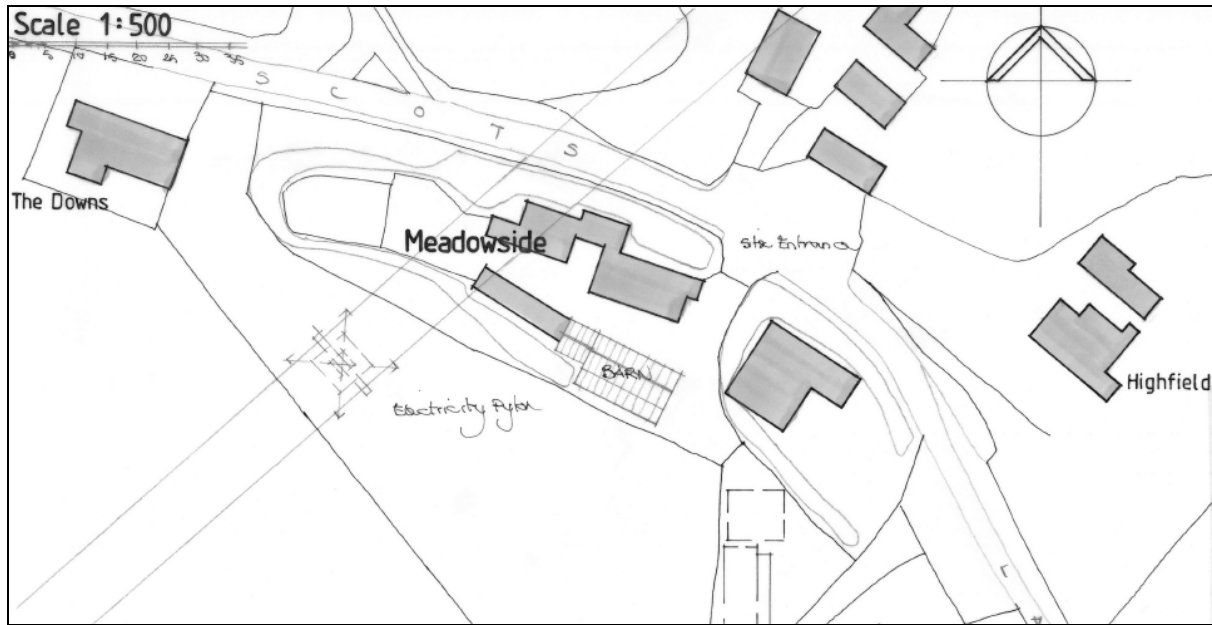


Figure 3: - Proposed block plan (NB. Barn is the proposed dwelling)

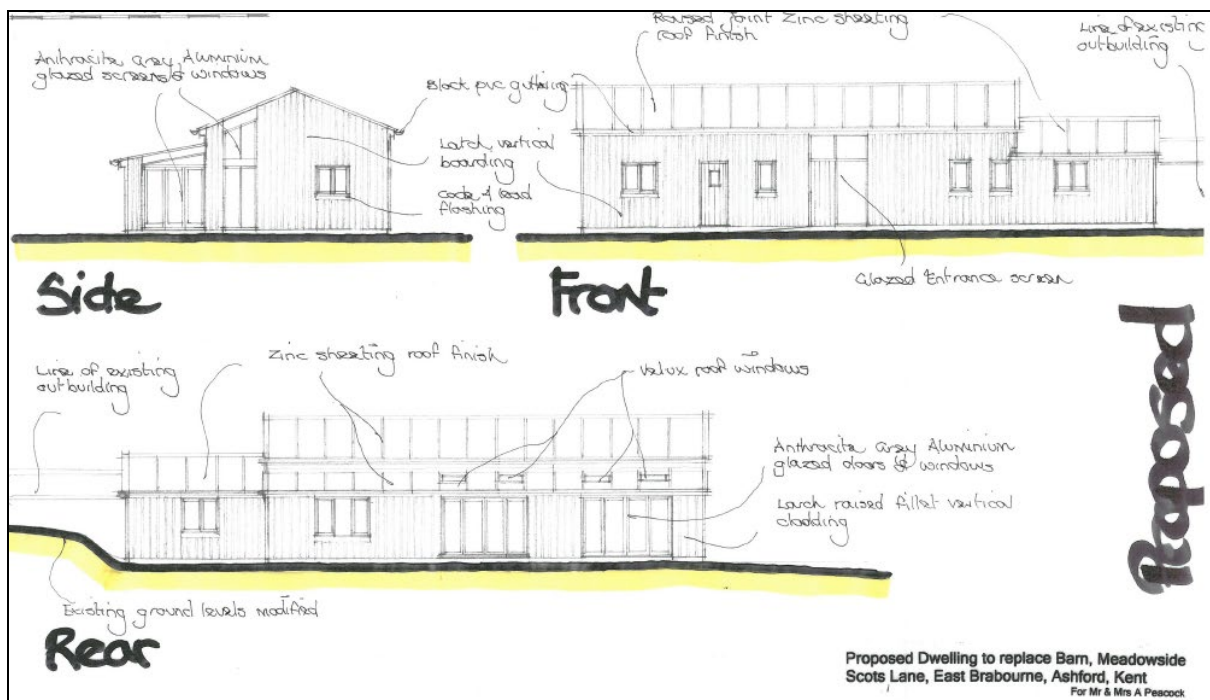


Figure 4 - Elevations

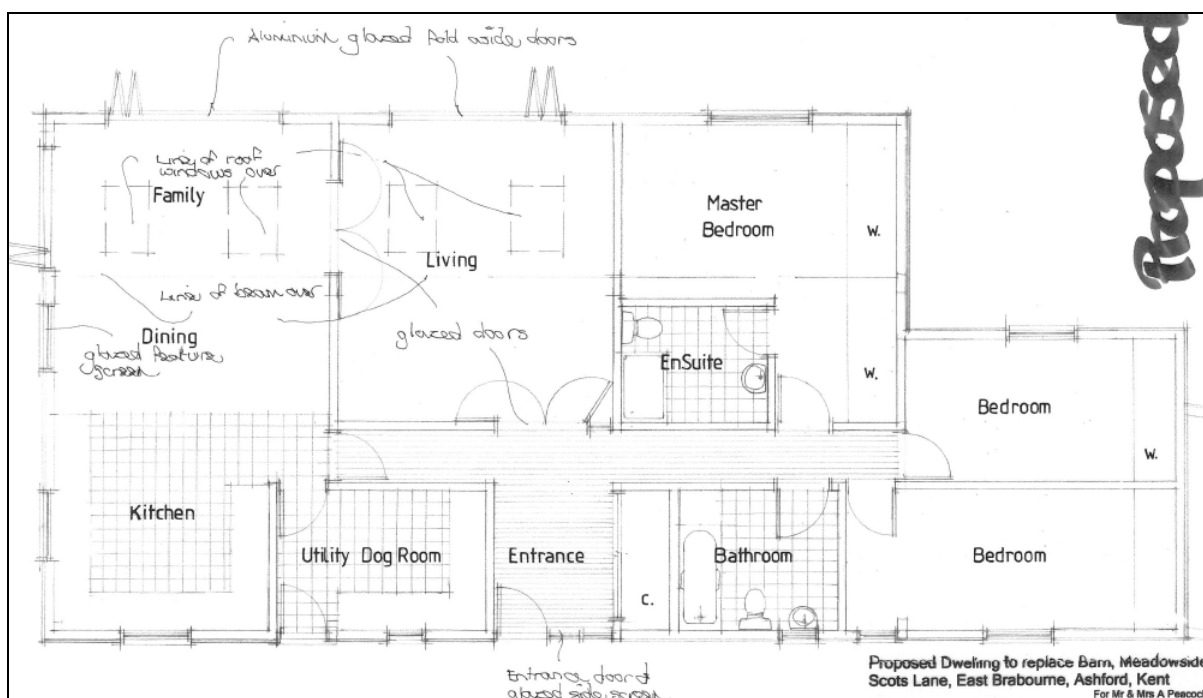


Figure 5 – Proposed Floor Plan

4. In support of the application a financial summary has been provided which sets out the following figures for the small holding:

Summary of Accounts

End of Year totals

| | | |
|--------|-----------|-----------|
| Actual | 2018-2019 | / - £2342 |
| Actual | 2019-2020 | / - £7092 |

5. The holding is still establishing and growing the flock with low sales to retain ewes and purchase of more ewes, together with purchase of more land to increase the holding. This has resulted in a higher expenditure during the 2019-2020 financial year and therefore a higher loss.

| | | |
|----------|-----------|----------|
| Forecast | 2020-2021 | / -£1608 |
| Forecast | 2021-2022 | / £2566 |

6. Since the forecast figures were provided within the accounts, the Applicant has increased the flock to 90 ewes and purchased a further 13 acres of land with a further 20 lambs being purchased for fattening shortly. Therefore, it is expected sales will be higher throughout the forecast years resulting in profits at the end of 2020-2021 and higher profits at end of year 2021-2022.

Planning History

Consultations

Ward Member: Requests that the application be determined by the planning committee.

Brabourne Parish Council: Object for the following summarised reasons:

- The site is outside a settlement boundary and should be assessed against policy HOU5.
- There is no justification in the application of a need for an agricultural worker to live close to their place of work.
- If a genuine need for a rural worker to live close to the site can be demonstrated there should be further consultation.
- If the decision is to Permit the Parish Council asks that an agricultural tie be placed on the dwelling.

Rural Planning Consultant: Given the confirmation of the low level of agricultural activity, the proposal would not meet the usual functional and financial tests in support of rural worker accommodation in the countryside.

The submitted figures confirm the low level of agricultural activity and lack of profitability.

Furthermore I consider that the level and nature of the identified agricultural activity (a small flock of sheep) does not give rise to any essential functional need to permanently reside at this site.

In conclusion the proposal would not meet the usual functional and financial tests required to justify the construction of a rural worker's dwelling.

ESM - No objection subject to conditions.

Neighbours; One neighbour has been formally consulted. Three objections, one general comment and 6 letters of support as summarised below:

Objections:

- Concerns that the proposed dwelling will not be used for the purpose stated on the planning application but is a possible attempt to circumvent planning laws.
- Neither of the people applying would appear to have, nor are likely to have, any major agricultural connection other than keeping a few sheep.
- It is felt that the agricultural dwelling will eventually become a considerably more substantially and valuable house.
- The location is unsustainable.
- Essential need has not been demonstrated.

Comment:

- Have concerns regarding the right of way between Bankside and the development.
- Concerned re the loss of privacy due to the kitchen side window and the expanse of glass at the rear of the property.
- Excessive noise during construction working hours.

Support:

- The building would be an improvement on the barn that is there now.
- A dwelling here would also give this local young family the opportunity to be near their animals rather than having to travel on a daily basis.

Further consultation was undertaken following the receipt of a financial summary and the closing date for comments is the 14 July 2020. Any additional comments received will be provided as an update at the committee meeting.

Planning Policy

7. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
8. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
9. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP2 – Strategic Approach to Housing Delivery
 - SP6 - Promoting High Quality Design
 - HOU5 - Residential windfall development in the countryside
 - HOU12 - Residential space standards internal
 - HOU14 – Accessibility standards
 - HOU15 - Private external open space
 - TRA3a - Parking Standards for Residential Development
 - TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 – Biodiversity

ENV3b – Landscape Character and Design in the AONBs

ENV4 – Dark Skies

ENV9 - Sustainable Drainage

10. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD

Landscape Character SPD

Government Advice

National Planning Policy Framework (NPPF) 2019

11. 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 particularly relevant to this application:-
12. Paragraph 78 of the National Planning Policy Statement advises to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
13. Paragraph 79 states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality

National Planning Policy Guidance (NPPG)

14. Technical housing standards – nationally described space standards

ASSESSMENT

15. The key issues for consideration are as follows:

- Principle
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Ecology

Principle

16. The application site is located in the rural area and therefore falls to be considered under policy HOU5 of the Local Plan 2030 which covers proposed windfall housing developments located outside the built up confines of settlements, i.e. in the open countryside. Policy HOU5 is set out in two sections:
- Proposals for residential development adjoining or close to the existing built up confines of specified (sustainable) settlements.
 - Residential development elsewhere in the countryside.
17. The site is located some distance (approx. 4.5Km) from the nearest sustainable settlement at Brabourne Lees / Smeeth as set out in policy HOU5 and is therefore contrary to the first section of this policy as the site is not adjoining or close to the nearest sustainable settlement and is therefore not a sustainable location for a new dwelling. The supporting Planning Statement at paragraph 6.14 also confirms this is not a sustainable location for a new dwelling.

18. The application has been submitted as a rural workers dwelling, therefore the second section of policy HOU5 applies. This section of the policy states residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-
- *Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;*
 - *Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - *It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;*
 - *A dwelling that is of exceptional quality or innovative design which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;*
 - *A replacement dwelling, in line with policy HOU7 of this Local Plan;*
19. The first criteria is relevant and allows new dwellings in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work.
20. The key issues here is whether an essential need has been demonstrated by the applicant for a dwelling on this site and whether the scale of the farming operation is sufficient to require a new house in the AONB.
21. In order to meet the stringent tests of essential need the applicant would need to demonstrate that the farming business is of a sufficient scale (i.e. it is a viable and profitable farming operation) and the livestock kept on the site require someone to live on the site on a permanent basis.
22. The applicant has confirmed that he keeps the following animals as part of the small holding:
- 48 sheep (The agent has confirmed the applicant has kept sheep for 7 years).
 - 2 pigs.
 - 2 horses.
 - 15 chickens.
 - A total of 20.3 acres of grazing land is owned / rented by the applicant.
 - Since the application has been submitted the applicant has increased the flock to 90 ewes and purchased a further 13 acres of land with a further 20 lambs purchased.
23. The Planning Statement advises that the applicant needs to live on the site to look after his livestock as he is currently living off site and has to make several daily trips back and forth to the site which is not sustainable.

24. The inconvenience of living off-site does not constitute an essential need for a new dwelling. It is of note that the applicant has kept sheep for 7 years without needing a dwelling on the site. An essential need to live on the site to manage the limited livestock has therefore not been demonstrated. It is also noted that the area of grazing land directly to the rear of the site is less than one hectare and the applicant owns and rents other land (no location provided) therefore the 48 sheep (recently increased to 90) would not always be located close to the application site and proposed new dwelling.
25. Clearly this is a small scale operation with few livestock. The main source of income are the 48 sheep (recently increased to 90) and the applicant has provided financial records which indicate that the sheep alone do not generate a profitable income. This is clearly a small scale farming operation (small-holding) and given the limited number of livestock and financial figures/forecasts the farming operations do not justify a new dwelling on the site. Indeed any income generated from this small holding could not viably sustain a new dwelling.
26. The Council have sought the view of a specialist rural planning consultant to assess the scale of small holding to see if there is a functional and financial need for the applicant to reside on the site. As set out in the representations section the view is that given the lack of profitability and low level of agricultural activity, the proposal would not meet the usual functional and financial tests in support of rural worker accommodation in the countryside.
27. The proposal is therefore contrary to policy HOU5 and the aims and objectives of the NPPF and would represent an unjustified and unsustainable new dwelling in the AONB.

Impact on the AONB / visual amenity

28. The site is located in the AONB, which is afforded the highest status of protection. The erection of a dwelling on the application site, which would be clearly visible from the road and PROW, would result in the domestication of a rural agricultural site through the introduction of a new dwelling, parked cars, light spillage (from the large openings in the rear elevation overlooking the AONB) and domestic garden land with associated domestic paraphernalia. As a result the proposal would cause significant visual harm to the rural character of the site and would fail to conserve or preserve the AONB.
29. The Planning Statement advises that the new dwelling would visually enhance the site as the barn being demolished is in a poor state of repair and detracts from the character of the area. However, this is not a reason to justify a new house in the AONB and would encourage other land owners to neglect agricultural buildings. Further agricultural buildings of a varying degree of repair are common place features in rural areas.

Residential amenity

30. No designated private outdoor garden space is proposed and the Planning Statement advises *'the site provides sufficient space within the farmyard itself for play activity. Therefore, there will be no associated domestic paraphernalia associated with the use of this particular dwelling'*.
31. The absence of dedicated outdoor garden for a new family dwelling would be contrary to policy HOU15 and also indicates an overdevelopment of the site as there does not appear to be sufficient space for a private garden area, other than the farm yard itself. Given the proximity of the proposed dwelling to the rear boundary and proposed ground floor layout (bio-fold doors opening onto the rear boundary) there is a significant likelihood of a future application for change of use of agricultural land to residential curtilage. This would be extremely difficult to resist and would result in further domestication of the site. In addition, whilst the Planning Statement advises there would be no domestic paraphernalia associated with the development this could not be controlled by the Council and the presence of a family dwelling would inevitably result in the domestication of the plot over time. Nevertheless, in the absence of a private garden area the proposal would be contrary to policy HOU15.
32. The proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
33. Given the separation distances involved to neighbouring residential properties there would be no unacceptable impact on neighbour amenity through the development appearing overbearing or resulting in overlooking.

Highways safety and parking

34. Parking and on-site turning could be provided in accordance with policy TRA3a of the Local Plan. The proposal would utilise an existing vehicle access and acceptable turning areas could be provided although this would limit the amount of farmyard / play space for the applicant, therefore no highways safety objections are raised.

Ecology

35. The submission includes an ecological appraisal report which indicates there would be no significant negative ecology impact subject to mitigation and enhancement measures which could have been secured by condition had the scheme been acceptable overall.

Human Rights Issues

35. 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

36. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

37. The site is located in the open countryside approx. 4.5km from the nearest sustainable settlement therefore the proposal is not supported under the first section of policy HOU5.
38. Given the low level of agricultural activity, the proposal would not meet the usual functional and financial tests in support of rural worker accommodation in the countryside. The proposal does not meet the tests of essential need for a rural worker to live permanently at this site.
39. As such the development would constitute an unsustainable form of development in the countryside contrary to policy HOU5 of the Local Plan 2030, and would fail to comply with any of the exception criteria outlined under paragraph 79 of the NPPF. There would be an over reliance on the private motor car to access basic day-to-day services and the site is therefore considered to be located in an unsustainable location for new housing.
40. The proposal, by reason of the siting, scale, domestic appearance, and domestication of the plot, would constitute a visually harmful form of development and would be significantly detrimental to the rural character and appearance open countryside and would fail to conserve or preserve the character of the AONB.
41. The economic and social benefits of one additional house on this site is not considered to outweigh the demonstrable harm identified above.
42. Therefore, for these reasons it is recommended that the application is refused.

Recommendation

Refuse

The proposal is contrary to policies SP1, SP2, SP6, HOU5, HOU15, ENV3b of the Ashford Local Plan 2030, Central Government guidance contained in the National Planning Policy Framework and National Planning Policy Guidance and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

- The proposed development, which lies outside of the built confines of any identified settlement, with no overriding justification having been submitted, would give rise to an unsustainable new dwelling in the countryside which would result in the over reliance on the private modes of transport to access basic everyday shops and services, contrary to the core principles of the Local Plan and the National Planning Policy Framework which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.
- The proposal, by reason of the siting, design and the domestication of the plot, would constitute a visually harmful form of development detrimental to the rural character and appearance of the site and would fail to conserve or enhance the Area of Outstanding Natural Beauty.
- In the absence of a dedicated private garden the proposal would constitute overdevelopment of the plot and result in a poor standard of amenity for future residents to the detriment of their residential amenity.

Note to Applicant

1. Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance:

- The applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters. and provided the opportunity to amend the application or provide further justification in support of it.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council 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 19/01540/AS)

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| | | |
|--------------------------------|--|--|
| Application Number | 19/0997/AS | |
| Location | Land between Doctors Surgery and 80, The Street, Appledore, Kent | |
| Grid Reference | 160717 | |
| Parish Council | Appledore | |
| Ward | Isle of Oxney Ward | |
| Application Description | Proposed development of 12 new two storey dwellings consisting of 8 x 3 bed properties and 4 x 4 bed properties with associated parking, gardens and landscaping works including a proposed village planted linear park and pedestrian crossing. | |
| Applicant | Appledore Parish Council in Association with Martello Developments, Land Adjacent to 80 The Street, Appledore, Kent. | |
| Agent | The Creative Centre New Road Rye Kent TN317LS | |
| Site Area | 0.84 hectares | |
| (a) 26/5R | (b) | (c) HM X, KCC Ecology X, KCC DCU, KCC flooding X, KHS X, KCC PROW, Ramblers X, SW X, POL X |

Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a “major” development that requires determination by the Planning Committee under the Council’s scheme of delegation. The proposed scheme relates to the northern part of the land allocated for housing development under adopted Ashford Local Plan 2030 (ALP) Policy S26.
2. The application was deferred at the Planning Committee meeting 17 June 2020 for Officers to seek clarification and scheme amendments as necessary from the applicant to deal with the following issues;-

- (a) an improved layout on the eastern side of the site that better integrates the proposed diverted PROW and avoids it passing awkwardly between parked cars before arriving at the junction with the vehicular access into the application site.
 - (b) clarity as to how the intended SUDs scheme on the western side of the site would be satisfactorily maintained in full working order without adequate means of access to it being available from the proposed street system as a consequence of the layout of the application site.
 - (c) clarity as to which properties would fund the SUDs scheme and why the layout could not better integrate the proposed SUDs area among the homes so as to make it a stronger component of place-making at the site.
3. There were other matters raised about lighting and late representations made on sewerage and the southern boundary tree impacts notably on Plot 12.
4. The applicant had responded to these issues and I have summarised these below and in more detail within the consultation and assessment sections.
 - (a) Improved PROW layout to avoid passing between parking for plots 1 and 2.
5. KCC Public Rights of Way (PROW) have commented that the proposed to be diverted route has resulted from negotiations with the applicant and has been chosen for a number of reasons as it would give a straight section avoiding a bend, avoid removing frontage vegetation due to visibility and would create a safe link with the PROW at Magpie Farm. The original proposals had shown the route to the east between the front hedgerow and parking spaces but this was not acceptable to KCC.
 - (b) Access and maintenance to SUDs area.
6. The applicant's landscaping and SUDs designer (Greenes) have advised that the SUDs area would require very little and infrequent maintenance due to its size. The maintenance could actually be carried out by hand with waders and would not need mechanical machinery. A very small digger could, however, still access and go through the pedestrian width access shown at the front of the plots. KCC Flood and Water Management has raised no objection to the proposed level of maintenance.
 - (c) Funding and better integration of SUDs scheme within homes.
7. The applicant has confirmed the western properties (Plots 9-12) would pay towards the SUDs maintenance and not other dwellings. The SUDs area must be located at the western end of the site as this cannot be built on due to its

propensity to occasional flooding. It represents lower ground and allows water to easily drain to the new SUDs area.

Other matters raised

Lighting

8. This would comprise low level bollard lights around the perimeter of the roadways. Likewise external lighting on the buildings would be directed downwards rather than outwards to help avoid light pollution.

Relationship with southern boundary trees and plot 12

9. Further information has been provided showing the relationship between the nearest affected tree and plot 12. It is considered that 'flipping' the footprint of plot 12 would result in a more acceptable relationship. However, the detail of the housing typology would need to be amended to allow a better window to window relationship with plot 11. This is can be dealt with by delegation back to officers.

Sewerage

10. Southern Water have advised that the issue of capacity be dealt with through planning condition

Site and Surroundings

11. The application site is situated within the rural settlement of Appledore. The site comprises 0.84 hectares of mainly undeveloped land situated to the north of Appledore Village Hall which is located on the western side of The Street. Opposite the site on the other side of The Street is the village recreation ground.
12. The eastern part of the broadly rectangular shaped application site is fairly flat, but the western part slopes gently down towards a watercourse that runs along the western boundary. The site has a 40m wide road frontage to The Street and has an overall depth of some 147.5m. A low hedgerow, set back behind a grass verge, marks the eastern boundary to The Street. At the north-eastern corner, the low hedge line is punctuated by a tree, beyond which is a field access gate served by a surfaced private access road that leads towards Magpie Farm located further to the north- west. This private access road continues along part of the site's northern boundary, beyond which, the rest of the boundary is marked by a tall hedge.

13. The site's western boundary is marked by scattered trees along the ditch embankment with gaps providing distant countryside views further to the west. The site's southern boundary is marked by a post and rail fence that is largely screened by trees along its length.
14. At the south eastern corner is a metal 'kissing gate' that marks the position of a public footpath (No. AT 121A) that crosses the eastern part of the site before joining the private drive leading to Magpie Farm on the other side. The public footpath is not marked as surfaced where it crosses the site.
15. Along The Street road frontage to the north of the site (and beyond the driveway to Magpie Farm), is, two-storey detached and semi-detached housing. Immediately opposite the site on the eastern side of The Street is a small cul-de-sac serving three detached, two storey houses at 75, 77 and 79 The Street.
16. Immediately to the south of the site is undeveloped land beyond which is a residential property known as The Old Surgery, set back behind a private driveway that leads west from The Street. To the south of the Old Surgery is the Village (Parish) Hall and its associated car park located to the rear.
17. The site lies within the Appledore Conservation Area. A small area at the western part of the site lies within flood zones 2 and 3. The application site supports no nationally designated wildlife sites, significant habitats or resident populations of protected species. It is, however, located within 250m of ponds supporting populations of the protected great crested newt. The Dungeness, Romney Marsh and Rye Bay Ramsar site lies immediately to the north east of the village and south along the Royal Military Canal. In addition, an area of the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) lies across the boundary in Folkestone and Hythe District to the south east.
18. The application site plan is shown in figure 1 below.



Figure 1: Site Plan

Proposal

19. The proposed scheme is for the erection of 12 dwellings on the site comprising 8 x 3 bed (4 detached and 4 semi-detached) and 4 x 4 bed dwellings (2 detached and 2 semi-detached).
20. Access would be provided at the north-west corner of the site utilising the existing site access serving 5 detached houses at Magpie Farm to the north. This would avoid breaking into the roadside hedgerow to form the site access (and follows the suggested approach in the ALP),
21. The site layout is in the form of a cul- de-sac with the front 6 dwellings positioned side-on to The Street and fronting the new internal access, which then turns southwards ending at the southern boundary that connects to remaining part of the S26 site allocation. The site layout plan is shown in figure 2 below.

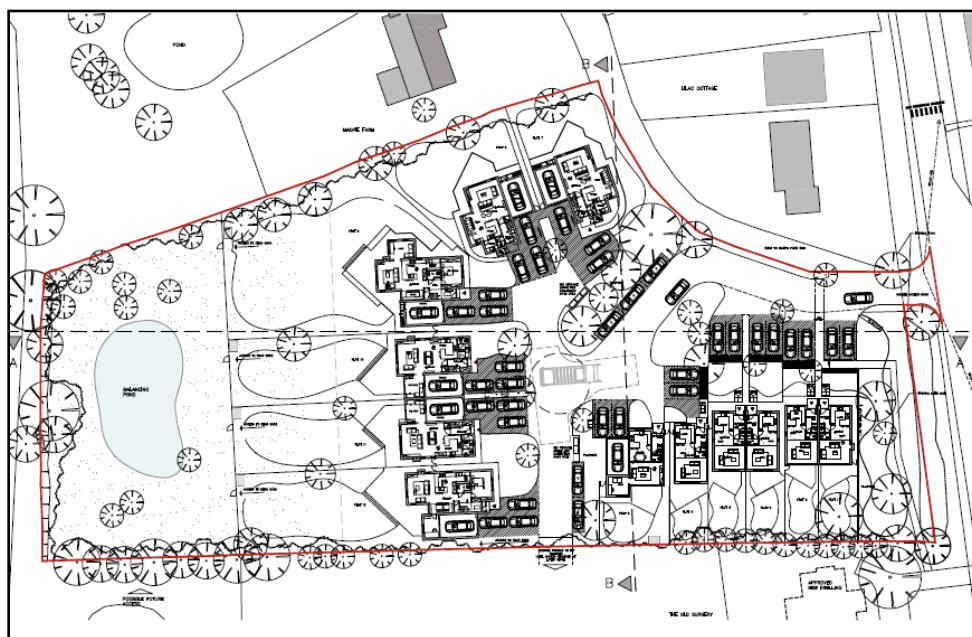


Figure 2: Site Plan

22. The proposal's aim is to retain existing boundary hedgerows and trees, and plant new trees and hedgerows within the housing area to soften and filter views so that this structural planting can establish and age as part of the development.

23. The western part of the site (to the rear of Plot nos. 7 – 12) would be set aside as an informal nature area containing a landscaped, surface water attenuation pond as part of the proposed surface water drainage system. The intention is that this would be an informal wildlife area with rear garden access for private use and shared management by the occupiers of the rear units.
24. Each 3 bed dwelling would have 2 on-plot parking spaces and each 4 bed dwelling 3 spaces. In addition there would be 5 on-street visitor /unallocated parking spaces.
25. The proposed dwellings would have a contemporary design with pitched roofs and constructed in a combination of fair-faced bricks, natural stone lime pigment render, black and natural stained timber cladding, and aluminium framed windows. The actual mix of these materials on the proposed dwellings differ. For example plots 1-4 have predominately lime stone render upper elevations whereas plots 9-12 have a greater amount of black stained timber cladding. 5 of the dwellings have brick chimneys including plot 1 immediately facing The Street. The elevations of the dwellings are shown in figures 3, 4, 5 ,6, 7, & 8 below.



Figure 3: Plots 1 & 2

Extracts from drawing no. 00718-PL-352A – Plots 3 and 4 Floor Plans and Elevations



Figure 4: Plots 3 & 4

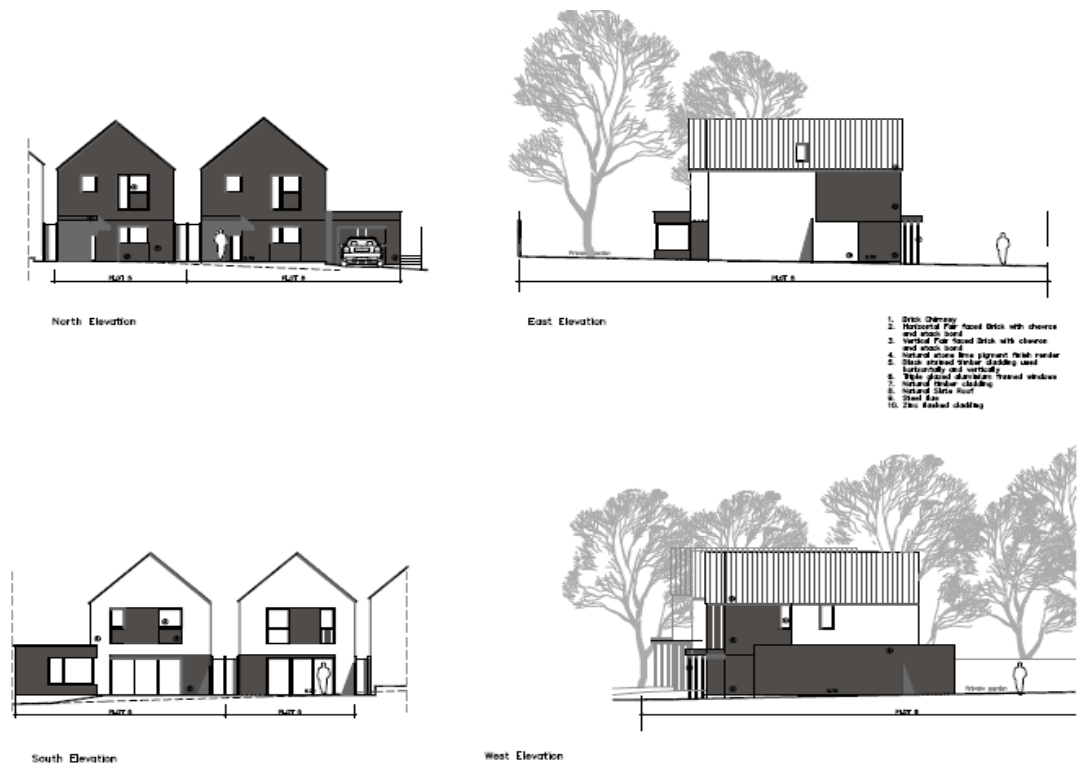


Figure 5: Plots 5 & 6

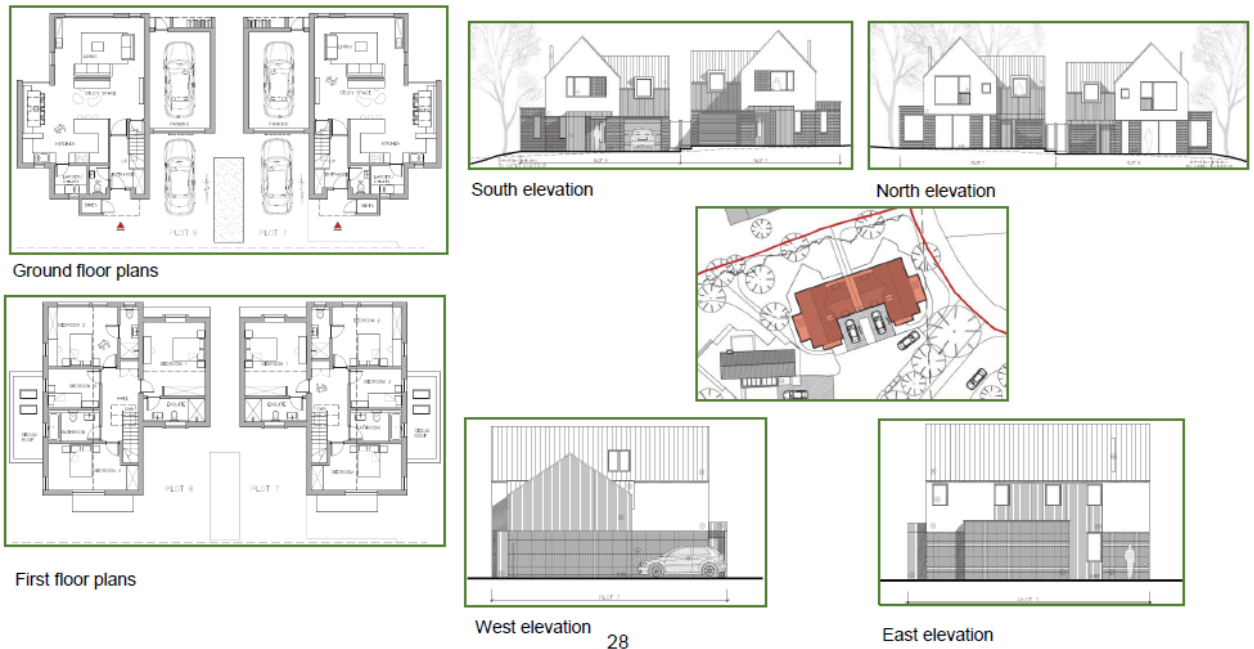


Figure 6: Plots 7 & 8



Figure 7: Plot 9



Figure 8: Plot 10 & 11

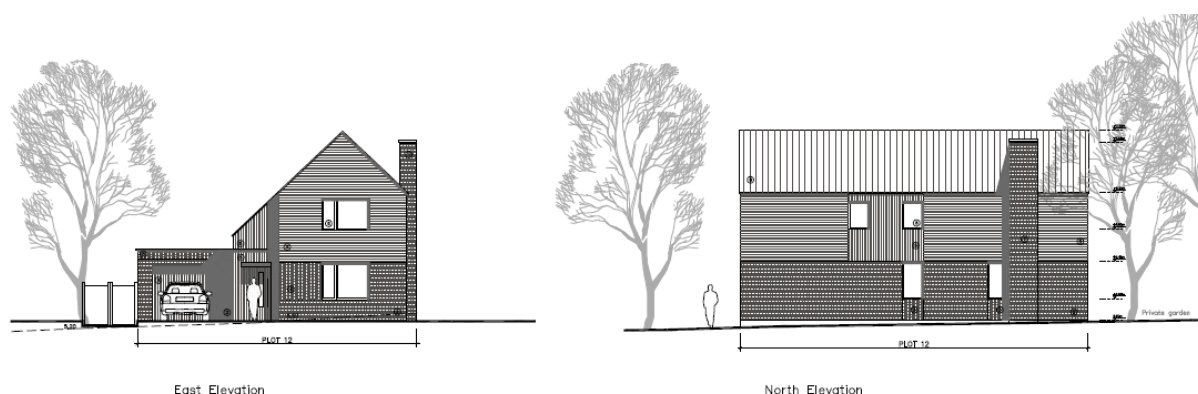


Figure 9: Plot 12

26. The proposal would provide 5 affordable dwellings (40%) with plots 1 to 4 being shared ownership and the 5th being affordable rent which would be owned by the Parish Council but rented out in accordance with normal Ashford Borough Council requirements for affordable rented accommodation.

27. All of the new housing would meet the Nationally Described Space Standards (also set out in ALP 2030 Policy HOU12) and all would have private rear garden space (with rear access) with minimum 10m garden lengths (as required by Policy HOU15). All would have refuse and recycling bin storage areas together with a bike storage shed (or space available within a garage).

28. Following the Planning committee decision to defer the application. The applicant has stated the following in terms of access and maintenance of the SUDs area.
- (i) The applicant's landscaping and Suds designer (Greenes) have advised that the pond will require very little and infrequent maintenance in a letter attached as Annex 2
 - (ii) Access will be via a legal title easement allowing access through the front of plots 9-12. Plot 12 is only highlighted as it has the widest spacing so would make the obvious route option, however all plots will provide access from the front to the back. This will be secured by legal title for plots 9-12.
29. The following information has been provided by the applicant on the funding and better integration of the SUDs scheme within homes.
- (i) The SUDS area must be at the rear of the site for several key reasons. The most fundamental being that the rear third of the site is within the flood zone, therefore cannot be built on and suits a wetland type natural habitat area. The SUDS area will collect rainwater from the buildings too, and the proposed position is on lower ground, therefore allowing water to easily drain to the SUDS area which it could not on the higher areas of the site where the houses are positioned. The key policy of S26 for the sites allocation specifically says a SUDS and informal nature area should be positioned on the western boundary – therefore the proposals fulfil the criteria of the policy recommendations.
 - (ii) Properties plots 9-12 will all pay towards the SUDs maintenance – no other properties will contribute. There will be an overall management strategy for the site which all private units (not HA) will pay an annual estates charge for upkeep of communal planted areas and roads etc. Plots 9-12 will pay a higher rate based on funding the SUD's upkeep. Please note that as per the experts separate advice, they state the SUDS area is only likely to require low key maintenance every 15-20 years and maintenance will most likely be carried out by waders and hand tools.
30. The following is stated on lighting provision within the site.
- (i) Low level bollard lights around the perimeter of the roadways. These will diffuse light in a downwards direction onto the surface, rather than upwards. Likewise external lighting on the buildings will be directed downwards rather than out to avoid light pollution and also to provide bat sensitive lighting.
31. The following documents have also been provided in support of the application:

Appledore Material study.

Archaeological assessment.

Flood risk and drainage assessment report.

Heritage statement.

Planning, Design and Access Statement.

Preliminary ecological appraisal.

Transport Statement.

Planning History

32. The application site itself has no relevant planning history, but the land immediately to the north at Magpie Farm and to the south at The Old Surgery, have been the subject of approved planning applications for residential development as summarised below.

16/00556/AS. The Surgery, The Street, Appledore, Change of use of a redundant doctor's surgery to a single dwelling, the construction of a double garage, excavation for a bin area and the temporary siting of a secure storage container: PP granted 14/4/16.

16/01328/AS Magpie Farm, The Street, Appledore. Demolition of existing dwelling, workshop and buildings. Erection of five detached dwellings together with associated parking, garaging, access and landscaping. PP granted 10/03/17.

17/00244/AS Land to the rear and north of The Old Surgery, The Street, Appledore. Erection of a detached house together with associated access. PP granted 8/8/17.

Consultations

Ward Members: The ward member is the Chairman of the Planning Committee.

ABC Cultural Services: Comment as follows.

“Following e-mails from the Parish Council, please find below a summary of S106 contributions & projects:

Contributions triggered by the development, at 12 dwellings all off-site:

| | Capital contribution for off-site provision | Commuted maintenance sum for the development |
|------------------|--|---|
| Sport - outdoors | 19,068.00 | 3,912.00 |
| Informal/natural | 5,208.00 | 3,900.00 |
| Play | 7,788.00 | 7,956.00 |
| Allotments | 3,096.00 | 792.00 |
| Cemeteries | 3,408.00 | 2,112.00 |
| Strategic Parks | 1,752.00 | 564.00 |

The above comments on the level of contributions for open space should not be taken to indicate that Cultural Services will approve the scheme. Contributions are calculated as per the Public Green Space and Water Environment SPD 2012 and will be subject to inflation.

Sport:

The Parish Council have identified a project to improve the existing hard court MUGA and add a 3G Artificial Turf Pitch.

Informal/natural:

The developer is to contribute towards the Linear Park proposal for Appledore village, as detailed in the application. Once this has been costed, any outstanding contribution is to contribute towards provision of new public open space at Heathside.

Play:

The Parish Council have identified a project to provide new play space at Heathside.

Allotments:

The Parish Council have identified a project to improve the existing allotment site, with a water supply and rabbit-proof fencing.

Cemeteries:

The Parish Council would like to use funding to undertake feasibility options into increasing provision in the parish, as there is currently a deficit per head of population.

Strategic Parks:

Contribution towards new recycling bins at Victoria Park, Ashford.

ABC Housing Manager: Comments as follows;-.

“Under Local Plan policy, the site lies within the rural area as identified and defined in Policy HOU1 in the borough council’s Local Plan.

Therefore, there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 12 homes are coming forward on the site.

Therefore, there is an expectation (and a policy complaint position) is that 5 of these homes will be made available for affordable housing with 1 home made available for affordable rent and 4 homes for an affordable home ownership product, (3 of which being shared ownership and 1 being either shared ownership or a low-cost home-ownership product) agreed by the Development Partnership Manager within the authority.

We are pleased to see the policy compliant position reflected within the application submitted. We note plots 1-5 are being identified as the affordable units, which is agreeable to us. We also note that the Parish Council wished to retain ownership of the affordable dwelling. As long as the Parish Council takes the resident for the affordable rent property from Ashford Borough Council’s housing waiting list we are happy with the application.

The developer will need to seek a registered provider to take the four units earmarked for affordable home ownership and would ordinarily suggest that this is done early in the process, but we understand steps have already been taken in this regard, which we are pleased to hear. We would like to see the S106 state that the final decision on the allocation of the affordable rent property lay with the Borough Council.

We would expect the properties to meet the Nationally Prescribed Space Standards. In the case of any 3- bed homes we would expect five bed spaces to be provided (though we are happy to accept four bed spaces) and with 4-bed homes we would expect eight bed spaces to be provided.

We would also expect the affordable housing properties to be visually integrated into the site. We would be happy to accept the mix as outlined in the plots chosen above but would request that visually there is no discernible difference between the open market and affordable units.

In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard

The council's position regarding DPA waivers has been adopted at Cabinet in October 2019. This sits within the council's affordable housing delivery plan. The Head of Housing's proposed policy position in a designated protected area is to mirror the position outside of a designated protected area and allow unrestricted staircasing to one hundred percent (100%) equity value of a dwelling, save for affordable housing proposals in a rural exception site (coming forward under HOU2 of the Ashford Local Plan to 2030)."

KCC Ecological Advice Service: Comment as follows:-

" Our previous advice note (dated 6th January 2020) requested a copy of the countersigned Great Crested Newt DLL certificate, which has now been provided. Whilst we would have preferred an ecological enhancement plan to be submitted prior to determination, we are satisfied that this can be secured via a condition if planning permission is granted. As such, we require no further information.

Bats

.... We suggest the following:

No development shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to, and approved in writing by, the local planning authority. The lighting plan will:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and these shall be maintained thereafter in accordance with the approved plan.

Ecological Enhancements

...To secure the implementation of enhancements, we advise a condition is attached to planning permission, if granted. Suggested wording:

Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include the installation of bat/bird boxes and planting of native species. The approved details will be implemented and thereafter retained.

".

KCC Economic Development: Comment as follows.

"The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the

direct provision of infrastructure or the payment of an appropriate financial contribution.

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

- (i) Community learning: Towards additional resources for the new learners generated from the development attending Tenterden Adult Education Centre
- (ii) Youth service; Towards Youth resources in Tenterden
- (iii) Libraries; towards additional bookstock for Tenterden library for the new borrowers generated by this development
- (iv) Social care toward extra care housing
- (v) All Homes to be Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)
- (vi) Informative on broadband”.

KCC Heritage: Comment as follows;-

“The site of the application lies north of the historic core of Appledore but there is some potential for as yet unknown prehistoric and later remains within this large development.

In view of the archaeological potential I recommend the following conditions are placed on any forthcoming consent:

AR1b Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

KCC Flood and Water Management: Comment as follows;-

“The planning application is supported by a Flood Risk Assessment and Drainage Report prepared by JMLA (August 2019). The drainage strategy comprises

attenuation on site within a surface water attenuation basin with controlled discharge at a rate of 1.0 l/s for all events up to and including the 1 in 100 years rainfall event with a 40% climate change allowance.

Kent County Council as Lead Local Flood Authority have the following comments:

1. The drainage strategy does restrict discharge from the proposed development to a very low rate. We may accept control to QBAR but this will need consultation and confirmation from the Romney Marsh IDB.
2. A small area of the western part of the site is noted as being within an area of Flood Zone 2, i.e. having a less than 1 in 1,000 and between 1 in 100 and 1 in 1000 annual, respective probabilities of river or sea flooding. This is shown within the Envirocheck report (Appendix 5) but the outline is not shown with the proposed development layout. It would appear that the residential housing is located within Flood Zone 1 but that the surface water attenuation basin may be in Flood Zone 2. Given the level of risk, this may be acceptable but will need further consideration at detailed design.
3. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used: http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planningpolicy-statement.pdf
4. Drainage calculations should be provided for the critical storm event.
5. Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at www.kent.gov.uk. We would highlight the importance of providing information on all assumptions including impermeable areas and catchment plans.

Notwithstanding the comments above, there is sufficient open space within the planning layout to accommodate minor revisions which may be required with detailed design; therefore if your Authority is minded to approve this application we would recommend the inclusion of the following conditions:

Condition 1:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site 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 disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

Condition 2:

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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the

3 submission of an operation and maintenance manual for the sustainable drainage scheme as constructed

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information”.

Kent Highways and Transportation: Comment as follows;-.

“The revised Site Plan now demonstrates sufficient parking for both residents and visitors.

The layout with regard to the access to Magpie Hall Farm has been clarified as shown on the Proposed Site Access Arrangement drawing. This puts the Magpie Farm access road at a slight oblique angle when joining the proposed road, however the traffic is light and visibility good so this is not thought to be problematic.

I note that the pedestrian crossing on The Street linking to the recreation ground has been revised to become two pedestrian dropped kerbs and a small footway link. Taking account of the background traffic levels and size of the proposed development this seems appropriate.

Vehicle track drawings demonstrating access for the correct size refuse vehicle have now been provided, which also by default demonstrate safe access for a fire tender. Now that the above issues have been revised satisfactorily, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

- (i) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- (ii) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (iii) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- (iv) Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- (v) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- (vi) Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- (vii) Provision and permanent retention of the cycle parking facilities as detailed within the supporting documents prior to the use of the site commencing”.

KCC PROW: Comment in summary;-

- (i) Acknowledge PROW AT21A passes through site.
- (ii) There is a legal process to be completed to divert any PROW.

(iii) As no application received for diversion request a planning condition that no development shall take place over the PROW until confirmation of the diversion

(iv) Subject to this condition and informative there is no objection.

[SPM comment: See further comment made by KCC PROW justifying the route in additional comments section below]

Ramblers' Association: Comment as follows;-.

“The development plans do not show the Public Right of Way AT 121A, which has been conveniently ignored to package the 12 houses on to the site.

A diversion of AT121A would need to be applied for before any work could be started

Southern Water: Comment in summary as follows.

“This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme

Southern Water hence requests the following condition to be applied:

“Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development”.

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required

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”

Kent Police: Comment in summary;-

‘Welcome a meeting or discussion with the applicant/agent about site specific designing out crime. If the points raised are not addressed, they can affect the development and have a knock on effect for the future services and local policing. If this application is to be approved, we request a Condition or Informative be included to ensure the applicant meets our security concerns to address security of the site.’

Neighbours: 5 objections/comments made in summary as follows;-:

- (i) The current boundary hedge to east running alongside the road is mainly brambles. The footpath diversion will have to run along side this unattractive invasive mess. Surely removing this and planting grass and wild flowers and a few trees, such as silver birch, would be much more pleasing for everyone, especially children
- (ii) The kissing gate (south east corner boundary) on the public footpath is now redundant. It could be re-used for the other end of the path on the Tenterden Road to replace the decrepit stile..
- (iii) With regard to the southern boundary of the development land, retain the existing fence with the rabbit netting be retained as Rabbits have destroyed. ! A close board fence immediately next to the existing fence is also requested.
- (iv) vehicle access should be provided for between the access road to Magpie Farm and this development on the east corner of plot 7. This would allow delivery vehicles (postal delivery, refuse lorry etc) to get from one site to the other without having to out to the main road, turn round and re-enter the sites.
- (v) The plans do not accurately depict the existing trees nor the hedge on the southern boundary of the site. In particular the illustration in the "Planning, design and access statement" poorly represents this boundary. Please be aware, the main part of this hedge is on average (vi) 12m (approximately 40 feet) tall, some of the trees are 20-25m (65-82feet) tall. The hedge is home to a significant amount of wildlife. Plots 1-6 will be in shadow most of the day and site 12 will be in shadow virtually all day.
- (vii) I believe plot 12 should be deleted from the application and plots 1-6 should be moved towards the northern boundary to provide more daylight. Where is the existing foot path that crosses the site, going to go?
- (viii) The UK has an ageing population. Surely one or two of the properties should be single storey and suitable for elderly people? Too many elderly people live in large cold homes, we need more well designed housing suitable for older people. Appledore has a lot of elderly residents.
- (ix) Future owners of the properties going to be built on this site, may insist on "A right to light" and demand that boundary trees are cut down on my northern boundary, the southern boundary of this development. My trees restrict the light all along this boundary and as they grow, there will be further restriction of light, especially to Plot 12.
- (x) Much wildlife including owls inhabit these trees. In addition building the house on Plot 12 will damage the roots of my trees. if the house on Plot 12 is built, in due course my trees will damage the house and it's foundations. Should housing trump established trees? No, there are other more suitable sites in Appledore, namely in the large field with pylons, close to the junction of The Street and

the Tenterden Road.

(xi) The site adjacent to my land should have less density of housing to preserve the trees, wildlife and rural nature of this village.

Further representations since Planning Committee 17 June report

KCC Flood and Water Management. Comment

“I would agree with the applicant’s comments in relation to the maintenance of the pond. We had recommended the inclusion of a Verification Report to confirm the construction of the drainage measures but which also includes an operation and maintenance manual. This would need to demonstrate how maintenance/inspection would be undertaken and clearly show access for the extreme case if material needed to be removed. In this instance it would appear that ensuring one gate access provides clear access of 800mm as stated by the applicant”.

KCC PROW:

“The current proposed route has come about with quite some debate between myself and the developers, the below sums up the reasoning by the developer that I have agreed with.

1. Allow for a crossing on a straight section of the access road, thereby avoiding the need to create the crossing on the bend in the access road further west.
2. The raised crossing would double up as a speed bump/speed safety check as cars enter and leaving the site.
3. The crossing avoids the need to remove vegetation to secure the necessary visibility. The planning officer is insisting we increase vegetation on this site.
4. It prevents the PROW crossing over 4 x private legal titles, instead it will only effect 1 unit.
5. This version would create a formal footway between the access road to the development at the north and our site, which will be a safety benefit from pedestrians walking along the single access bend of the development to the north and gives a clear separation between the two and a natural merge/give way point where they meet”.

We have commented on the application and our remit is protecting the public's rights and securing the best options we believe are available, which in this case we have in conjunction with the developer, I do not intend to comment any further.

The questions that you have asked for me to comment should be directed to the developer as I have already made our position clear as a consultee”.

Neighbours

- 2 further letters received making the following comments

- (i) Increased flooding in particular from the sewer manhole along Magpie Hall farm due to inadequate capacity in particular during heavy rainfall.
- (ii) The Magpie Farm development has exacerbated the flooding problem
- (iii) My rear garden has been flooded by these overflows (Photos attached).
- (iv) My primary concern is that my boundary trees will restrict the light very significantly to Plot 12.
- (v) There will be a conflict of interest between the future residents of this development and preserving the trees and wildlife (in trees)
- (vi) The southern boundary owner will be unable to manage the northern side of the trees, as there will be no way of gaining access to undertake appropriate work.
- (vii) There will be no satisfactory access to the nature reserve
- (viii) Nature reserves are best managed by people or organisations with appropriate expertise. There is a considerable risk that it will become a sterile mess with a dangerous pond.

Planning Policy

- 33. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
- 34. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
- 35. The relevant policies from the Local Plan relating to this application are as follows:-

SP6 - Promoting High Quality Design

HOU1 – Affordable Housing

HOU12 - Residential space standards

HOU14 - Accessibility standards

HOU15 - Private External Amenity Space

HOU18 - Housing Mix

TRA3 (a) - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

ENV1 – Biodiversity

ENV3a - Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting Important Rural Features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 - Sustainable Drainage

ENV13 – Conserving and Enhancing Heritage Assets

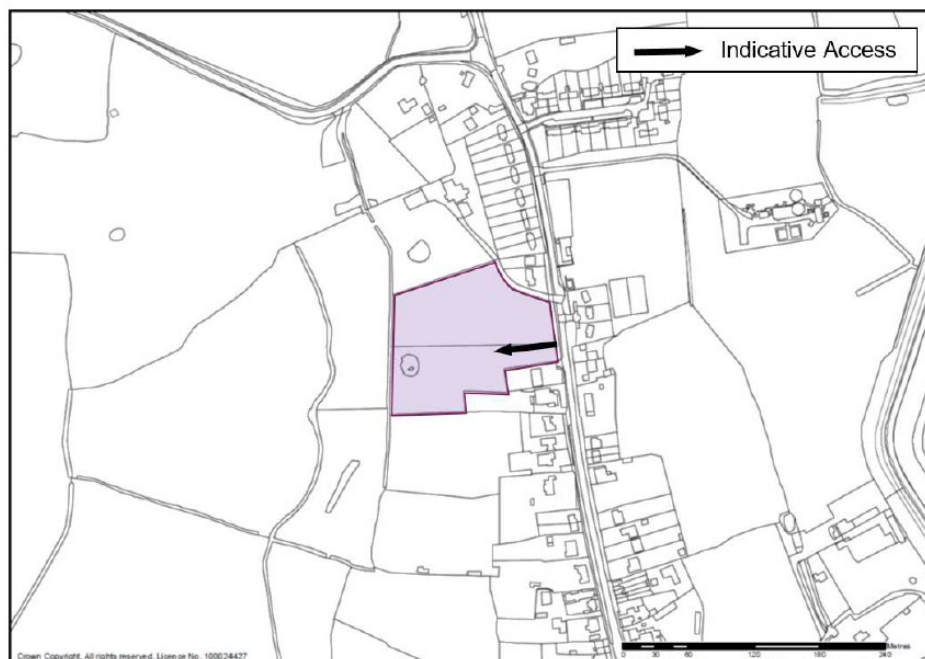
ENV14 - Conservation Areas

ENV15 - Archaeology

Policy S26 – Housing Allocation at The Street, Appledore

Policy S26 - Appledore - The Street

Appledore - The Street



“The site in The Street, Appledore is proposed for residential development for an indicative capacity of 20 dwellings with potential to provide an extension to the village hall and its car park.

Development proposals for this site shall:

- (a) Be designed and laid out in such a way as to preserve or enhance the character and setting of the Conservation Area. Particular attention needs to be given to the visibility of new development from the road;
- (b) Retain the existing hedge and tree boundary around the site and create soft landscaping to screen the development from the open countryside. Retain as much as possible of the hedgerows that divide the site and incorporate within the new development;
- (c) Retain and enhance the PROW that crosses the site to ensure safe access;
- (d) Provide an Environmental Assessment study; to address any potential adverse impacts of the proposals on the biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar and SPA sites and how they can be avoided or adequately mitigated;
- (e) Appropriate species and habitat surveys should be carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with Policy ENV1. Particular regard should be given to the potential of providing an

informal nature reserve along the western edge of the site, utilising the existing ponds and allowing ecological connections to the wider countryside; and,

(f) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider”.

36. The following are also material considerations 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

Green Corridor Action Plan 2000 (SPG1 to Ashford Borough Local Plan 2000)

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) 2018

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:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 59 to 76 - Delivering a sufficient supply of homes.

Paragraphs 91 to 95 - Promoting healthy and safe communities.

Paragraphs 102 to 107 - Promoting sustainable transport

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding

Paragraphs 178 to 183 - Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

37. The main issues for consideration are:

- (a) The principle of the development.
- (b) The design quality of the scheme and the impact on the visual character of the surrounding area and conservation area.
- (c) The impact on the surrounding highway network and car parking/refuse provision.
- (d) The impact on trees and vegetation.
- (e) The impact on residential amenity.
- (f) Other planning issues such as affordable housing, flooding and drainage, ecology, PROW, Archaeology, lighting.
- (g) Section 106 issues.

(a) The principle of the development.

38. The application site forms part of the S26 ALP site allocation for residential development with an indicative capacity of 20 dwellings.
39. The application is only developing the northern part of the allocated site due to different land ownership and no joint application with the southern allocated area has been submitted. Although it is normally preferable to develop a site as a whole, the partial development is still acceptable delivering housing on the allocated site.
40. The applicant has provided an indicative plan showing the potential development with an access link on the southern part of the S26 allocation providing cumulatively 20 dwellings in line with the S26 indicative capacity. This access link via the southern boundary of the current proposals would need to be secured to through a section 106 agreement. In summary the proposals are acceptable in principle.

(b) The design quality of the scheme and the impact on the visual character of the surrounding conservation area.

41. Policy S26 (a) of the ALP requires the proposals to be designed and laid out in such a way as to preserve or enhance the character and setting of the Conservation Area. Particular attention needs to be given to the visibility of new development from the road. Policy ENV14 of the ALP states that development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the Area.
42. The application site is located at the northern edge of the Conservation Area where the dense historic core of mainly ribbon development gives way to more open landscape on the western side of The Street beyond the village hall, and towards the more modern housing development along both sides of the road frontage. The recently completed scheme of 5 detached houses at Magpie Farm is evidenced in views from The Street. These new houses (outside the Conservation Area but affecting its setting) have a more contemporary appearance, creating legibility as modern infill development enclosed by hedgerows and trees. The housing proposed by the application would be at a low density (under 15 dwellings per hectare) so as to be in keeping with its semi-rural landscape setting and the low density of the nearby linear development along The Street road frontage and at Magpie Farm.
43. The proposal is to construct a mixed residential scheme of detached and semi-detached, two storey houses of a traditional height, mass and scale, but in a contemporary form and appearance, using finishes and facing materials that would complement both the historic buildings within the Conservation Area to

the south and the recently completed modern housing development to the north. The proposed design would therefore help to provide a suitable visual transition between the old and the new and irrespective of architectural style the low density approach and site layout would help retain this part of the Conservation Area's semi-rural character notwithstanding that Policy S26 allocates the site for development and therefore sanctions a fundamental change to the land.

44. The landscaped footpath corridor at the front of the site together with the retained roadside hedgerow would help to ensure that the proposed new housing would not impact upon the existing character of ribbon development along the road frontage but would instead, consolidate the form and layout of housing that already exists immediately to the north of the site.
45. Although having a contemporary design appearance, the new housing takes its reference from the wide range of architectural forms of buildings within the Conservation Area. It would add to visual interest and make a positive contribution to the distinctiveness of this part of the Conservation Area. The mixed palette of materials and finishes would add to the site's 'sense of place' and would help define the architectural character of the site. The approach to design, fenestration and external materials indicated in the application is tenure blind and so would be acceptable in creating a cohesive and inclusive form of development.
46. As such, this form of development would preserve and enhance the character and appearance of the Conservation Area in accordance with both national policies and ALP Policies, ENV 14 and S26a.

(c) The impact on the surrounding highway network and car parking/refuse provision.

47. The proposals have been assessed by Kent Highways who raise no objection to the scheme. The joint access arrangement with the Magpie Farm development access is considered acceptable. Two pedestrian dropped kerbs and a small footway link would provide a pedestrian connection to the recreation ground located on the opposite side of The Street. The tracking for a refuse vehicle is acceptable. If the internal road is not adopted an indemnity agreement would be required to allow access of a refuse vehicle. This will be highlighted to the applicant through an informative. Parking provision is provided in accordance with the standards set out in policy TRA3a ALP of 2 spaces per 3 bed dwellings and 3 spaces per 4 bed dwelling with the required on-street visitor parking provided (5 spaces). In summary the proposals are acceptable on highways grounds.

(d) The impact on trees and vegetation

48. It is proposed to retain existing boundary hedgerows and provide new planting to reinforce the screening on the site's western boundary in particular. A late objection has been received from the owner of the land immediately to the south of the development (the Old Surgery site). This is on grounds of the impact of the development on the southern boundary trees and hedgerow. These are located mainly on the Old Surgery side of the boundary rather than within the application site. The objection states the loss of light to the proposed dwellings due to the presence of the trees and concern about future pressure to cut them down or trim their branches. Impact on the RPA of trees on the boundary and foundations of the new dwelling at plot 12 is cited along with potential wildlife impacts due to the loss of any vegetation on the boundary between the two halves of the land covered by Policy S26.
49. Plots 1- 6 rear gardens back on to the southern boundary trees/hedgerow. I consider this relationship would be acceptable and the boundary vegetation would also provide screening to the dwelling granted planning permission immediately adjacent at the Old Surgery site.
50. Plot 12 is located in close proximity to the southern boundary trees and hedgerow. No tree survey was originally submitted with the application and therefore the precise relationship with trees on this boundary could not be accurately assessed from just a desk top study. An updated tree plan has been provided showing the relationship of the nearest tree (oak) to plot 12. This is shown in figure 10 below.

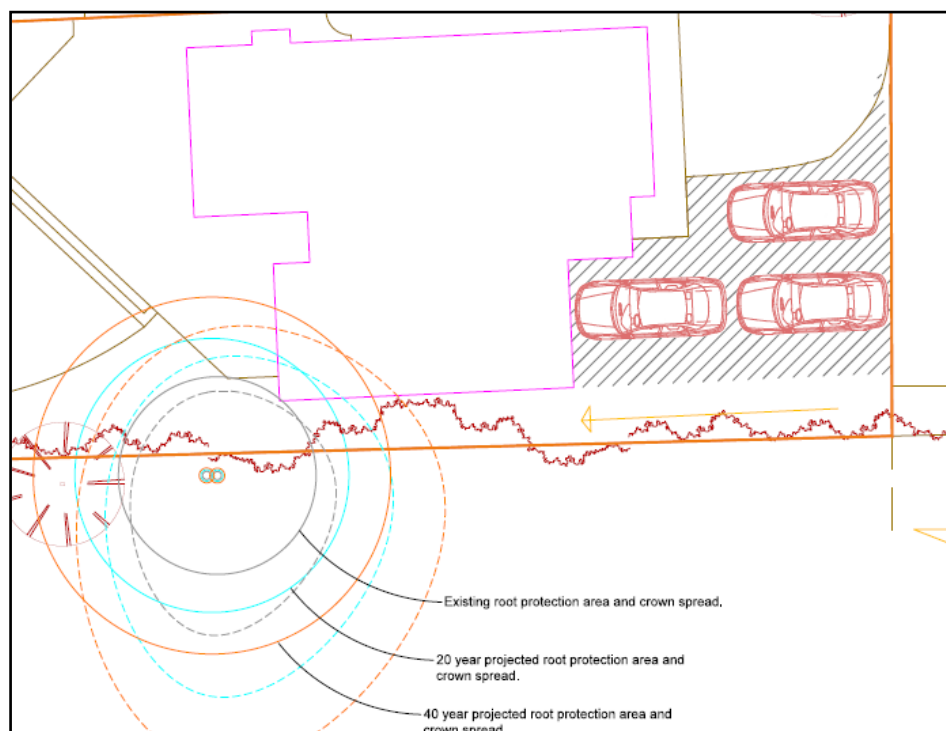


Figure 10: PJC drawing of tree

51. The original relationship between plot 12 and the adjacent oak tree was not acceptable in terms of the proximity of the 2 storey dwelling. The applicant has, however, now 'flipped' the footprint placing the single storey garage nearest the tree. I consider this matter has been satisfactorily addressed giving the crown of the oak tree the space to grow as shown in the PJC drawing above.
52. The roots would not be damaged when the structure is constructed as the dwelling is outside of the RPA and by constructing the foundations to NHBC standards there should not be a risk of subsidence. Ground protection is likely to be required for this tree during construction and this may be required for additional trees on site. Subject to conditions requiring an arboricultural method statement and tree protection plan the relationship is considered acceptable.
53. However the change to plot 12 would mean its north side elevation containing bedroom windows would be located in very close proximity to similar windows on the south elevation of plot 11. While the overall form of the typology is acceptable, the detail of windows/internal layout needs to be amended to provide a better relationship. I propose to require this through delegated authority to allow the applicant to address this issue to my satisfaction while not changing the impact on the oak tree as assessed above.

(e) The impact on residential amenity.

54. The application site is self-contained. The dwellings would have an acceptable relationship with the nearest existing surrounding dwellings. This includes the detached 2 storey dwelling adjacent to the Old Surgery building recently granted planning permission. The inter-relationship with the proposed dwellings themselves is also acceptable apart from plot 11 and plot 12 that require alteration to the internal layout/ primary side elevation windows as mention above.
55. All of the houses would meet the national and Local Plan policy space standards and minimum private rear garden sizes. Energy saving measures would include air source heat pumps, low energy lighting and high standards of insulation and passive ventilation. Electric car charging points would also be provided. Water saving measure would include dual flush toilets and restricted flow taps with roof water run off discharged into the pond.

(f) Other planning issues such as affordable housing, flooding and drainage, , ecology, PROW , Archaeology, lighting

(i) Affordable housing,

- 56 The proposals would provide 5 affordable dwellings (40%) with plots 1 to 4 being shared ownership and the 5th affordable rent. This affordable rented dwelling would be owned by the Parish Council but rented out in accordance with normal Ashford Borough Council requirements for affordable rented accommodation. The Housing Manager raises no objection to this arrangement as the Parish Council has agreed that the occupancy will be agreed by Ashford Borough Council in the normal manner. Policy HOU14 (Accessibility Standards) states that at least 20 percent of new build homes shall be built in compliance with building regulations part M4(2) as a minimum standard. This is proposed to be secured through the section 106 agreement.

(ii) Flooding and drainage,

- 57 Most of the site is located within a low risk flood area (Zone 1 Flood Risk), but the western part of the site adjoining the watercourse is within higher risk flood zones (Zone 2 and Zone 3) but does not contain any proposed housing. The planning application is supported by a Flood Risk Assessment and Drainage Report prepared by JMLA (August 2019). The drainage strategy comprises attenuation on site within a surface water attenuation basin with controlled discharge at a rate of 1.0 l/s for all events up to and including the 1 in 100 years rainfall event with a 40% climate change allowance. Some level changes within the site may be needed. KCC flooding and drainage have commented there is sufficient open space within the planning layout to accommodate minor revisions which may be required with the final detailed design of the sustainable drainage system, and are happy for this to be conditioned including issues of verification of working as expected and matters of on-going maintenance.

(ii a) SUD access maintenance and integration in scheme

58. The applicant's landscaping and SUDs designer (Greenes) have advised that the pond will require very little and infrequent maintenance due to its size. The maintenance can actually be carried out by hand with waders and would not need mechanical machinery. A very small digger 750mm however could still access and go through the pedestrian sized access shown at the front of the plots. KCC Flood and Water Management have raised no objection to the proposed level of maintenance.
59. The applicant has confirmed that the western end properties plots 9-12 will all pay towards the SUDs maintenance all private units (not HA) will pay an

annual estates charge for upkeep of communal planted areas and roads etc.
9-12 will pay a higher rate based on funding the SUD's upkeep.

60. The SUDS area must be at the western end of the site as this cannot be built on due to flooding and is on lower ground allowing water to easily drain to the SUDS area. I agree that moving the SUDs feature to a more central area would not be practical and have a major impact in terms of the layout. Overall I am satisfied that the access, maintenance and integration of the SUDs feature is acceptable.

(ii b) foul drainage

61. With regards to foul drainage, policy S26(f) requires the development to provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider. The applicant has identified that it is proposed to discharge to the existing public foul sewer available within The Street. This would need to be the subject of a capacity check and because of the low-lying nature of the site an on-site pumping station is likely to be required. Southern Water have raised no objection commenting that a desk study of the impact that the additional foul sewerage flows from the proposed development would have on the existing public sewer network indicates that network reinforcement may be required to be provided by Southern Water. This matter can be dealt with by appropriate planning condition, including the potential need for details of any on-site pumping station which would obviously need to be integrated carefully into the layout and softened by appropriate hard and soft landscaping.

(iii) Ecology

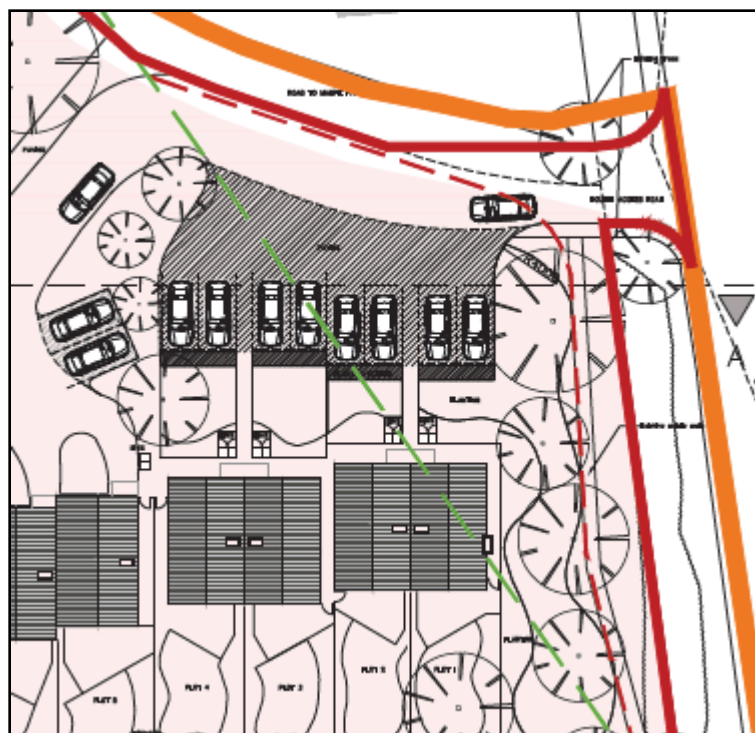
62. The application site supports no nationally designated wildlife sites, significant habitats or resident populations of protected species. The land has been the subject of an ecological survey and assessment and this includes a Great Crested Newt survey as the site is situated within 250m of ponds where they have been recorded as being present. The application site is not directly affected by any nature conservation designation. The Dungeness, Romney Marsh and Rye Bay Ramsar site lies immediately to the north east of the village and south along the Royal Military Canal. In addition, an area of the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) lies across the boundary in Folkestone and Hythe District to the south east. The development would not have direct impact on the SPA or SSSI, as it is not connected to it hydrologically and there would be no impact upon the Ramsar.
63. The Preliminary Ecological Appraisal report submitted with the planning application concluded that the proposed development would have no impact

upon tree supporting features suitable for bat roosts and although there is potential for nesting birds in boundary trees and hedgerows, these are to be retained. The site's grassland habitat has a short sward that is not suited to reptiles and there is no evidence of any badger setts and it is unlikely to be suitable habitat for Hazel Dormice. Great Crested Newts (GCN) have potential to use the field as this species has widespread distribution in ponds in the local area. The potential impact is assessed as being relatively limited because of the site's short sward, offering little in the way of refuge for terrestrial newts other than in the boundary hedgerows that are to be retained.

64. Kent County Council Ecological Advice Service have assessed the scheme and raise no objection commenting that the requested copy of the countersigned Great Crested Newt DLL certificate has been provided by the applicant. Whilst KCC would have preferred an ecological enhancement plan to be submitted prior to determination, they are satisfied that this can be secured via a planning condition if planning permission is granted by the Council. A planning condition requiring bat sensitive lighting is also requested. Subject to these conditions, I consider that the proposals are acceptable on ecological grounds and would be in accordance with policies ENV1 and S26 (d) and (e) of the ALP.

(iv) PROW

65. Footpath At121A passes through the site so is affected by the development. The applicant has negotiated a diversion with KCC PROW to alter the route to take into account the development, avoiding its front boundary hedgerow and overlapping parking areas. The general orientation of the proposed route is similar to the current route i.e. from the south-east corner travelling north-west through to Magpie Farm.
66. The application was deferred at the previous committee to consider an improved layout on the eastern side of the site that better integrates the proposed diverted PROW and avoids it passing awkwardly between parked cars before arriving at the junction with the vehicular access into the application site.
67. KCC (PROW) have further commented that the proposed diverted route had resulted from negotiations with the applicant and is chosen for a number of reasons as it is a straight section avoiding a bend and removing frontage vegetation due to visibility. It creates a safe link with the PROW at Magpie Farm. The original diversion proposals (see figure 11 below) had shown the route to the east between the front hedgerow and plot 1 parking spaces but this was not acceptable to KCC PROW.



key

----- Existing PROW

----- original diversion proposals rejected

Figure 11. Original proposed diverted route from PROW

68. Following the deferral I asked KCC PROW if an amendment to the proposed diverted route to the east of plot1 parking rather than between plots 1 and 2 parking could be considered but KCC PROW would not comment on this. If members are still unhappy with this response I can add an informative that the applicant formally asks KCC PROW if this amendment to the current diversion is possible.
69. I previously stated that the proposed KCC PROW planning condition requiring that development cannot go ahead until confirmation of the diversion order is unacceptable. Planning conditions requiring compliance with other existing regulatory regimes do not meet the test of necessity in government guidance and the development would then be dependent on a third party act outside of the applicant's control. Furthermore, it would have the practical effect of making this Council the enforcing authority in respect of PROW matters which would clearly be inappropriate as that function falls to KCC as the highway authority. The grant of a planning permission by this Council does not confirm that a diversion to a PROW necessary to avoid obstruction is now in place or will be approved when it is formally applied for. An informative can make this point clear and remind an applicant to make a timely approach to KCC to move a

required diversion order forward and secure that diversion before commencing works on-site pursuant to a grant of planning permission. If the necessary diversions are not put in place then persons causing obstruction to a PROW face potential prosecution proceedings by KCC.

(v) Archaeology

70. An Archaeological assessment has been provided with the application. KCC Heritage have assessed this and indicated that there is some potential for as yet unknown prehistoric and later remains within this large development. They confirm this can be dealt with by planning condition requiring the implementation of a phased programme of archaeological work in accordance with a written specification and timetable.

(vi) Lighting

71. This would comprise of low level bollard lights around the perimeter of the roadways. These would diffuse light in a downwards direction onto the surface, rather than upwards. Likewise external lighting on the buildings will be directed downwards rather than out to avoid light pollution. The site is within a 'dark skies zone' so this low level lighting is more appropriate here in view of the requirements of policy ENV4 of the ALP and the Dark Skies SPD. I will condition the final details of lighting to comply with these requirements

(g) Section 106 planning obligations

72. These are listed in table 1 below

Planning Obligations

- 73 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
- 74 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: Heads of Terms for Section 106 Agreement/Undertaking

| | Planning Obligation | | | Regulation 122 Assessment |
|---|---|---|--|--|
| | Detail | Amounts (s) | Trigger Points (s) | |
| 1 | <p><u>Informal/Natural Green Space</u></p> <p>The developer is to contribute towards the Linear Park proposal for Appledore village, as detailed in the application. Once this has been costed, any outstanding contribution is to contribute towards provision of new public open space at Heathside.</p> <p>Long-term ownership and management of the onsite Linear Park is to be retained by the Parish Council and public access made available during daylight hours.</p> | <p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as informal/natural green 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 Local Plan 2030 Policies SP1, COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space 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> |
| 2 | <p><u>Local Highways</u></p> <p>The provision of the southern access road to</p> | <p>A highway access link to the southern</p> | <p>Details including layouts,</p> | <p>Necessary in the interests of highway safety and amenity and pursuant to</p> |

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| | <p>the boundary of the site with the adjoining land to the south (the remaining part of the S26 allocated site) with no ransom strip. To be made available to the public and owners/occupiers/visitors to that land to use as if it were dedicated as highway in accordance with the approved plans</p> | <p>part of S26 Site allocation is to be provided to adoptable width and standard, and an adoption agreement entered into with the local highway authority</p> | <p>materials, and timing of construction and entering into adoption agreement, to be approved prior to first occupation of the approved dwellings</p> <p>Thereafter to be implemented in accordance with the approved details.</p> | <p>Local Plan 2030 Policies SP1, TRA1 and S26, KCC Highways guidance and guidance in the NPPF and allow development of the whole allocated S26 ABP 2020</p> <p>Directly related as the application site forms part of the wider S26 allocation and access is provided under this application to The Street.</p> <p>Fairly and reasonably related in scale and kind as would be site specific requirement to enable whole site delivery.</p> |
| <p>3</p> | <p><u>Affordable Housing</u></p> <p><i>5 dwellings</i></p> <p>10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, or (in the case of the Affordable Rent unit) the Parish Council which shall enter into a nominations agreement with the Council. The Shared ownership units to be leased in the terms specified. Affordable rent unit to be let at no more than 80% market rent and in</p> | <p>1 affordable rented units</p> <p>4 shared ownership units</p> | <p>Shared ownership units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings. The Parish Council to retain and provide the affordable rented unit by the same time.</p> | <p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p> |

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| | accordance with the nominations agreement. | | | |
| | In accordance with table within Policy HOU1 | | | |
| | Planning Obligation | | | Regulation 122 Assessment |
| | Detail | Amounts (s) | Trigger Points (s) | |
| 4 | <p><u>Allotments</u></p> <p>Specific Project:</p> <p>The Parish Council have identified a project to improve the existing allotment site, with a water supply and rabbit-proof fencing.</p> | <p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1, 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 development</p> |

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| | | | | 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. |
| 5 | <p><u>Cemeteries</u></p> <p>The Parish Council would like to use funding to undertake feasibility options into increasing provision in the parish, as there is currently a deficit per head of population.</p> | <p>£284 per dwelling Capital contribution for off-site provision</p> <p>£176 per dwelling for maintenance</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM4, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the</p> |

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| | | | | facilities to be maintained and the maintenance period is limited to 10 years. |
| 6 | <p><u>Children's and Young People's Play Space</u></p> <p>The Parish Council have identified a project to provide new play space at Heathside.</p> | <p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</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 Local Plan 2030 Policies COM1, COM2, IMP1, 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 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> |

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| | | | | 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. |
| 7 | <p><u>Community Learning</u></p> <p>Project: Towards additional resources for the new learners generated from the development attending Tenterden Adult Education Centre</p> | £34.45 per dwelling | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services 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</p> |

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| | | | | and is based on the number of dwellings. |
| 8 | <p><u>Libraries</u></p> <p>Towards additional bookstock for Tenterden library for the new borrowers generated by this development</p> | <p>£48.02</p> <p>per dwelling</p> | <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p> |
| 9 | <p><u>Outdoor Sports Pitches</u></p> <p>The Parish Council have identified a project to improve the existing hard court MUGA and add a 3G Artificial Turf Pitch</p> | <p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be</p> |

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| | | maintenance | | <p>maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent 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> |
| 10 | <p><u>Strategic Parks</u></p> <p>Project: Specific Hub projects (COM2): Discovery Park</p> | <p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as strategic parks are required to meet the demand that would be generated and must be</p> |

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| | Conningbrook Park | maintenance | | <p>maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the 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> |
| 11 | <p><u>Accessible Homes</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard. In accordance with policy HOU14 part (a).</p> | Provide on-site 20% of all units. | Prior to first occupation of any dwelling comprised within the Development Prior to the first occupation of any dwelling comprised | |

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| | | | within the Development | <p>Necessary as a requirement under policy HOU14 (a) of the Ashford Local Plan and guidance in the NPPF</p> <p>Directly related to the number of dwellings to be brought forward under the approved scheme (20%).</p> <p>Fairly and reasonably related in scale and kind being 20% of all dwellings as per HOU14(a)</p> |
| 12 | <p><u>Youth Services</u></p> <p>Project: Towards Youth resources in Tenterden</p> | £27.91 per house | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be</p> |

| | | | | |
|----|---|----------------------|---|---|
| | | | | <p>available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has 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> |
| 13 | <p><u>Adult Social Care</u></p> <p>Project: Towards extra care housing</p> | £146.88 per dwelling | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF</p> <p>Directly related as occupiers will use community</p> |

| | | | | |
|----|--|------------------------|----------------------------------|--|
| | | | | <p>facilities and assistive technology services and the facilities and services 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.</p> |
| 14 | <p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p> | £1,000 one-off payment | upon commencement of development | <p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be</p> |

| | | | | |
|--|--|--|--|------------|
| | | | | monitored. |
| <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

75 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

76 In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

77 I consider the proposals are acceptable in principle as an allocated residential site in the ALP 2030. The scheme would have an acceptable impact on the character of the surrounding area and conservation area. It is acceptable on highway and parking grounds. It would provide the required affordable housing. The impacts on flooding and drainage, ecology and archaeology have been assessed as acceptable. KCC PROW do not object to the proposed PROW diversion. The impact on plot 12 on trees and vegetation is acceptable with delegated powers given to officers to agree detailed changes to provide an acceptable relationship with plot 11 windows The scheme complies with policy S26 of the adopted ALP 2030

Recommendation

(A) Subject to the receipt of further amendments in respect of Plot 12 to show an acceptable detailed site planning relationship with Plot 11 as agreed by the Strategic Development and Delivery Manager or Development Management Manager and

(B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or

Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(C) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Submission of Materials
4. Landscaping scheme and maintenance
5. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
6. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
7. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
8. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- 9 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
10. Bat lighting plan
11. Biodiversity plan
12. Details SUDS systems and maintenance
13. Details of sewerage disposal
14. Archaeology
15. Arboriculture method statement
16. Tree protection plan.
17. Lighting details,

Note to Applicant

1. S106
2. PROW diversion
3. Applicant to ask KCC about PROW diversion east of plot 1 parking

4. Indemnity agreement for refuse vehicles

5. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative 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***add / delete as appropriate.***

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- add a brief statement as to how the applicant/ agent responded to our initial contact, and if appropriate, how we dealt with the case thereafter? ie. "...the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused..."
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council 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 19/0997/AS)

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23rd June 2020

Dear Rob,

Re: Pond maintenance at the Appledore Parish Site, Kent

Please find as requested our comments and recommendations regarding the SUD pond at the rear of the proposed development at Appledore Parish Site.

Greenes have designed and overseen the installation of similar size ponds previously. This pond will require very little and infrequent maintenance due to it's size. The maintenance can actually be carried out by hand with waders and would not need mechanical machinery.

However if on the rare occasion a mechanical intervention is needed – a width of 800mm clear access is suitable for a mini digger and other small scale machinery. Also, if necessary, a pump and hose could also be used to filter out the pond – however this is unlikely to be required due to the size and nature of it.

Generally a SUD's pond does not require maintenance as it is to be as natural as possible as it provides a habitat for a variety of species; any regular machine based maintenance would significantly disturb this.

One last point is on average SUD ponds are generally only require maintenance every 15 to 20 years.

I hope this answers your queries clearly, however feel free to contact me if you have anymore concerns.

Kind regards

Stephen Reilly BSc Hons

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