



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 16th March, 2022 at 7.00 pm.

The Members of the Planning Committee are:-

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

Cllrs. Anckorn, Bell (ex-Officio non-voting), Chilton, Clokie, Harman, Howard-Smith, Iliffe, Meaden, Mulholland, Ovenden, Shorter, Sparks and Walder.

If any member of the public, Councillor or organisation wishes to submit any written, pictorial or diagrammatic material 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 second working day before the Meeting** so that it can be included or summarised in the Update Report at the Meeting, in the interests of transparency and fairness. Otherwise, the material cannot 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 FOR THE PUBLIC ABOUT THIS MEETING

Subject to Coronavirus risk assessments and procedures, a very small number of members of the Press and public can register to attend and observe the Meeting in person (without speaking at it), on a first-come, first served basis.

To register to attend and observe the Meeting on this basis, please email membersservices@ashford.gov.uk. You will be sent details of the procedures established by the Council in order to manage the risk of COVID-19 at the Meeting, which may include requirements such as to wear face coverings, and to not attend the Meeting if you are affected by any relevant circumstances relating to COVID-19. You will be expected to confirm your agreement to these requirements prior to attendance. However, instead of attending and observing in person, **the Council encourages everyone to take advantage of the opportunity to watch and listen to the proceedings at the Meeting via a weblink, which will be publicised on the Council's website at www.ashford.gov.uk about 24 hours 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 arrangements made for public participation in the Meeting.

Summary of Public Participation for Planning Committee Meetings after 6 May 2021

In line with legal requirements, and subject to Coronavirus risk assessments and procedures:-

- A small number of members of the Press and public can register to attend and **observe** the meeting in person;
- In addition, seats in the meeting room are provided for those who register to **speak** on each item¹, by following the procedure below:-

1. **Written notice of a wish to speak at the meeting** (by means of the procedure below) **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 meeting.**

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

- (i) If there is no Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the Monday.
- (ii) If there is a Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the preceding Friday.
- (iii) If the meeting immediately follows the Easter Weekend, written notice must be given by 15:00 hours on Maundy Thursday.

2. **Registering to speak at the meeting confers the right to submit (and, if desired, make in person) a speech** as follows:-

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

¹ Speakers may be asked to wait elsewhere until the item on which they are to speak is called.

- one speech against**, an item for decision, or
- (ii) as a duly-authorized representative of the Parish Council² or Community Forum affected by an item for decision.

3. **All those registered to speak must submit to membersservices@ashford.gov.uk, by 10:00 hours on the day of the meeting**, a copy of their speech in written, legible English.

Speeches must be no longer than 400 words, printed in 12-point non-italic sans-serif font (e.g. Arial); any text above 400 words will not be read out. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address.

Any registered speakers who do not submit their speeches as above are not permitted to speak at the meeting (even if present in person).

4. **At the meeting:-**

Speakers who are **present in person** may read their previously-submitted speeches when called to do so, but may not read any other material;

If speakers are **not present in person**, their previously-submitted speeches will be read to the meeting by a competent Officer for and on behalf of the speakers, at the normal times and in the normal order (subject to the Chairman's normal discretion).

IMPORTANT:

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements.

If any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker, and/or is read to the meeting by an Officer, each speaker accepts by submitting the speech to be fully responsible for all consequences thereof and to indemnify the Officer and the Council accordingly.

4. **Officers' Deferral/Withdrawal of Reports**

5. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 16th February 2022:

[\(Public Pack\)Minutes Document for Planning Committee, 16/02/2022 19:00 \(moderngov.co.uk\)](#)

² The term "Parish Council" includes Town Councils and Community Councils.

6. Schedule of Applications

- (a) **21/02219/AS - Land opposite, 1-8 Elwick Road, Ashford, Kent** 5 - 56
- Reserved matters application to consider details of access, layout, scale, landscaping and appearance pursuant to Condition 1 (Approval of Reserved Matters) of Planning Permission 15/01282/AS (Outline application for residential development of up to 200 units within Class C2 (residential institution) and Class C3 (dwellinghouses) uses and associated access arrangements - Phase 2), also including information pursuant to planning conditions 5 (Materials), 9 (External Storage), 10 (External Lighting), 11 (Proposed Access), 13 (Surface Water), 15 (Bicycle Storage), 19 (HS1 Approval Process), 20 (Ecological Mitigation Strategy), 21 (Surface Water Drainage), 22 (Sustainable Drainage Scheme - in part), 23 (Foul and Surface Water Disposal), 24 (Remediation Strategy), 30 (Noise Mitigation Scheme), 33 (Archaeological Watching Brief), 35 (Sustainable Movement And Electric Charging Points), 41 (Landscape Features), 42 (Landscape Management Plan), and 45 (Schedule of the Exact Mix and Proportions of Units in the Permitted Use Classes (Class C2, C3 and C3 restricted)).
- (b) **21/00627/AS - Land rear of 7-14 Harmers Way, Egerton, Kent** 57 - 94
- Erection of 13 dwellings together with all necessary infrastructure.
- (c) **21/01292/AS - Wye College Land and Buildings, Olantigh Road, Wye Kent TN25** 95 - 184
- Residential development of 40 dwellings with associated access road car park and open space (Re-submission of 19/1327 AS)
- (d) **21/01293/AS - Former A.D.A.S Offices, Olantigh Road, Wye, Ashford, TN25 5EL** 185 - 226
- Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space
- (e) **21/01440/AS - Meadowside Farm, Scots Lane, Brabourne, TN25 6LP** 227 - 242
- Demolition of existing agricultural barn and erection of a log cabin to be used as temporary residential accommodation

Note for each Application:

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The Parish/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
08 March 2022

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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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Agenda Item 6a

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 16 March 2022

| | | |
|--------------------------------|---|---|
| Application Number | 21/02219/AS | |
| Location | Land opposite, 1-8 Elwick Road, Ashford, Kent | |
| Grid Reference | 00867/42465 | |
| Parish Council | Central Ashford | |
| Ward | Victoria | |
| Application Description | Reserved matters application to consider details of access, layout, scale, landscaping and appearance pursuant to Condition 1 (Approval of Reserved Matters) of Planning Permission 15/01282/AS (Outline application for residential development of up to 200 units within Class C2 (residential institution) and Class C3 (dwellinghouses) uses and associated access arrangements - Phase 2), also including information pursuant to planning conditions 5 (Materials), 9 (External Storage), 10 (External Lighting), 11 (Proposed Access), 13 (Surface Water), 15 (Bicycle Storage), 19 (HS1 Approval Process), 20 (Ecological Mitigation Strategy), 21 (Surface Water Drainage), 22 (Sustainable Drainage Scheme - in part), 23 (Foul and Surface Water Disposal), 24 (Remediation Strategy), 30 (Noise Mitigation Scheme), 33 (Archaeological Watching Brief), 35 (Sustainable Movement And Electric Charging Points), 41 (Landscape Features), 42 (Landscape Management Plan), and 45 (Schedule of the Exact Mix and Proportions of Units in the Permitted Use Classes (Class C2, C3 and C3 restricted)). | |
| Applicant | Stanhope plc and Sunningdale Home Developments | |
| Agent | Savills (UK) Ltd, Embassy House, Queen's Avenue, Bristol, BS8 1SB | |
| Site Area | 0.8ha | |
| (a) 201/ 2 X | (b) CACF - | (c) Ashford Access -, EA X, Env Prot. X, Street scene X, HSE R, HS1 X, KCC LLFA X, KCC Ecol -, KCC Heritage X, KH&T X, K.Pol X, Kent Fire -, KICC R, CULT X, NE - |

Introduction

1. This application is reported to the Planning Committee because the Council has an interest in the land and under the Council's scheme of delegation, it falls to be determined by the Planning Committee.

Site and Surroundings

2. The application site comprises a broadly rectangular parcel of land that is



Figure 1: Site location plan

3. The western boundary of the site is bounded by the service access to the Travelodge hotel which forms part of the recently completed Elwick Square (Phase 1) development also comprising a cinema and retail units set around new and enhanced public realm. To the east of the application site is the Borough Council's Elwick Road car park and the adjacent National Rail Car Park with the A2042/Station Road and Ashford International Station further beyond.
4. Existing vehicular access is via Elwick Road. On the north side of Elwick Road opposite the site are a number of semi-detached office buildings in a three storey Regency style that are set back from the road with parking to the front. There is a resolution to grant planning permission for the demolition of Swanton House to the north east and erection of two buildings comprising 34 apartments with associated access, parking and landscaping (reference 20/00711). Beyond Swanton House is the Ashford College site. The majority of these buildings are within the Ashford Town Centre Conservation Area.
5. The application site is located just outside, but adjacent to, the Ashford Town Centre Conservation Area and, accordingly, it forms part of the Conservation Area's setting. There are no listed buildings within proximity.
6. The previously developed nature of the site means it contains little green space or natural landscape features. The site is not affected by any landscape or environmental designations and is located in Flood Zone 1, an area of low flood risk.

Proposal

7. The application seeks the approval of reserved matters and the discharge of planning conditions imposed on the outline planning permission (reference 15/01282/AS) as below:

Reserved Matters

8. The reserved matters relate to the approval of details of access, layout, scale, landscaping and appearance pursuant to the outline planning permission (reference 15/01282). Vehicular means of access from Elwick Road was, however, expressly agreed and not for further consideration and so access in the context of this application means all other means of access. The outline permission is for the development of up to 200 units within Class C2 (residential institution) and Class C3 (dwellinghouses) uses and associated access arrangements.

Discharge of conditions

9. Condition **1** - Approval of Reserved Matters
Condition **5** – Materials
Condition **9** – External Storage
Condition **10** – External Lighting
Condition **11** – Proposed Access
Condition **13** – Surface Water
Condition **15** – Cycle Storage
Condition **19** – High Speed 1 Approval Process
Condition **20** – Ecological Mitigation Strategy
Condition **21** – Surface Water Drainage
Condition **22** – Sustainable Drainage (part)
Condition **23** - Foul and Surface Water Disposal
Condition **24** - Remediation Strategy
Condition **30** - Noise Mitigation Scheme
Condition **33** - Archaeological Watching Brief
Condition **35** - Sustainable Movement and Electric Charging Points
Condition **41** - Landscape Features
Condition **42** - Landscape Management Plan
Condition **45** - Schedule of the Exact Mix and Proportions of Units in the Permitted Use Classes (Class C2, C3 and C3 restricted).

10. I summarise the detailed elements of each of the reserved matters below.

Reserved Matter: Access

11. Access into the site from Elwick Road was previously approved under the outline planning permission 15/01282/AS; however this application includes details of the wider accessibility throughout the site for vehicles (including emergency and refuse), cycles and pedestrians (residents and visitors) as shown in **Figure 2** below:



Figure 2: Inclusive Access (Upper ground floor)

Reserved Matter: Layout

12. The site layout comprises two building blocks with a central access road between to provide vehicular and cycle access to undercrofts as shown in **Figure 2** above. The layout is consistent with the approved parameter plans. The U-form building blocks maximise the extent of street frontage and appropriately respond to the public realm on Elwick Road. The north/south alignment of the blocks either side of the landscaped courtyards also facilitate good levels of daylight and sunlight to the residential units within.

Reserved Matter: Scale

13. Both buildings would comprise seven storeys and as shown in **Figure 3** below would be within the parameters approved by the outline planning permission. The black lines depict the building outlines in the context of the maximum parameters depicted by the outer red lines.

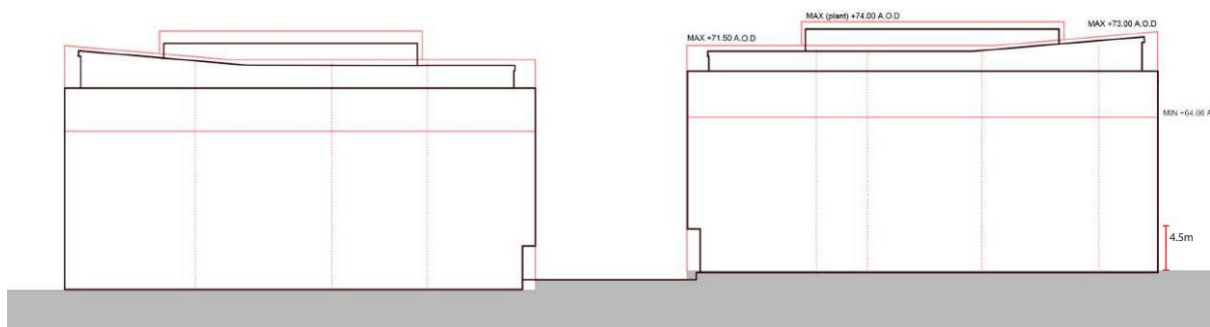


Figure 3: Proposed scale and approved parameters

Reserved Matter: Landscaping

14. The landscaping details are consistent with the parameter plans approved by the outline permission which allow for hard and soft landscaping within different character areas across the site. The character areas are depicted in **Figure 4** below and include the 'Urban Link' adjacent to Elwick Road at the front of the site (masked in blue), the 'Eco Street' on the central access road (masked in orange), the two 'Podium Gardens' (masked in dark green) and the 'Railway Terrace' (masked in light green) adjacent to the southern boundary and railway line. The Railway Terrace is located over an existing Southern Water easement which has a bearing on the site layout.

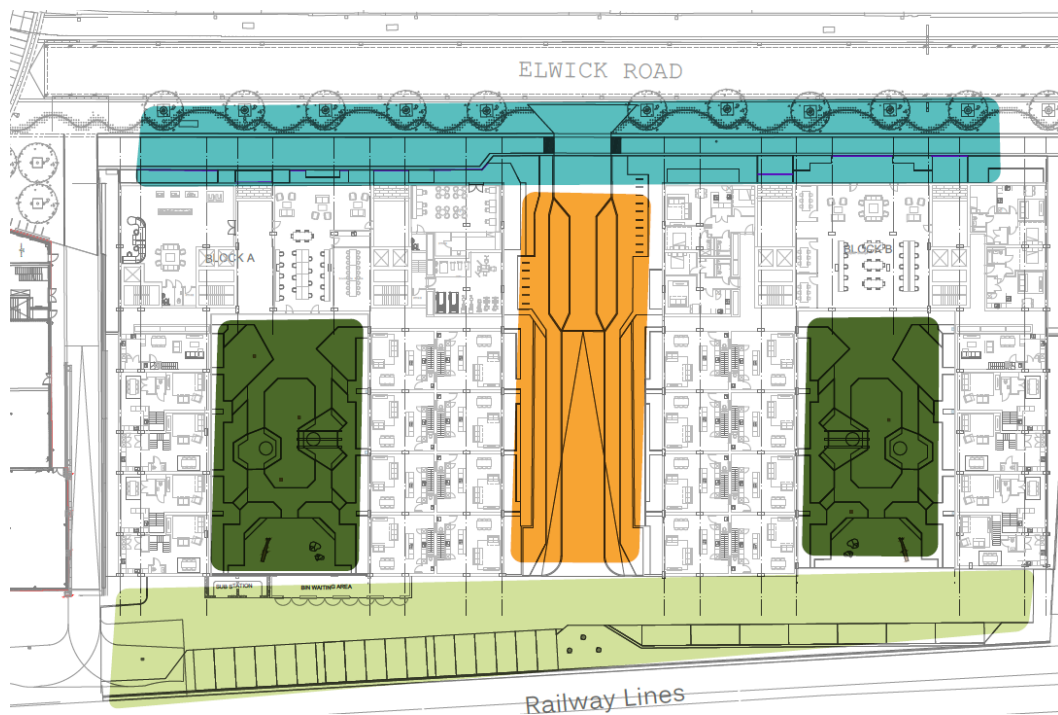


Figure 4: Landscaping character areas

Reserved Matter: Appearance

15. The appearance and architecture of the development and the unit types within it have been designed to reflect the varied conditions, opportunities and constraints on each external and internal/courtyard elevation. A full assessment of the appearance of the development and its visual impact on the surroundings is set out in the report below, however for the purposes of introducing the scheme a visualisation of the development depicting its appearance from Elwick Road and in the context of the adjacent Travelodge is included in **Figure 5** below.



Figure 5: Visualisation from Elwick Road

16. **Figure 6** below is a visualisation of the development depicting it from within the landscaped podium.



Figure 6: Visualisation from within courtyard

Planning History

17. The following is relevant relating to the application;-
- 1991: Full planning permission 91/01261/AS approved for demolition of existing retail warehouse and erection of B1 office building with complementary use such as shopping, entertainment or leisure and incorporating a pedestrian link along the Elwick Road frontage.
- 1987: Full planning permission 87/01665/AS approved for an MFI Furniture Centre on the eastern part of the site.
- 1998: Full planning permission 98/00587/AS relates to the central and western portions of Elwick Place and was for change of use of the cattle market to a commercial car park.
- 2015: Full planning permission 15/01195/AS approved for Phase 1. This included a Cinema, retail units, hotel and car park.
- 2019: Outline planning permission (15/01282) approved with all matters reserved except the means of access from Elwick Road between the two proposed buildings, for 200 units within two separate use classes – Class C2 (residential Institution) and Class C3 (dwellinghouses).
- 2021: Non material amendment (15/01282/AMND) to outline planning permission 15/01282/AS (Outline application for residential development of up to 200 units within Class C2 (residential institution) and Class C3 (dwellinghouses) uses and associated access arrangements (Phase 2) to alter approved plans under condition 3 and to amend condition 7 to change the trigger to 'prior to the commencement of above ground works'. *(Officer note: This non-material amendment had the effect of correcting errors on the original decision notice and permitted alterations to the horizontal and vertical parameters that did not materially alter the height, depth or form of the consented buildings).*

Consultations

18. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to 201 occupiers of buildings in the vicinity of the application site.

19. Following submission of further information a number of consultees have been re-consulted. The consultation period expired on 06.03.2022. The summary of consultation responses below reflect those received at the time of writing the report. Any further consultation responses received prior to the Planning Committee meeting will be reported in the Update report.

Ward Members: No representations received.

ABC Building Control: have reviewed the fire strategy and have no comments. Further consultations will be made with Kent Fire and Rescue Service during the building control process.

ABC Cultural Services: recommend minor amendments to planting schedules. (*Officer comment: planting schedules have been revised in accordance with recommendations*).

ABC Environmental Protection: no objections to discharge of conditions 10 (External Lighting), 24 (a) and (b) (Remediation Strategy) and 30 (Noise and Vibration Mitigation). Recommend consideration given to installing additional trunking/ground work during construction to allow the possibility of additional cabling for extra EV spaces to be introduced at a future date as part of 'passive provision' (condition 35). Further consideration required in relation to car club provision (condition 35).
(*Officer comment: the proposals have been amended to increase the number of active EVC provision and provide further information on proposed passive EVC provision*).

ABC Environmental Services: request further details on temporary refuse collection area. Refuse collection strategy acceptable subject to agreement with ABC collection arrangements.
(*Officer comment: see paragraphs 105-107 below*)

Kent County Council Highways and Transportation: require further information in relation to EV charging. Note the proposals appear to extend onto the existing adopted highway in front of Block A; proposals need to be contained wholly within site confines.
(*Officer comment: further information in relation to EV charging submitted and proposals amended to be contained wholly within site confines*).

Kent County Council Public Rights of Way: no objection but request allocation of public realm contributions to improve the PROW to provide high quality active travel routes in the vicinity of the site.
(*Officer comment: whilst there are no PROW within the application site there are PROW in the vicinity and the request is noted*).

Kent County Council Ecological Advice Service:

Condition 1 (Reserved Matters): need to ensure eco buffer planting to south of site will be established and managed as an ecology area. It is adjacent to car parking and therefore it is possible that it will be damaged by people driving on it or residents getting in and out of the car. There is a need to ensure that the design of the area has taken in to account the practicalities of managing and maintaining this area.

(Officer comment: proposals amended to provide protection to eco buffer planting).

Condition 10 (External Lighting): recommend number of lights proposed throughout site (including parking areas) are reduced and overnight levels further dimmed or switched off to benefit biodiversity.

(Officer comment: see paragraphs 120-121 below).

Condition 20 (Ecological Mitigation): recommend an updated bat scoping survey undertaken to assess the likelihood of bats roosting and assessing if updated emergence surveys are required. Details on location of bat and bird features required, including impact of artificial lighting required.

(Officer comment: see paragraph 119 below).

Advise that a full Habitats Regulations Assessment is required.

(Officer comment: see paragraphs 135-140 below).

Kent County Council Archaeology: no objection to discharge of condition 33 (archaeological watching brief).

Kent County Council Flood and Water Management: no objection to approval of reserved matters application and discharge of conditions 21 (SUDs) and 22 (SUDs management and maintenance).

High Speed 1 Safeguarding: no objection to approval of reserved matters application and discharge of condition 19 (HS1 approvals) subject to further conditions to secure (i) a risk assessment to identify risks to HS1 from wind blown debris from the development and (ii) details of building maintenance to manage the risk to the safety and operation of HS1.

(Officer comment: see paragraphs 128-130 below).

Health and Safety Executive: 'Advice to LPA' – Some Concern. The response provides detailed comment on the design and fire safety measures proposed, including relating to escape routes, fire and rescue access to maisonettes, stairs to basement, flats opening into main access corridor, firefighting lifts, firefighting shafts layout and water supply for fire and rescue service which require further consideration and may affect the design and layout of the buildings.

(Officer comment: the applicant's fire design consultant has reviewed the concerns and has identified that these are likely to be overcome through minor changes that would have no material change to the design fundamentals of the proposed buildings or their external appearance. I cover this further at paragraph 70-71 below and my Recommendation (A)).

Kent Police: recommend use of Secured By Design and consideration be given to defensible spaces, appropriate access controls, recessed entrances, fire doors, mail delivery, CCTV, lighting, refuse stores, parking and cycle stores and landscaping matters.

(Officer comment: the applicant intends to build to Secured by Design principles. I consider that on-going dialogue between the applicant design team and Kent Police would be sensible to further finesse fine details).

Southern Water: no objection to discharge of condition 23 (foul and surface water sewerage disposal).

Environment Agency: no objection to proposals from a groundwater quality perspective and to discharge of relevant conditions, including condition 24 (phase 2).

Natural England: no comment.

Ramblers: no objection.

Ashford Access Group: no comment.

Central Ashford Community Forum: no response.

Kent Invicta Chamber of Commerce: raise concerns relating to principle of more flats in the town centre, requirement for employment generating uses including offices and retail to join town's retail centre with the outlet, potential for a bus station.

(Officer comment: see paragraphs 25-26 below).

Neighbours – 1 objection received from Victoria Road Primary School and 1 letter of comment received from a local resident as summarised below:

Objections:

- Victoria Road Primary School is one-form entry and is full with long waiting lists.
- Appeals for places by new residents is having a financial impact on the school.

- Concerns about height and being imposing across the railway line. (*Officer comment: see paragraph 52 below*).
- Impacts on local infrastructure, existing population and their living standards. (*Officer comment: impacts on local infrastructure were fully assessed in the granting of outline planning permission and appropriate mitigation was secured as necessary*).

Comments:

- Development out of scale compared to existing buildings in Elwick Road and considered overbearing. (*Officer comment: see paragraphs 39-44 below*).

Planning Policy

20. The Development Plan for Ashford Borough 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), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
21. The relevant policies from the Local Plan relating to this application are as follows:-

Vision for Ashford Borough

SP1 Strategic objectives

SP2 The strategic approach to housing development

SP6 Promoting high quality design

HOU1 Affordable Housing

HOU12 Residential space standard internal

HOU14 Accessibility standards

HOU15 Private External Open Space

HOU18 Providing a range and mix of dwelling types and sizes

EMP6 Fibre to the Premises

TRA3a Parking standards for residential development

TRA6 Provision for cycling

TRA7 The road network and development

TRA8 Travel plans, assessment and statements

ENV1 Biodiversity

ENV4 Light Pollution and Promoting Dark Skies

ENV6 Flood Risk

ENV7 Water efficiency
ENV8 Water quality, supply and treatment
ENV9 Sustainable drainage
ENV11 Sustainable Design and Construction
ENV12 Air Quality
ENV13 Conservation and enhancement of heritage assets
ENV14 Conservation areas
ENV15 Archaeology
COM1 Meeting community needs
COM2 Recreation, Sport, Play and Open Spaces
COM 3 & 4 Allotments and Cemeteries
IMP1 Infrastructure provision
IMP2 Flexibility, viability and deferred contributions
IMP4 Governance of public community space and facilities

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009
Residential Parking and Design Guidance SPD 2010
Sustainable Drainage SPD 2010
Residential Space and Layout SPD 2011 (now external space only)
Sustainable Design and Construction SPD 2012
Public Green Spaces and Water Environment SPD 2012
Ashford Town Centre Conservation Area Appraisal and Management Plan 2016
Heritage Strategy 2017

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) Revised 2021
Planning Practice Guidance (PPG)
Technical Housing Standards – nationally described standards

Assessment

23. The key areas for consideration are as follows:
- (a) Compliance with the outline planning permission
 - (b) Design quality and visual impact on the locality
 - (c) Heritage impacts
 - (d) Housing mix and standard of accommodation proposed
 - (e) Highway impacts, car parking, sustainable measures and EVC and cycle provision
 - (f) Landscaping, ecology and biodiversity, surface water and drainage and contamination
 - (g) Impacts on HS1
 - (h) Sustainability and climate change
 - (i) Habitats Regulations
 - (j) Planning Obligations
 - (k) Whether the relevant conditions imposed on the outline planning permission can be discharged
- (a) Compliance with the outline planning permission**
24. The outline planning permission established the principle of redevelopment of this brownfield site within the town centre. It also established the extent of the developable area and the access arrangements to serve future development as well as the number of homes to be provided. The outline permission also approved a number of parameter plans relating to height and horizontal and vertical deviations. All reserved matters applications have to fall within the parameters of those plans.
25. The outline planning permission permitted the delivery of up to 200 Class C2 or Class C3 residential units. The reserved matters subject of this application are for 200 Class C3 residential units and in this respect are in compliance with the outline planning permission.

26. Therefore, notwithstanding the representations submitted by the Kent Invicta Chamber of Commerce this Reserved Matters submission is consistent with the outline planning permission and issues relating to alternative land uses for this site are not relevant to consideration of this application.

(b) Design quality and its visual impact on the locality

27. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. While appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.

28. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

29. Paragraph 130 states that decisions should ensure development:

- a) 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;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) 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);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) 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*
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

30. Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
31. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics of well-designed places.
32. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.
33. The proposals have been subject to pre-application advice and have been presented to the Ashford Design Review Panel. A copy is attached as **Annex 2** to this report. The following assessment considers the design quality of the scheme in relation to its layout and access, height, form, scale and massing and design and materials.
 - **Layout and access**
34. The proposed layout has been carefully considered to respond to the site's specific constraints and opportunities. The parameter plans approved by the outline planning permission allow for the development to be configured as two separate U-shaped blocks around courtyard spaces with an access road between the two. As shown in **Figure 7** below each block has a main spine fronting Elwick Road with two wings on a north east-south west orientation:

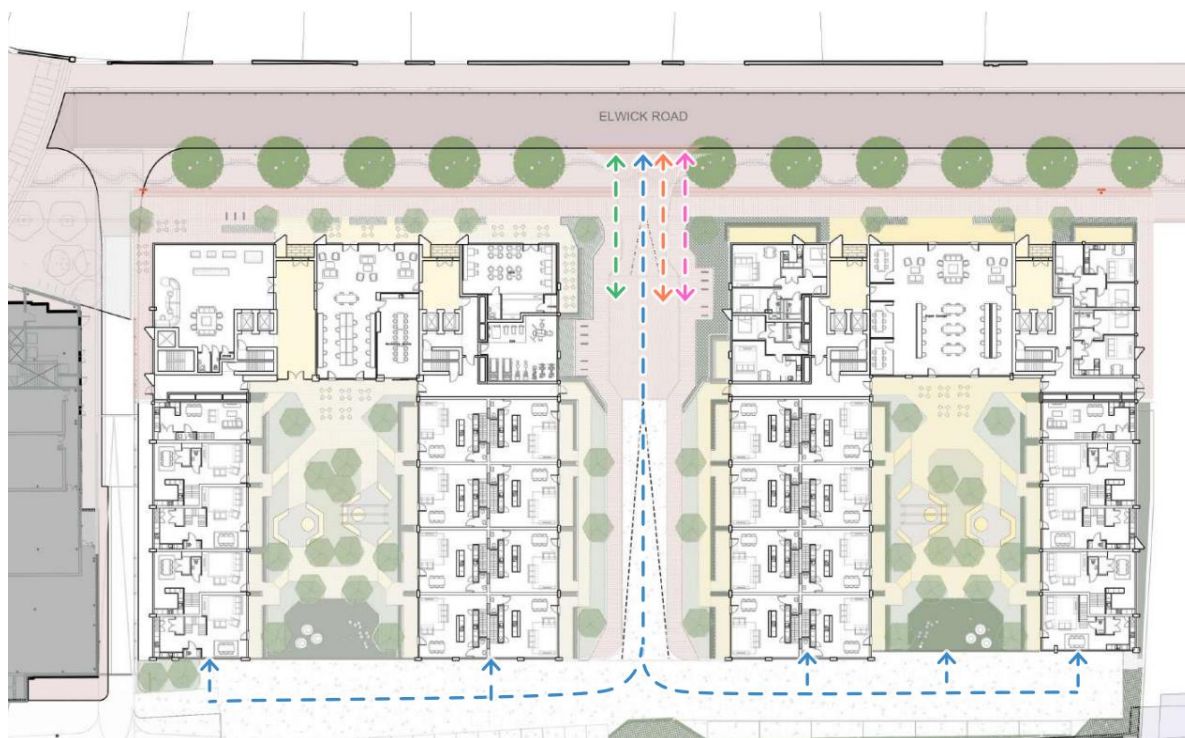


Figure 7: Layout and access arrangements

35. The main spines would introduce a good level of enclosure to Elwick Road and by locating the main building entrances on this elevation would also activate the street frontage, boost footfall and provide a good level of natural surveillance. The retention of the wide shared space surface along Elwick Road is supported and would also reflect the layout of the adjacent Phase 1 development.
36. The rear wings of both buildings have been designed around landscaped courtyard podiums: these also maximise sunlight and daylight into the site interior. The access road from Elwick Road would be ramped to reflect the natural topography of the site and provide access to on-site car parking within the undercrofts to the development that would not be visible from the public realm. Pedestrian and cyclist access would be provided from both Elwick Road and the access road, thereby facilitating ease of movement as required by Policy SP6 of the ALP.
37. Whilst I support the overall access strategy, I consider it is necessary and reasonable to require further details of the proposed physical access control measures to ensure the provision of a safe and secure environment for residents using the undercroft parking areas. In response to comments by Kent Police I note the applicant's response that the development would comply with Secure by Design best practice and utilise CCTV to monitor internal communal areas, covered car parking and external areas to

discourage antisocial behaviour and crime.

38. Whilst the simplicity of the U-block form was queried by the Design Review Panel, I am satisfied that the layout responds well to the site's different edge conditions and would be compatible with the character of the surrounding area in accordance with criterion (a) of Policy HOU3a of the ALP. I am also satisfied that the detailed vehicular, pedestrian and cyclist access arrangements would be acceptable.

- **Height, form, scale and massing**

39. The supporting text to Policy SP6 of the ALP requires all development proposals to reflect their local context, and where the built environment is of decent quality, new proposals should be sensitive in terms of scale, height, layout and massing to surrounding buildings.
40. Notwithstanding the resident objection relating to the height and overbearing nature of the proposals it is important to note that the maximum height and massing of the buildings has been established by the parameter plans granted by the outline planning permission. Whilst this is the case, the form and scale of the development has been subject to extensive pre-application advice with Officers.
41. In response to Design Review Panel and Officer feedback the proposed development has been carefully designed to break down the perceived mass of the buildings. In particular the scale has been refined through the use of architectural features that seek to reduce the visual dominance of some of the horizontal elements of the buildings by giving greater vertical emphasis to different sections of the facades. At street level, the incorporation of a generous 4.5m floor to ceiling height at ground floor level is welcomed. This has the benefit of providing continuity of visual approach with the adjacent Elwick Phase 1 development and building in future flexibility for accommodation of different ground floor uses over time.
42. As acknowledged by the Design Review Panel, the proposed development is not comparable to the height and scale of the Victorian villas opposite. Notwithstanding this, the design has evolved from an analysis of the varied proportions of the villas which have been reinterpreted and, in my view, appropriately reflected in the development.

43. The roof level and necessary enclosed plant at that level would be set back in accordance with the parameter plans and the form of the roof has been designed to add visual interest and to respond to the prominent corners. The roof level has been further amended and broken down by incorporating a central set-back feature. The uppermost parapet details have also been amended to create a lighter and more slender frame as depicted in **Figure 8** below:



Figure 8: Visualisation from Elwick Road

44. In summary, I consider that the height, form, scale and massing of the development is appropriate for this brownfield site and respects the long established vision for Elwick Road, including to provide strong enclosure to the street. In my view it is an acceptable and complementary response to the surrounding townscape.

- **Design and materials**

45. In terms of detailed design, the buildings exhibit strong architectural expression and include a welcome balance of shadow and depth through a rich combination of projecting and recessed elements such as balconies and vertical columns. The textured facades with contemporary materials and generous amounts of glazing will result in a high quality finish to the building.

As shown in **Figure 9** below the ground and first floor treatment includes a high proportion of glazing that will enable good transparency and views into and through the building to the internal residents' only planted courtyards therefore helping to improve the sense of visual interest and animation along the street.



Figure 9: Visualisation from Elwick Road

46. Details of all external architectural features and details of the typical joints between the cladding and glazing can be dealt with by condition including rooftop details, including relating to plant and materials and details relating to rainwater goods and vents etc. Condition 7 of the outline permission has recently been varied to require all of these details (including 1:20 horizontal and vertical cross sections of each façade) to be submitted prior to commencement of ground works and so I am satisfied that this will ensure the external appearance and fine detailing of the buildings will be of an appropriate quality.
47. The submitted External Lighting Strategy confirms that x 8 'Wall mounted downward fixtures' are proposed to the front and side elevations with the locations 'to be coordinated and approved with the architect'. The buildings will be very prominent in the streetscene and carefully considered external lighting has the potential to emphasise the interesting form and drama of the main elevations. In my view, it would be reasonable to secure specific details of the lighting and building signage via an appropriate condition to ensure the lighting strategy is appropriate and balances any particularly sensitive parts of the site from an ecological perspective.
48. In terms of materials, high quality brick, stone, powder coated aluminium, cladding and mesh are all proposed in a colour coordinated manner that will help emphasise the proposed architectural quality. It is however necessary to further consider the suitability of exposed and white concrete, particularly in terms of weathering over time. Whilst the details submitted are sufficient to discharge condition 5 of the outline planning permission, I note condition 6 requires submission of precise details, including samples, of external materials prior to commencement of development and so I am satisfied that the weathering properties of the white concrete and the construction of a

sample panel could also be sought at this time.

49. In summary, I consider that the buildings would be of high quality design and materials. They would be visually distinctive and contribute to a richness of architecture in this prominent location whilst also being sympathetic to the local context and character of the surroundings in accordance with Policies SP6 and HOU3a of the ALP.

- **Visual impact on the locality**

50. Further to Officer advice this Reserved Matters application is supported by a number of representative views which have been used to assist with an assessment of the impact of the development on existing townscape character and visual amenity. The number and spread of viewpoints were agreed are considered to be appropriate. A number of the views can be shared in the Planning Committee presentation.
51. In short distance views, the redevelopment of this vacant site and creation of new active roadside frontages and additional tree planting would be of benefit to visual amenity. In middle and longer distance views, including from the A2042 bridge, the railway and beyond, the introduction of high quality buildings in this town centre location would contribute to the varied roofline through adding new skyline features and qualities to the townscape that would in my opinion also represent an improvement to visual amenity.
52. The representations received relating to the development appearing overbearing are noted, however the height of the buildings has been established by the outline planning permission and the vertical scale of the buildings would not be dissimilar in terms of skyline impacts to the vertical scale of Elwick Phase 1. In addition, the 'wings' to the two buildings have the benefit of breaking up the massing of the development and as shown in **Figure 10** below, from the south the development would tend to be read from more distant views as a series of buildings.



Figure 10: Visualisation from Victoria Road

53. As in **Figure 11** below the viewpoints also demonstrate how the use of high quality materials would help to assimilate the development into its surroundings:



Figure 11: Visualisation from west on Elwick Road

54. The views demonstrate that whilst the proposals would introduce large buildings into the existing townscape, the buildings would be of high quality design and therefore add positive townscape elements that will enhance legibility and contribute to the overall visual quality of the area. The views also demonstrate that the redevelopment of this important brownfield site would play an important role in setting a good impression of Ashford to visitors to the town.

(c) Heritage impacts

- Setting of the Ashford Town Centre Conservation Area

55. The application site lies outside but directly adjacent to the Ashford Town Centre Conservation Area. The application site is therefore located within the immediate setting of this designated heritage asset and the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant. There are no listed buildings within close proximity to the site.
56. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duties of Local Planning Authorities in regards to the protection of conservation areas. Section 72 states “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
57. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
58. Paragraph 194 of the NPPF sets out that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

59. The southern part of the conservation area opposite the site is identified as the 'Elwick Road Area' in the Ashford Town Centre Conservation Appraisal. The Appraisal notes that the public realm and existing buildings (comprising large semi-detached symmetrical Victorian villas set long a regular building line behind a ragstone wall) in this character area are generally in good condition. The redevelopment of the application site would have an impact on the setting of the conservation area, however in my view the contribution of this open brownfield site to its setting is very limited. By reason of the strong built edge to the southern boundary the application site is only visible from limited viewpoints within it.
60. I am satisfied that the significance of the adjacent heritage asset has been considered and reflected in the proposals. Although of a significantly larger height and scale than the unlisted Victorian villas opposite, the development would introduce a strong sense of enclosure to the southern side of Elwick Road and be consistent with the townscape setting to the west. The development would also sensitively respond to the character of the existing historic built form through richness of design and use of high quality materials that would complement the predominant building materials of white painted render. It would not prejudice any important views into or out of the conservation area.
61. In summary, my view is that the proposed redevelopment of this site, where regeneration and change is expected and consistent with the Council's expected area of focus through the adopted Town Centre Reset, would conserve and enhance the urban setting and the character and appearance of the Town Centre Conservation Area. The proposals are therefore consistent with Policies ENV13 and EN14 of the ALP, the NPPF and the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

- **Archaeology**

62. Whilst the Phase 1 Elwick development adjacent to the application site is designated as an Area of Archaeological Potential and was assessed as having medium potential for early prehistoric archaeology, the Phase 2 application site is not designated. The site has seen limited development pre-1950s, with land use restricted to horticultural functions. Since the 1950s the site has been subject to extensive disturbance from ground resurfacing and industrial warehouse construction and demolition.

63. Notwithstanding the above, the Reserved Matters application is supported by a Written Scheme of Investigation (WSI) for an archaeological watching brief to monitor intrusive ground works within a targeted area of the application site. The WSI would ensure that any features of archaeological interest found during construction works are properly examined and recorded on site in accordance with the requirements of Policy ENV15 (Archaeology) of the ALP. The County Archaeology Advisor is satisfied with the WSI and recommends that condition 33 of the outline planning permission be discharged.

(d) Housing mix and standard of accommodation proposed

64. Policy HOU18 of the ALP 2030 requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The outline planning permission permitted the delivery of up to 200 Class C2 or Class C3 residential units. The reserved matters subject of this application are for 200 Class C3 residential units. The residential units would be provided within a range of accommodation types and sizes across the two blocks, including:

26 x 2 and 3-bed duplexes (13%)

59 x 1-bed (30%)

7 x 1.5-bed (4%)

104 x 2-bed (52%)

4 x 3-bed (2%)

65. This mix of dwelling sizes would be in compliance with the broad objectives of Policy HOU18 and appropriate for this town centre location. The details submitted also fulfil the requirements of condition 45 requiring submission of a schedule of the exact mix and proportion of units in the permitted use classes. As a town centre flatted development, adopted Policy HOU1 of the ALP does not require the provision of affordable housing and therefore none is proposed.

- Space standards

66. All dwellings would comply with the Nationally Described Space Standards set out in Policy HOU12 and the Council's Residential Space and Layout SPD. All units would also provide private external open space in the form of projecting balconies or private terrace gardens in accordance with the requirements of Policy HOU15 of the ALP.

67. In response to the objection by High Speed 1, the proposed design has been amended to incorporate fixed glazing and full-height screens to all balconies on the rear elevation of both buildings. This change would safeguard the safety and operation of the adjacent railway without prejudicing the quality of the accommodation proposed.

- **Internal layout**

68. Both blocks would be served by two centrally located cores with two lifts each. Primary access to the cores would be via the main entrances at street level. Although few cores would benefit from natural light, no core would serve more than 9 units per floor thereby limiting the size of the community sharing it. In response to Design Review Panel feedback, all ground floor duplex units would benefit from their own private terraced entrance to the street or to the landscaped podiums.

69. Both blocks would include ground level 'super-lounges' for residents to meet, work and foster community. In response to Design Review Panel feedback to consider more varied amenity provision it is also proposed to include a resident gym and resident café in Block A that would be accessible to residents across the development. In my view, the internal layout would provide good quality town centre living arrangements for future residents.

- **Fire Safety**

70. In accordance with the requirements of Planning Gateway One which was introduced in August 2021, this Reserved Matters application is supported by a comprehensive Pre-Planning Fire Strategy and Fire Statement. This has been subject to statutory consultation with the Health and Safety Executive (HSE) who have raised 'Some concern'.

71. As identified further above, this has been reviewed by the applicant team and it has been identified that the areas of stated concern should be able to be dealt with via minor adjustments which would not be likely to have a material change to the architecture and appearance of the two buildings. In my view, such further adjustments can be dealt with by officer view the delegation that is included as part of my Recommendation. Should changes of a nature that, in my judgement, would have a material impact then such changes would fall outside of such delegation and necessitate an updated proposal to be brought back to Committee. However, from the available evidence I consider that this is unlikely to be the case.

- **Daylight and Sunlight**

72. The application is supported by a Daylight and Sunlight Assessment relating to the provision of natural daylight and sunlight to habitable rooms within the ground, first and second floors of the proposed development. I am satisfied that the daylight and sunlight calculations have been correctly undertaken in accordance with the BRE document "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, Second Edition" (2011).
73. There are two main tests for assessing interior daylighting. These are Average Daylight Factor (ADF) and Daylight Distribution/position of the No Sky Line (NSL).
74. ADF is a measure of the overall amount of daylight in a space that takes into account the internally and externally reflected components and the direct light from the sky. It is primarily intended for use in calculating daylight provision in new rooms. The BRE guide recommends in new dwellings, the ITEM NO: 7 minimum average daylight factor (ADF) is 1% for bedrooms, 1.5% for living rooms, and 2% for kitchens, including combined living/kitchen/dining (LKD) rooms. Whilst the BRE document explains that these are minimum values of ADF which should be attained even if a predominantly daylight appearance is not required, it is relevant that recent guidance from the Mayor of London in the SPG on Housing Design Quality and Standards states it is reasonable to apply a target of 1.5% to LKD rooms where the principal use of those rooms is as a living room.
75. The Daylight Distribution test analyses the position of the No Sky Line (NSL). This method takes into account the number and size of windows to a room but does not give any quantitative assessment of the light in the room, only where sky can or cannot be seen. In new developments, the BRE guide states that no more than 20% of a room area should be beyond the NSL. Where more than 20% of a room lies beyond the NSL then the distribution of daylight in the room will look poor and supplementary electric lighting will be required.
76. The assessment identifies that the development would provide high levels of compliance with minimum recommended daylight standards across both buildings. Specifically, of 211 windows tested, 194 (92%) would pass the ADF test. The 17 rooms that would fail the test are all situated either beneath a balcony serving the floor above or are set back from the façade to accommodate an internal balcony and it is inevitable in such circumstances that such rooms will receive slightly lower daylight levels. In recognition of this, the BRE guidance permits a reassessment based on the hypothetical situation of the window moved to the external edge of the balcony or the

façade of the building. In this scenario the assessment confirms that the majority of rooms (206 windows/98%) would comply with the ADF target values. 4 of the 5 rooms failing to comply would be LKD with ADF values of 0.9%, 1.2% and 1.3% which are only marginally below the target. Some of these rooms would also be dual aspect and thereby provide higher quality living accommodation.

77. The assessment also demonstrates that the majority of rooms would comply with the Daylight Distribution test.
78. To ensure that the proposed residential accommodation achieves the interior daylighting standards anticipated in the assessment it is necessary to secure details of the internal finishes by appropriate condition. This is because the ADF calculation is based upon BRE internal reflectance values and includes assumptions relating to finishes of floors (reflectance value 30%), internal walls (painted pale cream or white paint) and internal ceilings (painted white).
79. The method for quantifying sunlight receipt to buildings is the Annual Probable Sunlight Hours (APSH) method. The BRE document states that 'a dwelling will appear reasonably sunlit provided that:
 - i) at least one main window wall faces within 90 degrees of due south; and
 - ii) on this window wall, all points on a line 2m above ground level are within 4m (measured sideways) of a point which receives at least a quarter (25%) of annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months, between 21 September and 21 March'.
80. The BRE guide states that where possible each dwelling should have at least one main living room window facing within 90 degrees of due south, albeit it acknowledges that this is not always possible in flats. The assessment identifies that 75% of eligible rooms would receive the minimum recommended amount of annual sunlight and/or winter sunlight. Those rooms not receiving the recommended amount of annual or winter sunlight would still receive some sunlight throughout the year.
81. On balance, and in the context of the total number of units and the generally good adherence to other qualitative design aspects, including the general layout, orientation and form of the development and the provision of high quality internal and external communal spaces, I consider that the level of daylight and sunlight availability will be sufficient to provide good quality homes for future residents.

- **Overshadowing**

82. An overshadowing assessment has been undertaken as to the effects of the proposal on the available sunlight to the two main podium gardens. The assessment has been undertaken in relation to the BRE 2-hour sun on ground test which recommends at least two hours sunlight on 21st March on more than half their area. The assessment demonstrates that Block A will receive two hours or more of direct sunlight to 90% of its area and Block B to 91% of its area in excess of the minimum recommended amount of sunlight across the day and confirms that the podiums would appear adequately sunlit throughout the year and fulfil their function of providing high quality communal amenity space for future residents.

- **Privacy and Outlook**

83. A number of residential units would be located at ground level and the submitted Landscape Strategy confirms that generous buffer planting and terraces would provide defensible areas to protect the privacy of future occupants of these units. Where adjoining the landscaped podiums the residential units are designed as duplexes.
84. Above ground floor the layout of the buildings mean that separation distances between the wings and across the access road would be approximately 20m. This distance combined with the careful angled orientation of balconies mean that the potential for direct overlooking between units would be minimised and I am satisfied that in the town centre context of the site, this would be an acceptable approach.
85. All units would benefit from good levels of outlook and in many cases middle to long distance views towards the Memorial Gardens to the north and Victoria Park to the south.

- **Aspect**

86. In response to Officer feedback the number of dual aspect units has been increased and there are now more dual units (53%) than single (47%) aspect units across the development. Whilst 19 x 1-bed units (9.5%) would be single aspect north-east facing, the majority would be located in the wings facing either east or west and thereby benefitting from either morning or afternoon sunlight. The north-east facing units would benefit from adequate daylight and in the context of the overall accommodation offer are considered acceptable.

- **Noise and vibration**

87. In accordance with the requirements of condition 30 of the outline planning permission this Reserved Matters application is supported by a noise and vibration assessment report. The report includes an assessment of the background noise levels for the area and their potential effect on future residents.
88. The Council's Environmental Health team is satisfied that the assessment has been undertaken in accordance with the appropriate methodology and guidance. In terms of noise, the main noise sources were identified as from Elwick Road and, to a lesser extent, from the railway to the south. A glazing strategy and whole property mechanical ventilation is proposed throughout all dwellings. No vibration mitigation measures are considered necessary. I am therefore satisfied that noise levels can be appropriately controlled such that future residents would not be subject to significant or unacceptable noise or disturbance.

- **Amenity impacts**

89. There are no residential or other sensitive land uses within close proximity to the application site and its redevelopment would not result in any significant adverse impacts on the amenities of the users of surrounding buildings. I am therefore satisfied that the proposals would safeguard and promote a high standard of amenity for existing and future users of development in accordance with paragraph 130 of the NPPF.

(e) Highway impacts, car parking, sustainable movement and EVC and cycle provision

90. Full consideration of the impact of the development of this site on the surrounding highway network was undertaken as part of the assessment of the outline planning application. No objections were raised by KCC as the highways authority and the impacts were found to be acceptable. The following assessment relates to the access details, car and cycle parking provision and the refuse strategy and servicing arrangements.

- **Access details**

91. The location and layout of the vehicular access to the site from Elwick Road are in accordance with those matters established by the grant of outline planning permission. In accordance with the requirements of condition 11 of the outline planning permission, this application is supported by further details

of that agreed access, including technical details which are required as part of the separate S278 Agreement process with the Highways Authority.

92. The submitted details demonstrate how the access will be constructed and finished to result in minimal disruption to the existing high quality public realm that forms part of the shared space scheme along Elwick Road. It has been established that the 'Flume' artwork embedded in the surface is not designed to take vehicle loading and so is not a suitable surface for a vehicle crossover. As shown in **Figure 12** below it is therefore proposed to create a break in the artwork across the vehicular access and to create a heavy duty vehicular crossover using clay pavers. The clay pavers would be laid to a Herringbone pattern and bound at the edges by a double stretcher bond soldier course. It is also proposed to install granite kerbs and grey tactile paving blocks as an appropriate hazard warning to pedestrians using the southern side of Elwick Road.

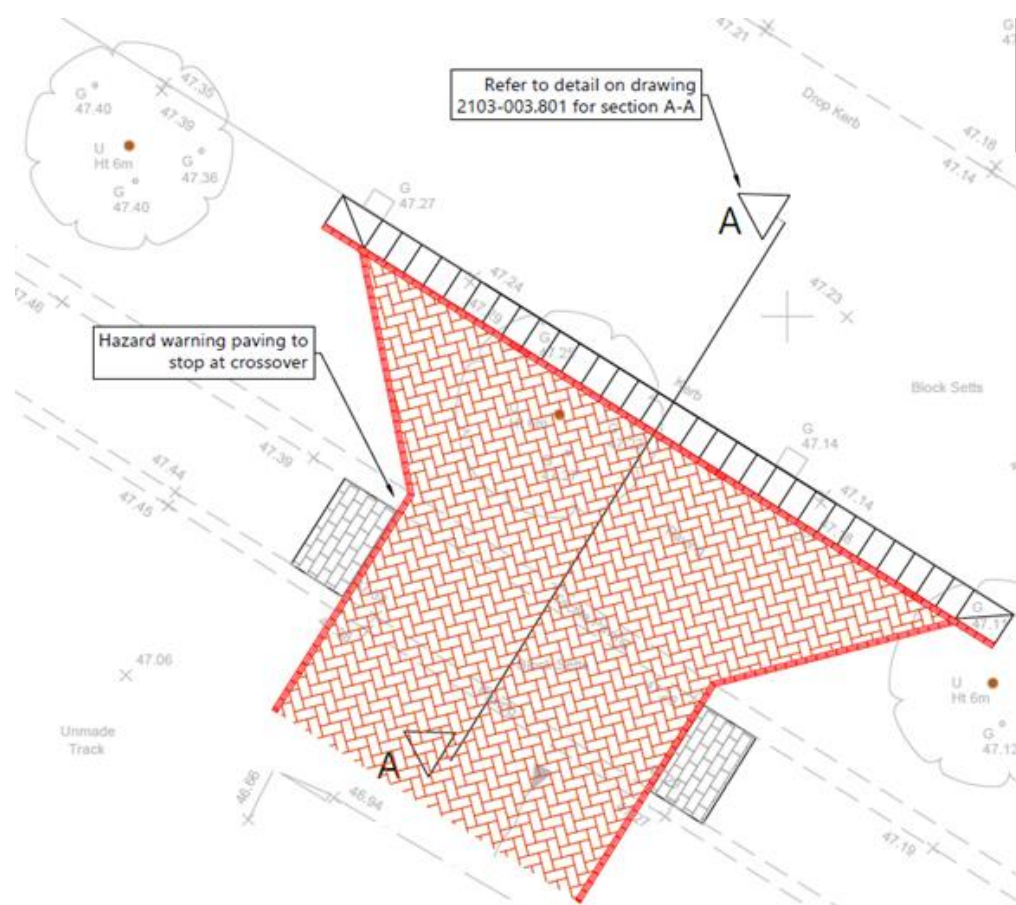


Figure 12: Proposed access detail

93. The Highways Authority has made no adverse comments on the details presented. The proposed detailing and materials would match the existing

crossover into Gasworks Lane and in my view would deliver a consistent, cohesive and high quality finish that is appropriate in this location balancing access needs with visual impact..

94. It is important to note that provision of the approved access necessitates the removal of a single street tree and that the acceptability of this was assessed and agreed as part of the outline planning permission. In addition to replacement tree planting to be secured as part of this application (discussed further below), separate discussions regarding potential financial compensation for the loss of the street tree are ongoing with the Highways Authority as part of the S278 Agreement process. This is outside of the remit of this application.

- **Car parking**

95. Policy TRA3 (a) of the ALP sets out the required parking standards for new development within town centre, suburban and rural locations but also permits flexibility, for example where there is a good level of accessibility to shops and services and a good level of non-car access.
96. The proposals would provide for 200 car parking spaces, including 9 disabled bays. All of the spaces would be located on-site within the undercrofts to both buildings and also adjacent to the southern boundary. Notwithstanding that two spaces would be allocated to proposed car club vehicles, the parking provision equates to a 0.99:1 (spaces: dwellings) parking ratio in accordance with the requirements of policy TRA3 (a) which seeks the delivery of 'a minimum parking standard of 1 space per residential unit on average'. The level of provision is one that I consider acceptable.
97. Whilst there is no designated on-site visitor parking, policy TRA3 (a) states that this should be provided primarily off-plot in short-stay car parks where available or on-plot where layout permits. The site is located in the town centre where a number of short stay car parking options exist, including within the Elwick Place Car Park, approximately 150m to the west of the site.

- **Sustainable movement and electric vehicle charging (EVC)**

98. Condition 35 of the outline planning permission requires submission of details relating to measures to help facilitate more sustainable forms of movement for non-town centre journeys, including the provision of a car club facility and EVC.
99. This application is supported by a Sustainable Travel Measures report which

sets out 19 initiatives including the provision of Travel Information Packs to all residents and the creation of a Travel Information Point at a prominent location within the development to promote sustainable movement. It is also proposed to provide an on-site car club and details of correspondence with Enterprise has been submitted in this respect. The details include the provision of 2 years free membership and £50 drive time to incentive use of the car club by residents.

100. Details of EVC infrastructure has also been submitted. Further to my feedback to the applicant, the proposals now provide 100 (50%) active EVC spaces and 100 (50%) passive EVC spaces. Both car club spaces would have active EVC. Details of the layout and specification of both active and passive provisions have been provided. The Highways Authority raise no objection to the details contained within this reserved matters application and I am satisfied that they are acceptable and would help provide sustainable alternatives to travel by private car in accordance with relevant planning policy as well as help stimulate the take-up of EV's by residents through good on-site infrastructure provision.

- **Cycle parking**

101. Policy TRA6 of the ALP requires cycle parking to be provided at a minimum of 1 space per unit. In accordance with the requirements of condition 15 of the outline permission, provision is shown for at least 200 cycles on two-tier racks, split evenly between the undercrofts of both blocks. Whilst these would be covered and easily accessible to the building cores they are not shown as having an overtly secure design/layout. In response to my feedback, the applicant has confirmed that comprehensive access control measures will be introduced across the development and it is therefore appropriate in my view that further details pertaining to the security of the cycle stores (which may include their enclosure with visually permeable cage-style walls/doors) and the wider development be secured via condition.
102. It is proposed that cyclist access from Elwick Road to the undercroft cycle parking is to be shared with vehicles. Whilst this is acceptable in principle my recommendation is that line markings showing dedicated routes for cyclists and pedestrians be provided to enhance safety and further promote active travel. The applicant has agreed this can be reserved by condition.
103. Further visitor cycle parking is proposed via Sheffield stands on the access road and near to Elwick Road. These would be appropriately integrated into the landscaping strategy and sited to benefit from passive surveillance.

104. Subject to the conditions referred to above, I am satisfied that the cycle parking provision is acceptable and in accordance with relevant planning policy.

- **Refuse strategy and servicing**

105. Sufficient communal refuse and recycling storage has been incorporated into the lower ground floors of both buildings. The storage areas are easily accessible from the building cores. The refuse collection strategy would involve the input of the on-site management team who would be responsible for manoeuvring bins between the storage areas and the designated bin collection area on collection days. Tracking plans of refuse vehicle movements have been submitted to demonstrate that the layout of the development works. Such managed approaches to refuse collection is not uncommon within major developments and the Council's Street Scene and Open Spaces Officer is satisfied with the arrangements.

106. Notwithstanding the requirements of condition 9 of the outline permission relating to external storage areas, no details of the design of the bin collection area have been submitted. I recommend that these and fine details (to ensure good practice in relation to general waste, food waste and recycling, including details of internal signage and any other related proposals to achieve such practice and help avoid cross-contamination) are secured by an appropriate condition.

107. Finally, appropriately sized and located servicing bays have been incorporated into the access road between the two buildings to facilitate deliveries to the development without impacting on highway safety on Elwick Road.

(f) Landscaping, ecology and biodiversity, surface water and drainage and contamination

- **Landscaping**

108. This Reserved Matters application is supported by a Landscape Statement, Landscape Management Strategy and comprehensive hard and soft landscape plans in accordance with the requirements of conditions 1, 41 and 42. An extract of the Landscape Illustrated General Arrangement Plan is shown in **Figure 13** below:



Figure 13: Extract from Landscape Illustrated General Arrangement Plan

109. The parameter plans approved by the outline planning permission allowed for hard and soft landscaping on the Elwick Road frontage and the landscape design has evolved to carefully integrate the development with the established public realm in this location. Specifically, it is proposed to retain the mature landscape feature provided by the avenue of street trees and to use high quality hard and soft landscaping, including 11 new trees, to signpost the main building entrances, to promote active frontage and to create spill out spaces with potential for seating adjacent to Elwick Place, the resident super-lounges and café. Notwithstanding the limitations imposed by the narrower red line boundary in front of Block A and the consequent impact on suitable tree species in this location, the layout and design of this 'Urban Link' would in my view respond well to the existing design of the shared space surface and would enhance its role as a key connection between the town centre and railway station for pedestrians and cyclists.
110. The ramped central access road (referred to as the 'Eco Street' in the Landscape Statement) would be flanked by two feature trees to emphasis the gateway role of this street. As shown in **Figure 13** above, it would incorporate different surface materials with the section closest to Elwick Road comprising clay pavers to match the existing shared space scheme. Consideration of the precise access details are reported in paragraphs 91-93 above.

111. In terms of planting, the Eco Street would incorporate 10 new trees and extensive shrub planting to create a welcoming tree-lined boulevard linking Elwick Road with the undercroft parking areas. It would also include visitor cycle parking and a servicing/set-down area. The landscape design in this location also includes retaining walls and careful demarcation of private residential entrances, semi-private residential spaces and the public realm. Further details of the finishes of the proposed retaining walls in the context of the topography of the site and the need to secure high quality public realm are ones that I consider it is reasonable to secure by condition. In response to the topography of the site it is also proposed to install a piece of kinetic art adjacent to the southern boundary to act as a landmark feature and to help terminate the available view from Elwick Road and reduce the visual impact of the concrete barrier wall to HS1. I recommend details of this feature also be secured by condition.
112. Within each of the two buildings is a large 'Podium Garden' featuring small integrated play spaces, seating and tree and shrub planting for use by residents. The play spaces are in addition to the financial contribution for off-site play equipment secured by the outline permission s.106 agreement. The podiums would provide high quality and imaginative social spaces to foster a sense of community and be visible through (and directly accessible from) the communal 'super-lounges'. I consider this would create a welcome visual interaction between the communal private realm and the public realm of Elwick Road. As with the Eco Street, the Podium Gardens would utilise careful seasonal planting to effectively demarcate and provide an element of privacy between the private residential entrances and amenity spaces and the adjacent communal amenity spaces. As recommended by the Design Review Panel the podiums would also incorporate blue roofs and be of direct benefit to the planted landscape.
113. Notwithstanding the significant constraints imposed by the Southern Water easement adjacent to the southern boundary, the landscape design of the 'Railway Terrace' would provide buffer planting and a soft green edge to the development. It is also proposed to utilise permeable block paving for the parking bays in this location. In my view, this area would be suitably landscaped.
114. In summary, the proposals would result in significant enhancements to hard and soft landscaping across the application site compared with the existing situation and, as noted by the Design Review Panel, will make a significant contribution to the character and town centre 'liveability' of the development.

The Landscape Management Strategy sets out an appropriate strategy for the long term maintenance of the whole development. Revisions to tree and soft planting schedules have been secured in response to comments from the Council's Tree and Open Spaces Officers to ensure that the soft landscaping is fully integrated into the layout and design and offers maximum visual interest and biodiversity benefits in accordance with relevant planning policy and guidance.

- **Ecology and biodiversity**

115. The site is not subject to any national or local nature conservation designations. The outline planning application was supported by a desk study and extended Phase 1 Habitat Survey which found no evidence of protected species. A detailed bat survey assessed 4 trees as having low potential to support roosting bats and recommended a precautionary approach be implemented during the removal of these trees. Notwithstanding the low ecological value of the existing site, it offers much scope for ecological and biodiversity enhancement and the permission is subject to a condition (20) requiring further details to be provided.
116. This Reserved Matters application is therefore supported by an Ecological Mitigation Strategy (EMS) that would secure the recommendations set out in the approved Preliminary Ecological Appraisal.
117. The strategy includes incorporation of a planting mix to provide a variety of habitats for floristic diversity and includes both native species and species of benefit to biodiversity. The planting mix has ecological value through providing bird nesting opportunities, shelter and overwintering for invertebrates and for nectar and pollen production for foraging birds and bats. The planting plans have been amended in accordance with the Council's Open Spaces Officer's advice and are acceptable. Details of the location and specification of 5 bat tubes and 5 bird boxes have also been provided.
118. The Council's Ecology advisor (KCC Ecological Advice Service) initially made comments in relation to the practicalities of managing and maintaining the eco-buffer planting adjacent to the southern boundary in the context of the car parking layout. They also made comments in relation to the extent of the external lighting strategy, the requirements for further bat scoping surveys and proposed bat and bird features. Natural England has no comments on the application.
119. In response to these comments, relevant plans have been amended by the

applicant to provide a kerb and strip of paving adjacent to the southern boundary planting area to protect the planting from damage in this location. The EMS has also been amended to reflect the requirements and responsibilities of contractors in relation to bats when felling trees. It is also noted that condition 38 of the outline permission requires the applicant to inform the Council if bats are discovered during felling and for such activity to cease immediately in such a scenario. In this context further bat scoping surveys are not considered necessary. The EMS and relevant plans have also been amended to include further details on the precise location and specification of bat and bird boxes.

120. The comments in relation to the extent of the external lighting strategy have been considered. In response, the applicant has confirmed that the proposed level of lighting complies with relevant British Standards and is necessary to ensure a safe environment for residents and visitors, including on the podiums where the main accesses to duplex units are located. The application is supported by a Lighting Impact Assessment which confirms that a lighting control system will be installed to control the external podium lighting (comprising mainly bollard lights), which will be switched off between 23:01-06:59. Similarly, the system will dim the external column lighting to 25% of full output between 23:01-06:59. I am satisfied that the strategy has been designed to incorporate bat sensitive lighting (with lower UV content) and to prevent night time light pollution.
121. Being mindful of the site's urban location and the existence of overspill light from street lighting and adjacent commercial premises I am satisfied that the lighting strategy is acceptable and in accordance with the requirements of Policy ENV4 (Light Pollution and Promoting Dark Skies) of the ALP. The Council's Environmental Protection team recommend that condition 10 (External Lighting Strategy) of the outline planning permission be discharged. This does not impact on the recommendation above to secure further details of the lighting on the front and side elevations of the building to ensure it is appropriate in the streetscene.
122. In summary I am satisfied that the development proposals would enhance the ecology and biodiversity value of the site in accordance with Policy ENV1 and ENV4 of the ALP.

- **Surface water and drainage**

123. Policy ENV9 of the ALP and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDs for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality.

The outline planning permission is subject to a condition to restrict water consumption to no more than 110 litres per person per day in accordance with the requirements of Policy ENV7 of the ALP. Other conditions (13, 21, 22 and 23) require details of a drainage scheme and means of foul and surface water sewerage disposal to be submitted.

124. This Reserved Matters application is supported by a Drainage Management Plan which identifies that discharge rates will be limited through the use of blue roofs on the podiums, an attenuation tank and permeable paving. The site lies within flood zone 1 with a very low risk of flooding and the details confirm that the proposed development would be served by adequate drainage. Neither the Local Lead Flood Authority nor the Environment Agency has any objection to the proposals in this regard. Southern Water are also satisfied with the details relating to foul and surface water drainage which will be via the public sewer network.
125. In summary, the hierarchy of surface water disposal has been adhered to, resulting in proposed connections to the public sewers in the vicinity of the development consistent with Phase 1. Surface Water flows are to be attenuated on site. Living (blue) roofs plus lined permeable paving shall also be incorporated into the proposed drainage infrastructure, which would improve water quality and provide biodiversity benefits in accordance with the requirements of national and local planning policy and the Council's Sustainable Drainage SPD.

- **Contamination**

126. A site investigation report submitted in support of the outline planning application identified some contamination on the site following the previous uses. In accordance with the requirements of condition 24 of the outline planning permission requiring the submission of a remediation scheme to deal with the contamination found on site, this Reserved Matters application is supported by a Phase 2 Remediation Strategy and Verification Plan.
127. The remediation scheme includes the decommissioning of monitoring wells and keeping a watching brief for signs of potential contamination during works. Both the Environment Agency and Council's Environmental Health team raise no objection to the details submitted and recommend discharge of condition 24 of the outline planning permission.

(g) Impacts on HS1

128. By reason of the proximity of the application site to HS1 there is a requirement

for any development on the site to protect the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 Property. To this end condition 19 of the outline permission required submission of evidence to demonstrate that a formal process of approvals between the applicant and HS1 has been entered into and commenced.

129. HS1 has confirmed that a Protective Provisions Agreement is now in place with the applicant which gives a large degree of control over onsite operations and they therefore confirm that condition 19 can be discharged.
130. HS1 has also reviewed the details submitted as part of this application. In response to feedback from HS1 the applicant has submitted amended plans. Whilst HS1 has confirmed that the issues they have raised are capable of being addressed, they have requested further detail relating to the design of balconies on the southern elevation be submitted following a proper risk assessment. They have also requested submission of details relating to any future maintenance of the development which could prejudice the safety, operation or maintenance of HS1. In my view, it is reasonable to secure these details by a further planning condition.

(h) Sustainability and climate change

131. This Reserved Matters application is supported by a Design Statement that states the design of the two blocks is focussed on delivering 'the most sustainable residential property in Ashford'. The proposed energy strategy comprises the installation of energy efficient air to water heat pumps located on the roof of each building which would facilitate local generation and storage of heating and hot water in each unit, thereby eliminating circulation heat losses and the potential for overheating within the building. Whilst the proposal does not commit to the use of any traditional renewable or zero carbon technologies, the ALP notes the demise of Eco-Homes and Code for Sustainable Homes with the updated Building Regulations effectively superseding these initiatives aimed at securing more sustainable methods of design and construction. The Council's adopted planning policy position is to rely on the Building Regulations to reduce energy emissions. The Design Statement states that the development will meet the anticipated requirements of the Building Regulations Part 1A applicable in 2025 and will align with the principle of the Future Homes Standards (2025).
132. To this end the design of the buildings incorporate careful façade engineering and passive architectural measures to optimise heat loss, prevent overheating due to solar gain and minimise air leakage through high standards of air-tightness within each unit. It is anticipated that these measures would achieve

a 40% reduction against the Part L 2013 Building Regulations requirements. Each unit would also feature natural and mechanical ventilation with heat recovery.

133. More widely, the development would feature high efficiency LED lighting with movement detectors in communal areas and low flow water fittings. Each unit would have independent metering of utilities. The proposal provides for 100 parking spaces to be ('actively') equipped with chargers from the outset with the remainder ('passively') future-proofed to enable further provision to be provided in time. This would be in accordance with the requirements of Policy ENV12 of the ALP which requires all major development proposals to promote a shift to the use of sustainable low emissions transport.
134. In summary, I am satisfied that the proposed development has been designed to address and mitigate the risks of climate change, including through the implementation of a low carbon energy strategy and the construction of a building designed to minimise energy consumption. In this regard the proposals are consistent with national and local planning policy and guidance.

(i) Habitats Regulations

135. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
136. The importance of this advice is that the application site falls within the Stour catchment area and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations 2017 (as amended) would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission. This is consistent with the KCC Ecological Advice Services request.
137. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
138. As matters stand, it is very likely that an off-site package of mitigation

measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.

139. However, work commissioned by the Council has commenced on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
140. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), I recommend that a resolution to approve the reserved matters should also be subject to the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a Deed of Variation and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place. This is included as part of my Recommendation (B) detailed further below.

(j) Planning Obligations

141. Whilst the applicant entered into a s.106 agreement as part of the grant of outline planning permission it is likely to be necessary to enter into a Deed of Variation to (i) secure the mitigation required to address the Habitats Regulations as discussed above and (ii) secure when the development might be able to be occupied according to successful delivery of the required off-site mitigation.
142. It has also been brought to my attention that minor changes to the existing s.106 agreement are now needed in order to ensure that wordings used are fully aligned with other contractual arrangements that the Council has in place as part of securing the commencement and delivery of the development. Such changes would have no implications on the planning obligations already secured and no implications in respect of the detail of this application and so I am content that the applicant can progress these separately with the Solicitor to the Council.

(k) Approval of outline conditions

143. For the reasons set out in the relevant sections of the above assessment, and as summarised below, I proposed that the following conditions be discharged. For the avoidance of doubt, I include that in my Recommendation further below.

Condition 1 - Approval of Reserved Matters

Condition 5 – Materials

Condition 9 – External Storage

Condition 10 – External Lighting

Condition 11 – Proposed Access

Condition 13 – Surface Water

Condition 15 – Cycle Storage

Condition 19 – High Speed 1 Approval Process

Condition 20 – Ecological Mitigation Strategy

Condition 21 – Surface Water Drainage

Condition 22 – Sustainable Drainage

Condition 23 - Foul and Surface Water Disposal

Condition 24 - Remediation Strategy (a)

Condition 30 - Noise Mitigation Scheme

Condition 33 - Archaeological Watching Brief

Condition 35 - Sustainable Movement and Electric Charging Points

Condition 41 - Landscape Features

Condition 42 - Landscape Management Plan

Condition 45 - Schedule of the Exact Mix and Proportions of Units in the Permitted Use Classes (Class C2, C3 and C3 restricted).

Human Rights Issues

144. 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

145. 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

146. The submitted Reserved Matters details relating to access, layout, scale, landscaping and appearance demonstrate that the proposals comprise a high quality well designed residential development as envisaged by the outline planning permission. In terms of access, layout, scale and design the proposals would be well integrated with its surroundings. The sensitive redevelopment of the existing vacant site would, in my opinion, represent an improvement to visual amenity and conserve and enhance the setting of the adjacent Town Centre Conservation Area. The proposals would also provide for significant enhancements to landscaping and biodiversity, including through extensive replacement tree planting.
147. The proposals would offer a range of dwelling types and sizes that would provide a choice of high standard of living accommodation and external amenity space for future occupiers. Externally, the proposals incorporate acceptable car and cycle parking in accordance with adopted Policies in the ALP. The development would incorporate highly efficient low carbon technologies and has been designed to minimise energy consumption. Importantly the development would also address climate change through measures including 50% active and 50% passive EVC infrastructure provision and would deliver a car club giving occupants of the development choice for those needing only occasional car usage given the central location close to amenities, bus stops and Ashford International railway station
148. The proposals would have no adverse impacts on the amenities of any adjoining residents or land uses. My Recommendation (A) below seeks delegation back to officers to deal with any further minor design changes that might be necessary in order to satisfactorily resolve on-going discussions with the Health & Safety Executive.
149. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. Therefore, the Recommendation below to approve is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to secure any necessary additional obligation(s) and/or planning conditions to that end. Mitigation will be via an off-site solution.

150. Recommendation (B) further below deals with the necessity for the applicant to enter into a deed of variation s.106 agreement and includes delegation to officers to deal with any necessary deletions, amendments and additions that might be necessary to mitigate against impacts of development on the integrity of Stodmarsh SAC, SPA and Ramsar site.
151. As discussed within the main body of the report I recommend that a number of conditions will be necessary. My Recommendation (C) further below deals with delegation to add/amend/remove planning conditions as appropriate.

Recommendation

- A. Delegated authority to be given to the Development Management Manager or the Strategic Development and Delivery Manager to conclude the acceptability of any further minor changes to the design of the buildings and/or layout that may prove necessary in order to resolve, to their satisfaction, any remaining issues requiring resolution with the Health & Safety Executive,**
- B. Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 deed of variation agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,**
- C. Resolve to;-**
- (i) APPROVE the relevant conditions of the outline application and,**
 - (ii) APPROVE the reserved matters details subject of the application**

subject to the further planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and any necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any ‘pre-

commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.

Further conditions:

1. Details of external lighting strategy for front and side elevations of buildings
2. Details of external building signage/advertisements for front and side elevations
3. Provision of internal surface finishes (ceilings, walls and floors) for LKD and bedrooms
4. Details of cycle store security measures
5. Details of undercroft access controls
6. Details of undercroft line-marking for pedestrians and cyclists
7. Details of refuse strategy, including bin collection area
8. Details of retaining wall finishes and materials
9. Details of kinetic art feature adjacent to southern boundary
10. Details of a risk assessment to identify risks to HS1 from deliberate or windblown debris from the development
11. Details of development maintenance which could prejudice the safety, operation or maintenance of HS1

Notes

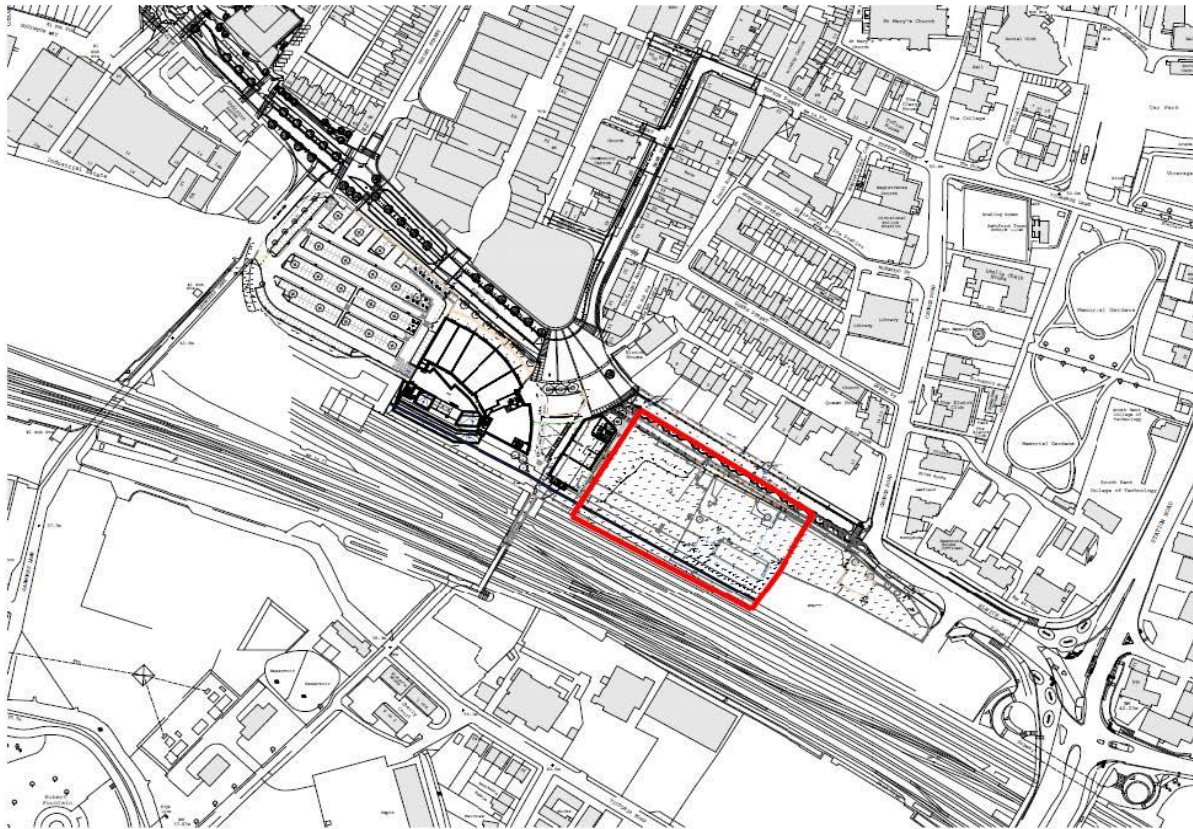
Expect applicant to liaise with Kent Police to further review how Secured By Design principles can be included in fine detail etc.

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 21/02219/AS)

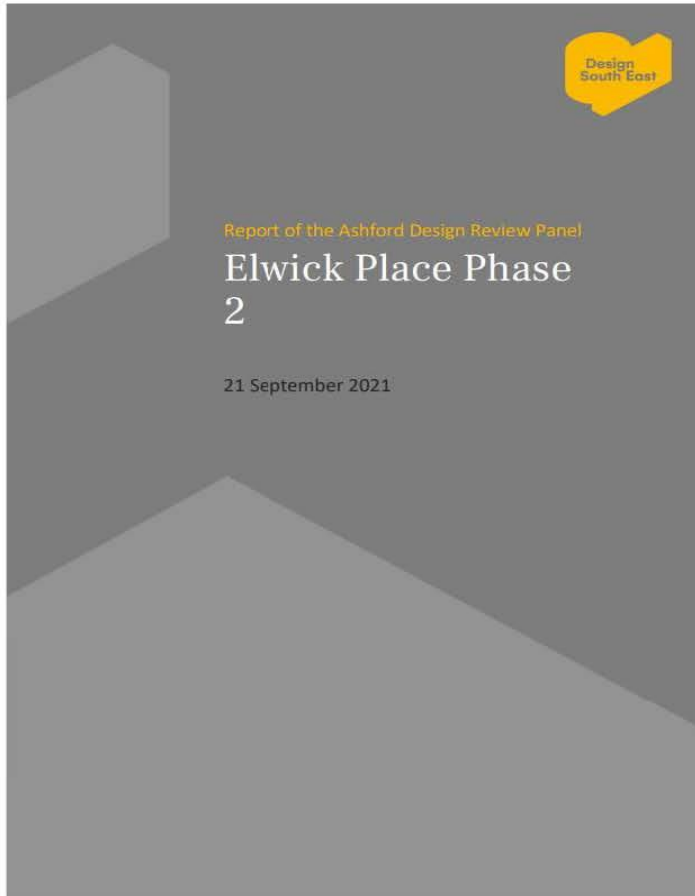
Contact Officer: Matthew Durling
Email: matthew.durling@ashford.gov.uk
Telephone: (01233) 330288

Annex 1 – Site Location Plan



Annex 2 – DRP Report

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| 2 | Report of the Ashford design review panel |
| The design review meeting | |
| Reference number | 1688/070921 |
| Date | 7 th September 2021 |
| Meeting location | Online via Zoom |
| Panel members attending | Liz Gibney (chair), architecture and urban design Nimi Attanayake, architecture and housing Chris Boarman, architecture and housing Peter Neal, landscape architecture Robert Sakula, architecture and urban design |
| Panel manager | Lizzie Atherton, Design South East |
| Presenting team | Guy Holloway, Holloway Mike Pearson, Holloway Clinton Olajide, Holloway |
| Other attendees | Carl Thomason, Sunningdale House Developments Gary Bourne, Stanhope PLC Robert Park, Exterior Architecture Chloe Clark, Savills Emily Porter, Savills Mark Chaplin, Ashford Borough Council Matthew Durling, Ashford Borough Council Roland Mills, Ashford Borough Council Rebecca Potter, Ashford Borough Council Councillor Mick Burgess, Ashford Borough Council Councillor Charles Suddards, Ashford Borough Council Graham Galpin, Central Ashford Community Forum Sarah Brown, Design South East Bridie Lebdiri, Design South East (observer) |
| Site visit | This review was carried out during the Covid-19 outbreak in 2020/21. Independent site study including desktop research prepared by Design South East and a digital walk-around (in a similar fashion to that which would have been conducted on-site) was carried out prior to the review. |
| Scope of the review | As an independent design review panel, the scope of this review was not restricted. |

3

Report of the Ashford design review panel

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| Panel interests | Allies and Morrison have been appointed to work on the Ashford Town Centre Reset. Chris Bearman is an employee of Allies and Morrison but is not directly involved in this project. |
| Confidentiality | This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report. |

The proposal

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| Name | Elwick Place Phase 2 |
| Site location | Land opposite, 1-8 Elwick Road, Ashford TN23 1AE |
| Site details | A 0.835 ha brownfield site, broadly vacant with a small parcel for parking. The site is bounded by Elwick Road to the north and the HS1 railway line to the south. The eastern boundary is bounded by National Rail Car Park. Beyond this is the A2042 /Station Road) and Ashford International Station itself. Directly to the west, and coterminous with the application site, lies the Phase 1 development comprising a cinema, retail units and hotel which are currently under construction. To the north lies the Town Centre Conservation Area. |
| Proposal | Residential development for 182 units with self-contained office space (intended for occupation by the developer) plus co-working/super lounge spaces for residents. |
| Planning stage | Pre-application with intention to submit reserved matters application based on existing outline permission for residential development of up to 200 units. |
| Local planning authority | Ashford Borough Council |
| Planning context | The site is covered under policy TC3 in the Ashford Town Centre Area Action Plan which states: "East of Elwick Square, the part of the site fronting the Victorian villas on the northern side of the street is proposed for mainly residential use (with the potential for some office space integrated into a more mixed-use) and needs a design treatment that is sympathetic to the scale and pattern of building blocks these villas bring to Elwick Road". |

4

Report of the Ashford design review panel

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| Planning history | An outline application (ref. 15/01282) was submitted in 2015 and granted, with all matters reserved except access. |
| Planning authority perspective | Ashford Borough Council approves of the development principle at the outline stage but the discussions are still at an early stage with detail still being progressed. |
| Community engagement | N/A |

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Report of the Ashford design review panel

Summary

We welcome the development of this site and the opportunity it provides to positively shape the street scene in this prominent and sustainable town centre location.

The proposal is promising, however more thought needs to be given to the identity of this particular place and its role in Ashford. Complexity and variety should be introduced to the blocks (and the homes within them) so that this scheme becomes a characterful and rich addition to Elwick Road. As a second phase development, which will be visible to many, it should not only be Ashford's landmark residential scheme but also sensitively accommodate future residents, based on an understanding of how they will live and their specific needs.

We would welcome a further review of this scheme once the following recommendations have been worked through.

Key recommendations

1. Further consider the development's role in Ashford and what it will offer to its residents and the community.
2. Introduce character, identity, and variety to the blocks, considering how they will activate the streetscape and contribute to the surrounding townscape.
3. Increase substantially the number of units that are dual aspect, and that are cross-ventilated and benefit from natural light.
4. Respond more sensitively to the site's edge conditions and define how the scheme connects with the public realm beyond the site boundary.
5. Embed sustainability principles throughout the design. Given the highly sustainable location, a reduction in parking should be prioritised by Ashford Borough Council and the applicant team.
6. Explore a more ambitious landscape strategy and ensure it is achievable, given environmental conditions and constraints.

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Report of the Ashford design review panel

Detailed comments and recommendations

1. **Design Strategy**
 - 1.1. The options process and previous design iterations should be presented, to better understand the evolution of the design process, and to understand why the option presented was taken forward.
 - 1.2. The site's constraints, context, and edge conditions could be further celebrated and used to drive sensitive and positive relationships with neighbouring spaces and buildings.
 - 1.3. An in depth analysis of the local context and views will enable the buildings to move beyond imitating neighbouring geometry and architectural treatment and more thoughtfully respond to Ashford in terms of materiality, scale, quality, and proportion.
 - 1.4. Access and routes across the site, and the people who will use them, need to be described further. The transitions and boundaries between public/semi-public/and private spaces during these journeys should be established to support positive interactions and foster community.
 - 1.5. We would welcome some wider thinking about how this scheme will provide homes that meet contemporary needs and demonstrate how the proposals will respond to the climate crisis, contribute to the sustainability of neighbourhoods, and foster community.
2. **Site layout**
 - 2.1. We would question the simplicity of the U-block forms and their responsiveness to the site's different edge conditions. Their symmetrical nature appears to assume a negative condition on the eastern boundary as well as the west. These conditions should be interrogated further to introduce complexity and thoughtfulness to the design.
 - 2.2. Additionally, the ramp on the west side of the site, between the proposals and the Travelodge has the potential to be an overshadowed uninviting space, and therefore prone to antisocial behaviour.
 - 2.3. The proposals could relate much more closely to external views of key green spaces, in terms of orientation, by exploring maximising the views southwest to Victoria Park and northeast out to the Memorial Gardens.

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Report of the Ashford design review panel

- 2.4. The public, semi-public, and private realm should be mapped with consideration given to the journeys and routes people will take.
3. Landscape
- 3.1. The landscape design will make a significant contribution to the character and liveability of the development. It should provide social spaces to foster a sense of community and should seek to deliver biodiversity net gain. Enhancements across the roofs, southern boundary, eco-street, and courtyards should be resilient to both current and future environmental conditions.
- 3.2. The easement landscape treatment on the southern boundary should be reconsidered, and the described restrictions challenged, to provide further landscape benefit where possible. As a starting point, removing or reducing the carparking provision on the southern boundary could be explored to provide a stronger green edge.
- 3.3. The eco-street depicted has the potential to be a welcoming tree-lined boulevard. As an elevated landscape, its structural integrity should be tested to ensure tree planting is maximized. The views along the corridor and landscape treatment of its terminus should also be worked through.
- 3.4. The 900mm planting depth proposed for the podium will be challenging for plant and tree growth when combined with the southerly aspect of the courtyards, the amount of light and resultant solar gain. The blue/green engineering solution for the podium slab is welcomed but should be tested and if necessary increased in depth to ensure it is sufficient for the long-term growth of plants and trees.
- 3.5. The courtyard gardens will require a strong seasonal planting strategy and management plan to make them attractive and successful gardens for residents.
- 3.6. The roofs' environmental performance should be maximized, by exploring incorporating green, brown and blue roofs - as well as solar panels where appropriate - to create passive BioSolar roofs. Incorporating blue roofs in particular will improve surface water management and provide direct benefit to the planted landscape.
- 3.7. The greening proposed on Elwick Road should take account of the north-facing aspect and reduced solar gain.

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Report of the Ashford design review panel

4. Movement
- 4.1. The site's location is extremely sustainable with excellent public transport links. Consequently a lower, more ambitious car parking ratio should be pursued in conjunction with Ashford Borough Council.
- 4.2. The movement sequences from the scheme, beyond the site boundary, to key public routes and green spaces, should be worked through and considered at a human scale. For example, the bridge to the southwest of the site will be part of a key pedestrian link towards Victoria Park and pedestrian routes to this should be addressed thoughtfully by the scheme.
- 4.3. The cycling provision should be more generous to ensure it is an accessible and attractive mode of transport for all residents.
5. Architecture and treatment
- 5.1. Further consideration should be given to how this scheme fits into and responds to Ashford by testing and presenting a variety of architectural approaches
- 5.2. We are not convinced by the comparison of the blocks' geometry with the villas due to their entirely different scales and heights. The drawings should not suggest that the villas and the proposed buildings are of the same height.
- 5.2.1. Exploring a mansion block typology - and taking clues from Ashford's typical materiality and architectural treatments - could be a solution to providing buildings that complement the villas. Such a typology could also introduce verticality into the facades and reduce the emphasis on the proposal's width.
- 5.3. We would question whether both the buildings must be treated the same, or whether they could express difference in character as part of a changing streetscape. Further richness and enhancements could also be introduced by considering what residents and passers-by alike may see from various perspectives and exploring how these glimpses could delight and add interest to the street scene.
- 5.4. The ground floor frontage should be activated as much as possible. This could start to be addressed by moving circulation into the public realm, avoiding the need for internal corridors, and locating the front doors of the ground floor duplexes facing the street.
- 5.5. The gold treatment is leading to the proposal's character relating closer to the cinema, rather than the villas, and confusing their identity.

6. Internal layout

- 6.1. The limited number of dual aspect flats is concerning, and a much higher percentage of the flats should be dual aspect to limit the risk of overheating, allow for cross-ventilation, and increase the provision of natural light for residents. Several suggestions were made to resolve this and options that could be explored include adding more cores (although we appreciate there may be associated viability constraints), aligning flats east to west, or more substantial reconfiguration.
- 6.2. Consideration should be given to what makes one flat different to another, to bring richness to the internal layouts and provide a diversity of internal spaces.
- 6.3. We welcome the super-lounges; they will be a good opportunity for residents to meet, work, and foster community. However, the amenity provision could be further varied and the frontages activated by introducing additional ground floor uses, for example, a gym, workspace, nursery or community space.

7. Energy strategy

- 7.1. We welcome the client's evident commitment to sustainability. However, the embodied carbon in this building will be substantial, and the applicant team should explore an approach to construction that is less reliant on concrete and steel.
- 7.2. The longevity of this scheme should be assessed with consideration given to how different future uses could be accommodated - particularly regarding if the carpark is ever repurposed.
- 7.3. Our guidance is that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

| | |
|--------------------------------|--|
| Application Number | 21/00627/AS |
| Location | Land rear of 7-14 Harmers Way, Egerton, Kent |
| Grid Reference | 90958/47288 |
| Parish Council | Egerton |
| Ward | Weald North Ward |
| Application Description | Erection of 13 dwellings together with all necessary infrastructure. |
| Applicant | Jarvis Land Promotions Ltd. |
| Agent | Ian Bull Consultancy Ltd. |
| Site Area | 1.2ha |

Introduction

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

Site and Surroundings

2. The application site covers an area of approximately 1.2 hectares and is a loosely rectangular piece of undeveloped land that lies on the edge of, but outside, the built confines of Egerton. The site was a former arable field, currently pasture. The site lies to the rear of the Harmers Way residential development. The proposed development would be accessed from Harmers Way, utilising an existing gap between houses.
3. The site is bordered by the rear boundary treatments of the houses on Harmers Way on its north eastern side. The south eastern perimeter is delineated by the rural lane, Stone Hill Road. The north western end of the site is defined by the rear garden boundaries of the bungalows on Elm Close. A section of the field will be left as a green buffer along the south western side of the site, which would separate the development from a vegetated lined Public Right of Way, which connects Stone Hill Road to the centre of the village, via the village hall. The land is generally open countryside to the south of Stone Hill Road, with the exception of farms. The land to the west of the public right of way is not generally part of the built area of the village, and includes the grounds of Barlings (a listed building) beyond which are a recreation ground and sewage treatment plant.

- The site is within the Greensand Ridge landscape character area. This area is characterised by a more open aspect than its neighbouring wooded west. The field patterns are varied in terms of their shape and sizes with fruit orchards enclosed by shelterbelts. It also notes in particular the historic hill top settlement of Egerton which lies to the north of the site. The condition of the landscape is considered to be good with a high sensitivity where the overall objective is to conserve.



Fig. 1 Site Plan

Proposal

- Full planning permission is sought for the erection of 13 dwellings ranging from 2-5 bedrooms, with all associated infrastructure. 8 would be open market dwellings, and 5 affordable.
- The proposed dwellings would have a varied material palette, including brick, claying tile hanging, black timber stained weatherboarding and plain clay or artificial slate roof tiles. The exact composition of materials can be secured by condition.
- During the course of the application, supporting documents were received to address officer and statutory consultee concerns.
- The access to the development utilises an existing agricultural access into the site from Harmers Way, via a gap between houses.

9. The proposal is a farmstead themed development, with a varied mix of housing styles to be sympathetic with the edge of village location and to reflect the architectural style, detailing and materials found in Egerton.



Fig.2 – Illustrative Master Plan



Plots 11-13

Fig.3 – Proposed front elevations (1)



Plot 2



Plots 1, 4 & 7





Plots 5 & 6



Plots 9 & 10



Fig.4 – Proposed front elevations (2)



Plot 8



Plot 3



Fig. 5 – Proposed front elevations (3).

10. In support of the application the applicant has submitted the following documents:
- Arboricultural report
 - Archaeological desk based assessment
 - Design & access statement
 - Ecological scoping survey revised
 - Flood Risk Assessment
 - Great crested newt survey report
 - Heritage land statement
 - Planning statement
 - Transport statement
 - Tree survey & constraints plan
 - Tree protection plan

Planning History

There is no relevant history for this site.

Consultations

Ward Member: Cllr Mulholland is a member of the planning committee and has requested that the application is reported to the Committee for consideration.

Egerton Parish Council – object on the grounds the site may be sustainable at some levels by virtue of its location in relation to village amenities; but that there are other factors that outweigh the case for development, summarised as follows:

- the density and number of proposed new dwellings, cumulatively with other proposed developments in the village, has the potential to make a significant change to the character and environment of Egerton village, to impact adversely on key views to and from the village and to add considerably to light, noise and traffic pollution;
- the site is classified as very good quality agricultural land, with some protection from development in NPPF guidelines;

- the absence of an open market housing need emanating from ABC over & above the provision on the New Road site;
- the provision of older people's housing on the gifted Orchard Nurseries site;
- the lack of affordable local needs housing for rent;
- the potential adverse impact on neighbouring properties and the individual landscape character of the parish;
- the loss of a significant green gap and buffer for the main settlement; and the disproportionate clustering of new development (North Field, New Road, Orchard Nurseries) with the resultant impact on the visual environment;
- the sloping nature of the site overlooking the lower parts of the village and beyond makes some light and noise pollution inevitable;
- the impacting of proposed two-storey homes over the bungalows in Elm Close and from the higher ground near Stone Hill above houses in the south eastern side of Harmers Way would be over-bearing;

the detrimental effect on vistas from the county's renowned Greensand Way and the sensitivities of the Greensand ridge itself that has potential to become a new AONB need safeguarding and enhancing, not being put at risk of harm.

KCC Flood and Water Management (LLFA) – no objection subject to conditions, following receipt of additional supporting documentation.

KCC Ecological Service – no objection subject to conditions and informatives, confirming sufficient information has been submitted following receipt of additional supporting details.

KCC Highways and Transportation – no objection, subject to conditions and informatives.

KCC PROW – general comment received recommending a contribution should be sought for the maintenance required from increased use of the footpath.

ABC Refuse – general comment received regarding waste collection and an indemnity required and payment towards new bins.

KCC Developer Contributions - general comment received setting out contributions sought from the developers to mitigate the needs generated by the development.

KCC Heritage – have not commented.

Southern Water Services – no objection, following receipt of odour assessment.

ABC Housing – have commented on housing tenure.

ABC Cultural Services – No comments

Neighbours - 41 neighbours consulted; 15 objection comments received raising the following concerns:

- Would not meet the identified need in the NP for affordable small-scale housing for local people
- No identified need for this development, which is already met by allocated sites
- Local network of narrow rural roads cannot cope with scale of development
- Access is too narrow
- Village sewage/drainage system cannot cope with scale of development
- Village pub and shop are both closed
- Village has no employment opportunities, so not sustainable
- Public transport options are limited
- Cumulatively with other developments in the village, represents over-development
- Harmful to landscape (Greensand Ridge)
- Dominate views from New Road and Low Weald
- Harmful to Greensand Way public right of way
- Concern how buffer zone and linking footpaths (outside red line) would be secured and maintained
- Harmful to setting of village
- Would go against the grain of built development in the village
- Site not allocated in Ashford local plan
- Site not allocated in emerging Egerton NP
- Impact on wildlife

7 support comments received raising the following:

- Suitable site for development
- Logical extension of Harmers Way estate
- Good access to services / amenities
- Good access to road network
- Good mix of housing types
- Designs and layout appropriate for local context
- Would benefit local business and services
- Would provide 5 affordable units

Planning Policy

11. The Development Plan for Ashford Borough 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), the Boughton Aluph and Eastwell Neighbourhood Plan (2021) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020). The Egerton Neighbourhood Plan was 'made' (i.e. adopted) by Full Council on the 3rd March 2022

12. The relevant policies from the Development Plan relating to this application are therefore as follows:-

Ashford Local Plan 2030

| | |
|--------------|---|
| SP1 | Strategic objectives |
| SP2 | The strategic approach to housing development |
| SP6 | Promoting high quality design |
| HOU1 | Affordable Housing |
| HOU5 | Residential windfall development in the countryside |
| HOU12 | Residential space standard 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 |
| 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 & 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 |
| ENV15 | Archaeology |
| COM1 | Meeting community needs |
| COM2 | Recreation, Sport, Play and Open Spaces |
| IMP1 | Infrastructure provision |

Egerton Neighbourhood Plan (2022)

| | |
|-----------|--|
| P1 | Distinctive Landscape Character and Biodiversity |
| P2 | Trees, hedges and woodland |
| P4 | Key Views and Vistas |
| P6 | Light Pollution |
| S3 | Public Rights of Way |
| D1 | Development Principles |
| D2 | Application of the Parish Design Statement |
| D3 | Housing Policy |
| D7 | Water Supply and Drainage |
| D8 | Renewable Energy and Climate Change mitigation |

13. The following are also material considerations in the determination of this application:-

Supplementary Planning Guidance/Documents

Dark Skies SPD 2014

Landscape Character SPD 2011

Fibre to the Premises SPD

Residential Parking & Design SPD 2010

Residential Space and Layout SPD (External Only) 2011

Sustainable Drainage SPD 2010

Public Green Spaces & Water Environment SPD 2012

Affordable Housing SPD 2009

Parish Design Statement

Egerton PDS

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) 2021

Paragraphs 11-14 - Presumption in favour of sustainable development

Paragraph 47 - Determination in accordance with the development plan

Paragraph 60 - 77 - Delivering a sufficient supply of homes

Paragraphs 92 - 97 - Promoting healthy and safe communities

Paragraphs 104 - 109 - Promoting sustainable transport

Paragraphs 119 - 123 - Making effective use of land

Paragraphs 126 - 136 - Achieving well-designed places

Paragraphs 152 - 169 - Meeting the challenge of climate change and flooding

Paragraphs 179 - 182 - Habitats and biodiversity

Paragraphs 189 - 208 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Assessment

14. The key areas for consideration are as follows:
- Principle of development
 - Sustainability and location of the development
 - Visual Amenity, Layout and Heritage Impact
 - Residential Amenity
 - Highway Safety and Parking
 - Surface and Foul Water Drainage
 - Ecology and impact upon designated sites (Stodmarsh)
 - Climate Change mitigation and sustainable drainage
 - Affordable Housing and Housing Mix
 - Compatibility with the newly made Neighbourhood Plan
 - Other issues
 - Five Year Housing Land Supply Position
 - Planning Obligations

Principle of development

15. As an unallocated site, the application falls to be determined against Policy HOU5 (Residential Windfall Development in the Countryside) of the Local Plan (alongside other relevant policies, including those in the new Neighbourhood Plan). The criteria for the policy are set out below. The criteria are assessed for compliance as well throughout the remainder of the report. This is alongside all other relevant policies and plans as well as Supplementary Planning Documents and other guidance.

HOU5

16. For the development to be acceptable in principle the following criteria of Policy HOU5 must be met:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;

Egerton has a shop, school, recreation ground, village hall, public house and church. This level of service provision within Egerton was considered acceptable when the local plan was adopted to be suitable for development of edge of settlement sites. The proposal for 13 dwellings needs to be considered in association with other developments in and around the village but is not disproportionate to the size of the settlement even in addition to the sites identified for 27 new dwellings in the Neighbourhood Plan.

- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;

The application site is within easy walking distance of the centre of the village via the pavement along New Road; or, via the Greensand Way public footpath to the west of the site.

- c) The development 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 without adversely affecting the character of the surrounding area;

See highway section.

- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;

The site is within easy walking distance to local services and bus services to neighbouring settlements (3 per day Monday – Friday). The site would benefit from the proposed linkage to the PROW network.

- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,

See visual amenity, layout & heritage section.

- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-

- i. it sits sympathetically within the wider landscape,
- ii. it preserves or enhances the setting of the nearest settlement;
- iii. it includes an appropriately sized and designed landscape buffer to the open countryside,

- iv. it is consistent with local character and built form, including scale, bulk and the materials used,

See visual amenity & heritage section.

- v. it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,

See residential amenity section.

- vi. it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

See Ecology section.

Sustainability and location of the development

- 17. The NPPF seeks to resist isolated new homes in the countryside (para 80).
- 18. The site, whilst outside of the built confines of Egerton is not in an isolated location. The application site is located adjacent to an established rural settlement and within easy walking distance of the centre of the village. There are a wide range of local services and facilities including a shop, primary school, public house, village hall, recreation ground, children's play areas, and bus stops. Therefore, the site is not regarded as being physically isolated from services and is sustainably located.

Visual Amenity, Layout and Heritage Impact

- 19. The site is currently undeveloped pastureland north of Stone Hill Road and west of Harmers Way. Stone Hill Road is a narrow rural lane where the site is visible between the breaks in the roadside vegetation. A section of the Greensand Way public footpath runs north to south to the west of the site. The site is not visible from New Road on approach to the village from the south east. However, as the village comes into view, the rooftops of the Harmers Way development are visible, so the proposed development would be similarly visible, appearing as an extension to this edge of village estate. The development would be largely screened from New Road by the Harmers Way development once within the village, except for limited views through the site entrance/access.
- 20. As an edge of village site, the density in this location needs to be considerate of the transition to the open countryside beyond and allow for the openness through the site to enable views of the Parish church. The proposal has evolved to form a more spacious development suitable for an edge of village location and 13 units is an appropriate quantum of development in this regard.

21. It was important not to replicate the suburban layout of Harmers Way, when considering the development potential of the site. As such, the concept of two enclosed farmsteads has been loosely adopted. Examination of the character of farmsteads around the village, identified how farms evolved, merged and adapted over time. Consequently, two farm courtyards close to each other is a local vernacular feature.
22. Furthermore, a contemporary agricultural aesthetic is employed, and a material palette and architectural style to pick up on the subtle mix of materials in the village, along with local vernacular design features such as cat slide roofs are incorporated. Garages and carports are set back from the frontages to appear as small barn outbuildings. These elements combine to ensure the proposed development would sit sympathetically in its context, elevating it above a more mundane suburban residential scheme. As such, whilst the proposed development would have a perceivable visual impact on views of the village from vantage points to the south, it would nevertheless not be at odds with local character.
23. The site has established hedgerow and small trees affording a strong sense of enclosure and a good buffer from the surrounding countryside. A development free buffer is to be retained to the south west of the proposed development, to assist with biodiversity gain and to protect the Greensand Way. This green corridor would also provide a pedestrian connection to the Greensand Way public right of way.
24. The proposed finish of the development is of a high quality with materials drawing reference to those found in Egerton. The elevations of the dwellings are varied, rural in character and are visually interesting. None of the units exceeding two storey. Combining this with an informal non-suburban layout creates a place that would be appropriate for the location. Overall, the green buffer, an enhanced landscaping scheme, and a high quality design and material palette, ensure a high quality development that responds to its sensitive location at the edge of the village.
25. In the light of the above, the proposal is considered acceptable in terms of its impact upon the visual amenity of the area and the character and appearance of the village and local landscape. Clear views of the development will be available from the surrounding roads and public rights of way, but the design and layout is suitably respectful to local context. It is considered the development complies with the criteria of HOU5 f) and Policies P1, P2 and P4 of the ENP.

Impact on the views of the Church

26. The proposal ensures that there are key views afforded of the Church to the north east of the site, which sits on a more elevated position which the main part of the village is built upon. It is considered the proposed development would not impact adversely on the village heritage assets, including listed

buildings and the village conservation area in accordance with HOU5 e) and ENP policy P4.

Residential Amenity

27. The proposed development provides sufficient back-to-back separation between the proposed dwellings and the rear boundaries of the existing dwellings on Harmers Way and Elm Close. As such, overlooking, overshadowing and overbearing impacts on neighbouring occupiers would be within acceptable limits. In light of the above, the development is acceptable in terms of residential amenity and would comply with HOU5 (criteria f) v).
28. The proposed development would meet or exceed internal and external space standards thereby affording a good level of amenity to future residents.

Highway Safety and Parking / PROW

29. The development would be served by a new road on the line of the existing agricultural access between the houses onto Harmers Way, which would provide adequate visibility. The proposed access serving the site would be 4.8m wide, together with a 1.5m footway, which is acceptable to KCC Highways. The internal access road is not proposed for adoption by KCC Highways and Transportation and will remain in private ownership. Vehicle tracking has been undertaken to show that a refuse vehicle can enter the site, turn around and then exit in forward gear.
30. Parking is required to be provided in accordance with policy TRA3a of the Local Plan. All properties have parking that meets the requirements in respect of the number of spaces provided. Triple car ports where provided are acceptable but will require the removal of permitted development rights for the installation of doors / structures within the car ports which prevent them from being used for car parking. A total of 6 visitor parking spaces are provided across the site.
31. Cycle parking can be provided on site, in accordance with policy TRA6, and this can be secured through condition.
32. In light of the above, the proposal is considered acceptable in terms of highway safety and, subject to conditions, Kent Highways officers raise no objection to the application on highway safety grounds.
33. Public footpath AW88, which forms part of the Greensand Way promoted route, passes to the south west of the proposed development. The development features two proposed connections to this public right of way. KCC expect that these will not become the responsibility of Kent County Council's Public Rights of Way and Access Service. The Borough Council will therefore need to secure appropriate funding or mechanism for likely future maintenance. The connectivity this pedestrian link to the village facilities in

Egerton as well as to the wider public rights of way network provides, is a positive outcome in terms of the sustainability of the site. However, the proposal will inevitably lead to an increased use of the existing path; and, a contribution will need to be secured to improve the footpath surface between Stone Hill Road and Elm Close.

Surface and Foul Water Drainage

34. Following the receipt of the amended details, KCC as the Lead Local Flood Authority has confirmed that they have no objection to the drainage strategy subject to conditions. The proposal in turn is compliant with policy ENV9 of the Local Plan.
35. Foul water will be dealt with via mains drainage. Southern Water do not raise any objection and an agreement will be needed with them for a connection to the main sewer. A condition limiting this to being the only means of foul drainage is proposed to ensure the most sustainable solution is pursued and to comply with the Habitat Regulations (see section on Stodmarsh below).

Ecology and impact upon designated sites (Stodmarsh)

Ecology

36. The application site is an undeveloped parcel of land but is well maintained and grazed. The application was accompanied by a preliminary ecological survey. The habitats on site are improved grassland surrounded by hedgerows. The surrounding hedgerows will be retained to avoid removing habitats of value, especially for such species as hazel dormouse and reptiles. There may be potential impacts upon great crested newts due to the presence of ponds within 250 m of the development. The application has been accepted on to the district level licencing scheme through the submission of an Impact Assessment and Conservation Payment Certificate. Therefore any impact on GCN will be mitigated via the District Level Licensing Scheme.
37. In the light of the above, KCC Ecology are satisfied that sufficient information has been submitted with the application and subject to conditions/informatives, there would in their opinion be no harm to the favourable conservation status of protected or notable species. The application therefore meets the tests of the habitats Directive and the Conservation of Habitats and Species Regulations 2017.

Stodmarsh

38. Whilst the site does lie within the operational catchment of the River Stour, the site would discharge its foul water to the pumping station in the village which then discharges into the River Beult and therefore would not be caught by the precautionary approach applied following the guidance received from Natural England with respect to the Stodmarsh Lakes to the east of Canterbury. This

therefore makes the site immediately deliverable and not dependent on Stodmarsh mitigation measures.

Climate Change mitigation and sustainable drainage

39. The Local Plan and Neighbourhood Plan require that new development is energy efficient and incorporates on-site renewables where possible. The applicants have confirmed their willingness to meet all technical standards. Therefore a condition is proposed to secure the required details to comply with the policy and to ensure their implementation. Electric charging points are proposed for the dwellings and an additional condition is proposed to that end.
40. Sustainable drainage measures are proposed incorporating a swale and a series of ponds. Three conditions are proposed to secure the necessary technical details to ensure that the proposals are satisfactory to mitigate surface water flows and that the measures are implemented.

Affordable Housing

41. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40% (5 units). 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.
42. The 5 affordable housing units will be secured as such through the S106 Agreement. 1 unit would need to be for affordable rent and 4 units for affordable home ownership (4 of which would be for shared ownership).
43. The high quality and varied design would ensure that the dwellings are developed in a way in which they would be tenure blind and visually integrate with the open market dwellings.

Other issues

Archaeology

44. A desk based archaeological assessment of the site has been submitted with the application. KCC Heritage have not commented on the submission. A condition is proposed to ensure that a watching brief is maintained if it proves to be necessary.

Water efficiency

45. Water efficiency can be secured by condition to ensure compliance with ENV7.

Contamination

46. A contamination report has been submitted in support of the application a condition is proposed relating to the reporting of any unidentified contamination and associated mitigation should the issue arise throughout the course of the development.

Lighting

47. In the interests of maintaining dark skies and in compliance with Neighbourhood Plan Policy P6, details of external lighting should be secured under a planning condition.

Socio/Economic benefits

48. The proposed development would create an economic benefit from construction, with employment to contactors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period this would have some benefit.
49. The increase in the local residential population would increase expenditure in the local economy as this would comprise some people who have moved from elsewhere, this would benefit the local shop and public house.

Compatibility with the newly made Neighbourhood Plan

50. The current application has been the subject of an objection from the Parish Council and a number of local residents. The view has been expressed that permission should be refused because this site is not allocated for housing development in the Egerton Neighbourhood Plan.
51. The results of the Egerton Neighbourhood Plan (ENP) Referendum were reported to the Cabinet on 24th February 2022 with a recommendation to adopt for Full Council on 3rd March. The Plan was “made” at that Council meeting and now forms part of the Development Plan.
52. The application site forms part of a larger site which was put forward as a ‘Call for Sites’ proposal that was considered by the Neighbourhood Planning Forum during the preparation of the Neighbourhood Plan as part of a ‘Call for Sites’ exercise, which was the subject of a local parish assessment in April 2021.
53. This assessment considered the larger site to be in a sustainable location and in general conformity with the Ashford Local Plan and NPPF, but it was not allocated for development in the Neighbourhood Plan. The assessment concluded that development of the larger site had the potential to make a significant change to the individual landscape character and environment of Egerton village, to impact adversely on key views to and from the village and

to add considerably to light, noise and traffic pollution. Concerns were also expressed regarding a disproportionate clustering of new developments in this part of the village, a lack of opportunities to meet local needs housing, loss of good agricultural land, loss of a green gap and potential adverse impacts on neighbouring properties. These concerns have largely been reiterated in the objections from the Parish Council to this application in the Consultations section.

54. The ENP recognises the potential contribution that windfall developments meeting the requirements of Ashford Local Plan (ALP) Policy HOU5 can make towards future housing needs, provided that the scale is proportionate to the settlement and the design is of a high quality, the location is sustainable and the conservation and enhancement of the natural environment and heritage assets are ensured (ENP paragraph 7.34).
55. Policy ENP D3 addresses Housing Policy responding to a housing needs assessment carried out in 2018 and covering a five year period to 2023. In respect of meeting market housing need, both during the first five year period and for the remainder of the plan period to 2040, the ENP assumes there will be future windfalls that accord with ALP policies HOU3a and HOU5 (see ENP D3 (2) and paragraph 7.20).
56. The ENP's aim of delivering local affordable dwellings to meet the needs identified in the housing needs assessment and market dwellings for locally based older residents to downsize to are indicated to be on other sites in the parish but the delivery of those sites are not prejudiced by the proposals on the application site.
57. The application site is not identified or designated in the ENP for open space or as a Local Green Space and so there is no ENP policy that specifically seeks to prevent development of the site. It therefore follows that the application should be considered against the more general policies governing windfall applications in both the ALP and the ENP.
58. In this case, this is whether the site subject to this planning application meets the requirements of ALP Policy HOU5 and the relevant policies in the ENP relating to scale of development, design and the impacts on the natural environment and heritage assets.
59. The assessment section above addresses these matters in the light of the ALP and ENP and concludes that the relevant policy criteria have been satisfied,

Five Year Housing Land Supply Position

60. The latest published Housing Land Supply position as of 31st July 2021 is 4.54 years. This means that in accordance with Paragraph 11(d) of the NPPF there

is a standing presumption in favour of sustainable development when considering planning applications for residential uses.

61. If Members consider that there is conflict with any part of the Development Plan para. 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted and para. 14 of the NPPF sets out the situation that a proposal that would be in conflict with a Neighbourhood Plan should not normally be allowed even if the presumption in favour of sustainable development has been triggered. The criteria set out in para. 14 of the NPPF are all present.
62. Therefore, if conflict with the Neighbourhood Plan is identified, the lack of a deliverable 5 year housing land supply in this case should not afford any additional weight towards a grant of planning permission in the decision-making balance and the decision should be based on whether the proposals comply with adopted planning policy – as assessed above.

Planning Obligations

63. 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
64. 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.
65. The projects wherever possible are located within the parish of Egerton. In terms of education contributions, (primary & secondary) KCC has confirmed that there is no requirement for these from this scheme.

Table 1
Heads of Terms for Section 106 Agreement/Undertaking

| | Planning Obligation | | | Regulation 122 Assessment |
|---|---|--------------------------|--|---|
| | Detail | Amounts (s) | Trigger Points (s) | |
| Ashford Borough Council Planning Obligations | | | | |
| Page 78 | <u>Affordable Housing</u> | | | |
| | In accordance with Policy HOU1. | 1 affordable rent units | Affordable housing to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings. | Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 and HOU1 of the Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF. |
| | Rest of Borough (Zone C) | 4 shared ownership units | | Directly related as the affordable housing would be provided on-site in conjunction with open market housing. |
| | - 10% of the total dwellings made available for affordable or social rent | | | |
| | - 30% of the total dwellings made available for home ownership [including a minimum of 20% for shared ownership]. | | | Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided. |

| | Planning Obligation | | | Regulation 122 Assessment |
|---------|--|-----|---|---|
| Page 79 | <p><i>Locations, floor-space, number and size of bedrooms to be as specified by Housing.</i></p> <p><i>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</i></p> <p><i>Shared ownership units to be leased in the terms specified.</i> <i>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</i></p> | | | |
| | <p><u>Footpath Connectivity</u></p> <p>To secure an appropriate funding or other mechanism for likely future maintenance of the proposed footpath links to the PROW to the South West and</p> | TBC | Upon first occupation transfer the funds/ agree the mechanism and upgrade the footpath before | Necessary: The link will enhance the sustainability of the site by creating an alternative route to local facilities in compliance with Local Plan Policy TRA5 – Planning for Pedestrians and Neighbourhood Plan Policy S3 – Public Rights of Way. |

| | Planning Obligation | | | Regulation 122 Assessment |
|---------|---|-------------------------------------|--|--|
| | to improve the footpath surface between Stone Hill Road and Elm Close to a specification to be agreed with KCC Public Rights of Way. | | substantial completion of the development. | Directly related: The footpath will serve the development concerned. Fairly and reasonably related to the scale of development concerned: Only the footpath links and the PROW local to the site is required to be maintained/improved. |
| Page 80 | <u>Accessible Housing</u> At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard. | Provide on-site 20% of all units. | Dwellings required to be built in accordance with the standard to be approved prior to construction commencing. Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard. | Necessary as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF Directly related as accessible homes for those with reduced mobility would be provided on-site. Fairly and reasonably related in scale and kind as based on 3 of housing units to be provided |
| | <u>Informal/Natural Green Space</u> Project: Purchase of land in Egerton for the provision of | £434 per dwelling for capital costs | Upon occupation of 75% of the dwellings. | 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 , |

| | Planning Obligation | | | Regulation 122 Assessment |
|---------|--|---|---|--|
| Page 81 | <p>informal natural space including potential for pond, orchard and community woodland. Site to be secured within the Parish.</p> <p>Or alternative project if advised of such by the Parish Council.</p> | <p>& £325 maintenance costs</p> | | <p>IMP1 and COM2 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>Children and Young People's Play Space</u></p> <p>Project: Replacement and enhancement of existing playground equipment at Recreation Area, Millennium Hall, Elm Close, Egerton TN27 9DS.</p> <p>Or alternative project if advised of such by the Parish Council.</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 SP1, IMP1 and COM2 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</p> |

| | Planning Obligation | | | Regulation 122 Assessment |
|---------|---|---|---|---|
| | | | | <p>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> |
| Page 82 | <p><u>Indoor Sports Provision</u></p> <p>Project New roof and interior and exterior refurbishment including extension to changing rooms for the Games Barn, Rock Hill Road, Egerton, Kent TN27 9DY</p> <p>Or alternative project if advised of such by the Parish Council.</p> | <p>£449 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 additional indoor sports facilities 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, IMP1, COM1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use indoor sports provision and the buildings 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</p> |
| | <p><u>Outdoor Sports</u></p> <p>Project: Improvement to the</p> | <p>£858 per</p> | <p>Upon occupation</p> | <p>Necessary: as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order</p> |

| | Planning Obligation | | | Regulation 122 Assessment |
|---------|---|--|--|--|
| Page 83 | <p>playing surfaces of the football and cricket pitches at Egerton Playing Fields to include the replacement of existing drainage at Recreation Area, Millennium Hall, Elm Close, Egerton TN27 9DS.</p> <p>Or alternative project if advised of such by the Parish Council.</p> | <p>dwelling for capital costs</p> <p>£531 per dwelling for maintenance</p> | <p>of 75% of the dwellings.</p> | <p>to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 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>Fair 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>Strategic Parks</u></p> <p>Contribution towards strategic park provision to be targeted towards quantitative and qualitative improvements at the 'hubs' identified in the local plan 2030.</p> | <p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2, 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> |

| | | Planning Obligation | | Regulation 122 Assessment |
|---------|--|--|--|---|
| | | | | 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. |
| Page 84 | <u>Cemeteries</u> | | | Necessary as cemeteries / improvements to existing 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 SP1, IMP1 and COM2 , Public Green Spaces and Water Environment SPD and guidance in the NPPF. |
| | Project to be confirmed by the Parish Council. | £284 per dwelling for capital costs £176 per dwelling for maintenance | Upon occupation of 75% of the dwellings. | Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years. |
| | <u>Allotments</u> | | | Necessary as allotment provision is required to meet the demand that would be generated and must be maintained in order |
| | Project to be confirmed by the | £258 per | Upon occupation | |

| | Planning Obligation | | | Regulation 122 Assessment |
|---------|---|--|--|---|
| Page 85 | Parish Council. | dwelling for capital costs £66 per dwelling for maintenance | of 75% of the dwellings. | <p>to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2, 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> |
| | <p><u>Voluntary Sector</u></p> <p>Project: Re-launch the over-60s club, Egerton village (various locations).</p> | £87 per dwelling | Upon occupation of 75% of the dwellings. | <p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, IMP1 and COM1 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</p> |

| Planning Obligation | | | | Regulation 122 Assessment |
|---------------------|---|-------------------------------------|--|---|
| | | | | and kind considering the extent of the development. |
| Page 86 | <u>Art and Creative Industries</u> | | | Necessary in order to community infrastructure pursuant to Local Plan Policies SP1, IMP1, COM1 and guidance in the NPPF. |
| | Project: Refurbishment of Millennium Hall, Elm Close, Egerton to provide facilities for a green room, break out room, sound system. | £338 per dwelling for capital costs | Upon occupation of 75% of the dwellings. | Directly related as would improve the local infrastructure for new occupiers. Fairly and reasonably related in scale and kind considering the extent of the development. |

Kent County Council Planning Obligations

| | | | | |
|--|---|---|---|--|
| | <u>Community Learning</u> | | | Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. |
| | Project: Towards new equipment and resources for the new learners at Ashford Adult Education Centre | £16.42 per dwelling. Indexation: BCIS General Building Cost Index from April 2020 to | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | Directly related as occupiers will use community learning services and the facilities to be funded will be available to them. |

| | | Planning Obligation | | Regulation 122 Assessment | |
|---------|---------------------------------|---|--|--|--|
| | | | date of payment. | | 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. |
| Page 87 | <u>Libraries</u> | Project: Towards additional resources and bookstock for the mobile library service attending Egerton. | £48.02 per dwelling. Indexation: BCIS General Building Cost Index from April 2020 to date of payment. | Half the contribution upon occupation of the and balance on occupation of the dwellings. | Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. Directly related as occupiers will use library books and the books to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings. |
| | <u>Adult Social Care</u> | Project: Towards Specialist | £ 47.06 per | Half the | Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant |

| | Planning Obligation | | | Regulation 122 Assessment |
|---------|---|---|--|---|
| Page 88 | Care Accommodation in Ashford Borough | dwelling. Indexation: BCIS General Building Cost Index from April 2020 to date of payment. | contribution upon occupation of the dwellings and balance on occupation of the dwellings | <p>to Local Plan 2030 Policies SP1, IMP1, COM1 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> |
| | <u>Youth Services</u> Project: Towards additional resources for Youth services in Ashford Borough | £27.91 per dwelling. Indexation: BCIS General Building Cost Index from April 2020 to | Half the contribution upon occupation of the dwellings and balance on occupation 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, IMP1, COM1 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> |

| Planning Obligation | | Regulation 122 Assessment | | |
|--|--|---|---|--|
| | | date of payment. | | 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. |
| Other | | | | |
| Page 89 | Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking | £1000 per annum until development is completed Indexation: TBC | First payment upon commencement of development and on the anniversary thereof in subsequent years | Necessary in order to ensure the 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. |
| <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

66. 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

67. 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

68. The development would comply with the policies set out in the Local Plan and the Neighbourhood Plan, resulting in a policy compliant development under Policy HOU5. The development would not give rise to a form of development, which would be considered unsustainable and it would respect the character of the surrounding landscape and built form of the village of Egerton. The layout, density and the design quality of the scheme is appropriate for this edge of village location.
69. There would be no unacceptable harm to residential amenity, highway safety, ecology or the PROW for the reasons outlined in the report. There would also be no issues in terms of surface and foul water drainage, contamination and archaeology. Overall, the scheme would deliver a boost to the Council’s 5 Year Housing land supply, which it cannot currently demonstrate. The development would also deliver affordable housing.
70. The proposal would meet all of the required S106 contributions to mitigate the impact of the development and these are to be spent within the parish where applicable.
71. This is a deliverable site that is not delayed in coming forward by Stodmarsh. The scheme is policy compliant and does not result in significant or demonstrable harm which would outweigh its benefits under the NPPF. Consequently, I recommend that planning permission is granted.

Recommendation

(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 Strategic Development and Delivery Manager or Head of Planning in consultation with the Solicitor to the Council, with delegated authority to the Strategic Development and Delivery Manager or Head of Planning to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as he sees fit,

(B) 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 provisions effective 01/10/2018

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Climate change mitigation and renewable energy details (Green energy)
4. Materials external finishes to be submitted
5. Street and footpath surfaces to be submitted
6. Design details to be submitted (rain water goods, fascias, eaves, rafters)
7. Extent and colour of weatherboarding to be submitted
8. Construction Management Plan
9. Parking spaces, turning and garages to be provided
10. Electric Charging points
11. Cycle parking provision
12. Provision of access and visibility splays
13. Removal of pd rights for doors on car ports
14. Landscaping (including street trees) scheme to be submitted
15. Boundary treatments and driveway gates to be submitted
16. Binstore details to be submitted
17. Protection of existing trees and hedgerows during construction
18. Ecological enhancements
19. Hedgehog connectivity
20. Fibre to the premises
21. Details of infiltration to manage surface water
22. SUDs

23. Verification report for SUDs
24. Reporting unexpected contamination
25. Foul water to be connected to the main sewer network linking to Egerton
Waste water Treatment Works only
26. Removal of PD rights for further fencing
27. Removal of PD rights for extensions and alterations
28. Water efficiency
29. Lighting Details
30. Archaeological watching brief

Note to Applicant

1. S106
2. Working with the Applicant
3. Highways informative
4. Informative regarding making good of any damage to highway in Harmers Way
5. Southern Water informative for connection to the foul sewer
6. KCC PROW informative
7. Refuse bin informative
8. Informative regarding construction hours
9. Informative regarding burning of controlled waste on site
10. Informative regarding minimizing dust on site
11. Breeding birds

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council 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 20/01600/AS)

Contact Officer: Mark Berry

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Telephone: 01233 330347

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| | |
|--------------------------------|--|
| Application Number | 21/01292 |
| Location | Wye College Land and Buildings, Olantigh Road, Wye Kent TN25 |
| Grid Reference | |
| Parish Council | Wye with Hinxhill |
| Ward | Wye with Hinxhill |
| Application Description | Residential development of 40 dwellings with associated access road car park and open space (Re- submission of 19/1327 AS.) |
| Applicant | Tele property Investments Ltd |
| Agent | Union 4 Planning |
| Site Area | 2.02ha |

a) 2/1R

(b)-

(c) KCCH&T/X, KCCED/X,
LLFA/x, KCCPROW/X
EP/X,ES/R,HS/X,ABC/c/X,K
F&R/XEA/X, NE/R, NHS/X
KP/X, SW/R, BHS/X

Introduction

1. This application is reported to the Planning Committee because it is a major application. Last year a scheme that was largely identical to this (with the exception of very minor layout details and details relating to the package treatment plant now submitted) was reported to the Planning Committee when it was determined that had an appeal not already been lodged, permission would have been refused for reasons relating to the character and impact of the scheme upon the AONB and surrounding countryside, the lack of a S106 obligation to secure infrastructure contributions and required highways works. Following a subsequent public inquiry the appeal was dismissed, but only in relation to matters surrounding the Stodmarsh impacts.
2. This scheme includes the same plans and elevations as previously considered, with the exception of a minor alteration to the layout of the parking court at the north-west corner of the site and the provision of an underground PTP and small associated control kiosk. The application is accompanied by the same suite of supporting environmental and technical

reports as submitted and agreed at the Inquiry, with the exception of an updated report in respect of on-site ecology. The original Decision Notice and Inspectors decision notice in respect of the appeal on this site and the two other sites the subject of the combined inquiry are attached at Appendix 1.

3. In view of the very recent appeal decision and the weight that must be attributed to it and given the similarities with the appeal scheme, this report will outline the relevant policies for consideration in respect of the individual issues, with a brief summary of the Councils original approach, thereafter referencing the Inspectors specific findings in that respect and the current conclusions.

Site and Surroundings

4. The site was formerly part of Wye College and lies immediately to the north of Occupation road and the East of Wye Free School, within the North Downs AONB on Grade 2 Agricultural Land, in an Area of Archaeological Potential.
5. The westernmost part is partly occupied by a range of commercial glass houses and small single storey modern buildings previously used for



central part of the site
lost part (proposed
s Wye School
to the west lies the
ess units, dwellings

Figure 1: Site Plan

Proposal

- The scheme proposes the clearance of existing buildings on the site and the redevelopment with 40 dwellings with associated access, internal estate roads, open space, SuDS and associated landscaping.



Figure 2: Site Layout

- The scheme proposes 4 x 2 bed units, 23 x 3 bed units (8 terraced, 10 semi-detached and 5 detached), 8 x 4 bedroom units and 5 x 5 bedroom units. The scheme is arranged around a broadly circular route through the site with the larger houses generally located in a cluster to the easternmost end of the site and the smaller houses to the western end of the site. The scheme comprises a mixture of terraced, semi-detached and detached units whilst off street parking is provided with a mixture of parking spaces and garaging. An area of open space (Strawberry Field) identified as a grazing meadow is located on the easternmost part of the site with a small car park for those using the nearby North Downs Way and other surrounding public footpaths around the area. The scheme would involve the development of the hitherto undeveloped Weather Station field.
- The scheme would produce a mix of 2-storey houses with traditional brick, tile hung and weatherboard elevations with pitched tiled roofs. The surrounding area has a materials palette of red brick, Kent peg tiles and timber boarding and these materials would be used on this site. The southern edge of the site would be used to provide an enhanced landscape strip with planting and a SuDs feature as well as the PTP, whilst the boundaries to the west and north would rely upon such additional planting as could co-exist in residential gardens – some of which are relatively modest in scale. The easternmost part of the site is shown as open meadow land with a well planted eastern boundary with the adjacent Wibberly Way footpath. A landscaped and planted area is proposed to separate the larger houses from the more densely

developed part of the site to the west. All the houses would meet the Nationally Described Space Standards and all houses would provide sufficient



Figure 4: Selected Elevations

9. The following documents were submitted to support this application:
- Arboricultural Report
 - Arboricultural Impact Assessment
 - Bat Survey and Emergence Strategy
 - Construction Environmental Management Plan
 - Design and Access Statement
 - Environmental Assessment and Preliminary Risk Assessment
 - Foul and Surface Water Drainage Strategy
 - Highways Update Report
 - Landscape and Visual Appraisal Parts 1, 2 and 3 Including Lloyd Bore LVIA Addendum
 - Nutrient Neutrality Report
 - Landscape Management Plan
 - Landscape Management Strategy
 - Planning Statement
 - Report to Inform the HRA
 - Reptile Survey and Mitigation Strategy
 - Schedule of Accommodation
 - Surface Water Management Strategy
 - Transport Assessment
 - Vacant Building Credit

Planning History

19/01327/AS Residential Development of 40 dwellings with associated access road, car park and open space.

Refused and appeal
Upheld – See
Appendix 1

19/00001/AS Screening opinion for the erection of 40 dwellings
EIA not required

14/0019/EIA/AS Screening opinion for the redevelopment of the wider Wye College site by Imperial College.

No objection

Other Wye College sites:

19/01330/AS Demolition of former ADAS officers and laboratories and erection of 20 houses with ancillary garaging, access, parking and landscaping. Appeal lodged against non determination

17/00567/AS Conversion of former college buildings to provide 38 dwellings
Appeal lodged against non determination

Consultations

KCC Highways:

No comments received but their comments in respect of the same scheme previously were as follows:

No objection, subject to 6 conditions being imposed relating to:

- Construction management plans,
- highways condition survey,
- provision and retention of parking spaces,
- provision and retention of cycle parking facilities,
- completion of footpaths, and carriageway including a turning head, drainage, visibility splays, lighting highways structures
- off site highways improvements works in relation to revisions to the Occupation road. Olantigh Road junction, Olantigh Speed limit reduction and traffic calming and footway improvements.

KCC Public Rights of Way:

No comments received but their comments in respect of the same scheme previously were as follows

PROW AE109 passes through the proposed site and forms part of the proposed site access off Olantigh Road and forms part of the North Downs Way National Trail. Whilst I welcome the intention to retain the public path on its original alignment and provide segregation from estate traffic, Drawing Ref 0004 refers to the “original route changed to pedestrian walkway”. This must be amended to reflect the paths legal status as a public bridleway. There must be no encroachment upon the existing width of this bridleway including the full width over the block paved section (not just the footway to the side.

Works have recently been undertaken on a length of bridleway from Olantigh Road without the relevant consultations and the County Council does not accept ongoing maintenance or liability associated with this work.

I request the following conditions:

- the surface of Bridleway AE`109 through the site to be upgraded with a new bound surface, the specification to be approved by this department prior to alterations being made
- a contribution of £12,668 be secured through S106 to improve the surface of footpath AE112 in the vicinity of the development
- appropriate measures are installed to prevent vehicular access for the eastern end of the site onto the bridleway to

KCC Economic Development:

The County Council are seeking S106 contributions in respect of the following matters and the details of which are set out in Table 1 below:

- Primary Education
- Primary Land
- Secondary Education
- Community Learning
- Youth Services
- Libraries
- Social Care
- Broadband – can be dealt with by condition

KCC: Flood and Water Management:

Refer to the need for on site infiltration testing which can be addressed by means of an appropriate condition

Environmental Protection:

Acknowledge the submission of a Phase 1 Environmental Assessment and request that the details of a more specific Phase 1 Assessment be secured by condition which will inform the Phase 2 assessment required.

Two additional conditions are proposed regarding the discovery of unexpected contamination and electric vehicle charging points and a number of informatives relating to hours of work, burning of wastes and dust emissions.

Environmental Services – Refuse:

Comments regarding the need for the access road to be of a standard to support RCV's, the requirement to pay for provision of new service (ie full set of bins), collection being on alternate weeks, standards relating to any refuse collection point and the need for a full refuse sweep showing vehicle tracking for the RCV.

OFFICE COMMENT: This can be dealt with by condition/informative.

Housing Services:

Set out the affordable housing policies with a requirement for 40% of houses to be delivered on site.

The offer of 2 shared ownership units is noted but it is stressed that this is not policy compliant.

OFFICER NOTE: Due to the application of Vacant Building Credit this offer is compliant with Government Policy.

ABC Culture:

S106 contributions for Culture requests are already agreed.

Comments made regarding the need for Public Open Space provision within the site, to provide green infrastructure and natural corridors through the site with appropriate conditions to allow for hard and soft landscaping details.

SuDS should be delivered as part of the landscape infrastructure and not be a highly engineered feature.

Refuse collection points within open space would not be acceptable.

Kent Fire & Rescue:

No objection

Environment Agency:

No objection subject to conditions regarding the following matters:

- Investigation regarding potential contaminated land, submission of a verification/ remediation strategy, means of dealing with any unexpected contamination found, surface water drainage strategy, piling strategy (if proposed).

It is noted that foul drainage will ultimately be discharged to the local sewer network and that no infiltration to the environment is proposed. We have no objection to these proposals but would ask to be re-consulted should this change.

NHS Primary Care:

Seek a S106 contribution of £41/976 towards refurbishment, reconfiguration and/or extension of wye Surgery and /or towards anew general practice premises, citing limited capacity within the existing premises to accommodate growth in this area.

Kent Police:

Recommend the 'Secured By Design' initiative for this scheme and should include attention to the following details:

- Potential access concerns regarding the public access route between plot 40 and the Grazing Meadow with trees along this route providing places for individuals to congregate: this would be better if the route linked the school playing field to the east of the Grazing Meadow to the visitor car park thus not providing an area to congregate near the dwellings
- Perimeter boundary and divisional treatments should well established and required to any front garden corner plots. Rear garden boundaries should be a minimum of 1.8mhigh.
- Parking courts should include natural surveillance
- Windowless elevations should be avoided
- Lighting should be approved by a professional lighting engineer and bollard lighting should be avoided)(not providing light at the right height and being easily obscured)

- Secure bin storage
- Windows and doors to meet relevant security standards and ratings
- New tree planting should not obscure lighting or interfere with natural surveillance potential
- Recommend CCTV and signage to cover the visitor car park to prevent anti social gatherings

Natural England:

Request further information regarding potential impacts upon Stodmarsh SSSI, SPA, SAC and Ramsar site. Seeking evidence that proposed efficiencies are feasible and available to this scheme

Additional information has been provided by the applicants and NE advise that some of the additional information provided may address some of their concerns but the issue of a private treatment plant connecting to Wye WwTW still remains an issue. Given that the calculations provided are unpinned by this approach, any mitigation will also be reflective of this and potentially insufficient. NE always advised that this approach should not be adopted.

At the time of writing this report further information submitted by the applicant is still under consideration by NE. Accordingly it cannot be confirmed that the details submitted thus far are acceptable to them.

If the Council is to approve the scheme contrary to this advice we are required to notify NE of the permission, the terms upon which it is proposed to grant it and how, if at all, we have taken account of NE advice. We must allow a further 21 days before the operation can commence.

Southern Water:

Can provide sewage disposal but do not accept the discharge from a PTP into the system

If a SuDS scheme is proposed full details should be submitted to the LPA of that scheme.

British Horse Society:

Object to the use of the public bridleway to provide access to the site which will increase traffic on the bridleway. If the council is minded to approve this scheme it is requested that separate provision is made for equestrians and other bridleway users.

Representations:

2 letters received raising the following issues:

- Development on currently greenfield sites
- Increase congestion and night time traffic levels

- Queries the need for the car park in Strawberry Field
 - Potential additional flooding and drainage concerns emanating from the number of homes and proposed highways works
 - Light pollution
 - Loss of outlook resulting from tree removal
 - Adverse impact upon the landscape
 - No white houses: which would be visually very prominent in the landscape (ie Havillands)
 - Harm to local bio diversity, bats and birds particularly
 - This scheme has already been refused
-
- It is encouraging to see a well written rebuttal in respect of the Stodmarsh issue: Natural England the Env. Agency and Southern Water should be responsible for addressing this issue and protecting the environment.

Wye & Hinxhill Parish Council: No comment received

Ward Members: No comments

Planning Policy

10. 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)
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 |
| HOU1 | Affordable Housing |
| HOU3a | Residential windfall within settlements |
| 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 |
| TRA3a | Parking Standards for Residential Development |
| TRA4 | Promoting the local bus network |
| TRA5 | Planning for pedestrians |
| TRA6 | Planning for cycling |
| TRA7 | The road network and development |
| ENV1 | Biodiversity |
| ENV3a | Landscape Character and Design |

| | |
|-------|---|
| ENV3b | Landscape character and Design in the AONB |
| ENV4 | Light pollution and promoting dark skies |
| ENV6 | Flood risk |
| ENV7 | Water Efficiency |
| ENV8 | Water Quality, Supply and Treatment |
| ENV9 | Sustainable Drainage |
| ENV13 | Conservation and Enhancement of Heritage Assets |
| ENV15 | Archaeology |
| COM1 | Meeting the community's needs |
| COM2 | Recreation, sport, play and open spaces |
| COM3 | Allotments |
| COM4 | Cemetery provision |
| IMP1 | Infrastructure provision |

12. **Wye Neighbourhood Plan (2016) (NP)**

| | |
|-------|--|
| WNP1A | Village envelope |
| WNP1b | Local Green Spaces |
| WNP1c | Views |
| WNP2 | High Quality Design |
| WNP3 | Traffic Impact |
| WNP4 | Supporting Business |
| WNP5 | Integrated housing |
| WNP6 | Mixed Development |
| WNP9 | Scale of housing development |
| WNP10 | Density and layout |
| WNP11 | The former imperial college London Campus at Wye |

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

Supplementary Planning Guidance/Documents:

Residential Space and Layout SPD 2011– External Space Standards Only
Residential Parking and Design Guidance SPD 2010
Sustainable Drainage SPD 2010Dark Skies SPD 2014
Public Green Spaces and Water Environment SPD 2012
Affordable Housing SPD

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

Village Design Statement :

Wye Village Design Statement (2000)

Other Guidance

Wye Masterplan:

The Inspector concluded that the draft masterplan carries no weight as a statement of development plan policy because it has not been adopted and there is no timetable for such adoption. Consequently the provisions of that document, as relating to this site, are not addressed further.

Government Advice

National Planning Policy Framework (NPPF) 2019

14. 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:-
2. Achieving sustainable Development
 4. Decision Making
 5. Delivering a Sufficient Supply of Homes
 9. Promoting sustainable Transport
 11. Making Effective Use of Land
 12. Achieving Well Designed Places
 14. Meeting the Challenge of Climate Change Flooding and Coastal Change
 15. Conserving and Enhancing the Natural Environment
 16. Conserving and Enhancing the Historic Environment

National Planning Policy Guidance (NPPG)

Nationally described space standards

Assessment

15. The main issues are considered to be:
- The Principle of Development
 - Landscape Impact
 - Design and Impact upon visual amenities
 - Highways
 - Ecology/Trees
 - Housing
 - Residential Amenities
 - Open Space
 - Drainage
 - Planning Obligations

Principle of Development

16. The Council originally concluded that the site lies within the broad based allocation (WNP11) for the redevelopment of the former College campus identified in the Wye Neighbourhood Plan (WNP). That allocation however does not identify either the use of the application site nor the settlement confines in the vicinity of the site: It being anticipated that this would be completed by the Wye Masterplan. Accordingly the site was also considered against policies HOU3a and HOU5 and it was concluded that “the principle of residential development is acceptable subject to compliance with policies HOU3a and HOU5”.
17. The Inspector acknowledged the objections by some participants in the Inquiry to the use of the site, but concluded that “*Part of the site is previously developed land. The central part of the site is not previously developed. However, it is land adjoining the built up confines to which ALP Policy HOU5 applies. The proposals comply with the criteria of HOU5 in all respects but one. In principle, I consider that the parts of the appeal site that are proposed for development are in a suitable location for housing.*”
18. *However, Policy HOU5(f)(vi) also states that development should not adversely affect the integrity of international and national protected sites for nature conservation, in line with Policy ENV1. For reasons discussed below, the appeal scheme does not meet that criterion so it would not accord with Policy HOU5(f)(vi) in this respect.”*
19. Accordingly it is concluded that the principle of the site for housing is acceptable and policy compliant subject to resolution of the potential Stodmarsh impacts.

Landscape Impact

20. The council considered the scheme against the background of its location in the AONB and policy ENV3b of the Local Plan and policies WNP1c, WNP2, WNP08 and WNP11 of the Wye Neighbourhood Plan
21. It was originally concluded that the proposed scheme would represent an over development of the site that would adversely affect the views into and out of the site, proposing a scheme of suburban character on this edge of village location. It would not represent the high standard of design required by the Development Plan and other advice such as to conserve and enhance the landscape and scenic beauty of the AONB, contrary to established local and national policies. The proposal would erode and suburbanise this semi rural site that lies between the village and the countryside beyond

22. The Inspector concluded that *“The redundant buildings detract from the landscape character of the site itself and its surroundings. However, this is a relatively localised impact. In middle and longer range views the impact of the vacant buildings is limited by vegetation and the presence of buildings on the northern fringes of Wye. The proposals would not increase the total footprint of buildings on the site but development would extend further east, into the meteorological station field. The Strawberry Field would be retained as meadow with additional planting along its northern and eastern boundaries. I consider that the replacement of the existing buildings with well-designed houses in a landscaped setting would result in an enhancement of the landscape character of the site itself. This would be a localised effect. Having regard to the previously developed nature of part of the site, together with the location on the edge of the settlement, I consider that the appeal scheme would have a neutral effect on the landscape character of the wider AONB”*.
23. In view of the Inspectors findings it must be concluded that the scheme proposed would have a neutral impact upon the AONB and its surroundings such as to be acceptable in this regard.

Design and Impact upon visual amenities

24. WNP2 of the Wye Neighbourhood Plan and the Wye Village Design Statement. In combination these policies seek to (amongst other aims):
- make best use of brownfield sites in sustainable locations
 - conserve and enhance the landscape,
 - create the highest quality design promoting a sense of place through the built form and the relationship of buildings with each other and the spaces around them
 - preserve or enhance the setting of the nearest settlement
 - to include an appropriately sized and designed landscape buffer to the open countryside.
 - designs should conform to the Wye context.
 - roads should be appropriate to the rural character of the village
25. It was concluded that the scheme would essentially constitute over development with insufficient space for structural landscaping, too great a density to reflect the looser more open forms of development on the village edges, provide insufficient space within the scheme and provide an insufficiently large boundary to the interface with the adjacent countryside.
26. The Inspector noted that:
- *The proposals would achieve a coherent pattern of development with a legible and accessible layout. The green spaces within the developed*

area would not be large in area but they would create an attractive and distinctive public realm

- *The Strawberry Field, which is proposed for ecological mitigation, would also provide a green setting in visual terms.*
- *There would be a good range of unit types which would be beneficial in terms of mix and integration. It would also allow for variety in the street scene.*
- *The plans show that the main routes would incorporate changes of alignment to avoid long, straight views. Some buildings would be sited close to the street to create pinch points, thereby providing variety, visual enclosure and traffic calming. The proposed parking court would be small in scale, bounded by houses and landscaping. Its layout would be convenient and secure. To my mind this represents a reasonable design choice, enabling the inclusion of some smaller houses that*
- *The access road would have landscaped open space on one side and there would otherwise be sufficient landscaping in and around the site.*

In essence he concluded that *“the appeal scheme would achieve high quality design, as required by the Framework and the development plan, and would not result in harm to the Kent Downs AONB or the character and appearance of the area generally”*

27. The changes proposed are to the parking layout to accommodate the PTP in the parking court to the north west corner of the site, but these are minor and would not materially affect the original design and layout. A small above ground kiosk is proposed alongside the car park(2m x1.1m x 0.9m) but the scale of this is so modest and if painted dark green in colour it could blend satisfactorily within the planting belt) as to make no material difference to the previous scheme and this current scheme.
28. Accordingly the design is considered acceptable and policy compliant.

Highways

29. The Council did not raise objections in respect of highways matters. It was noted that Local Plan Transport policies seek to ensure that new development that generates significant levels of traffic must be well related to the primary and secondary road network, that traffic movements to and from sites can be accommodated to avoid severe cumulative residual impacts, provide sufficient off street parking and would promote sustainable forms of travel including provision for cycling and planning for pedestrians.
30. The scheme would create a new access to the site from Occupation Road which would run in a loop around the site extending approximately across two thirds of the site. The access route through the site would include 11

unallocated roadside parking spaces around the site whilst at the easternmost end of the site it would lead to a car park providing 15 spaces for local walkers. Satisfactory levels of off street parking would be provided through a mixture of communal parking spaces, parking on private driveways and private garages (as an extra resource)

31. Infrastructure improvements are proposed with a new junction arrangement for Olantigh Road/Occupation road to improve visibility splays to the south from Occupation road, including a 30mph speed limit and a new village gateway entry treatment is proposed to the north of the ADAS site. These works would slow down traffic speeds on Olantigh Road, provide junction inter-visibility, improve pedestrian crossing facilities and provide an improved pedestrian connection to the sites.
32. The impacts upon the surrounding highways networks in the local area have been assessed in combination with the other Wye College sites and the cumulative impacts upon the highways were found to be acceptable. The test for cumulative impacts of traffic from different developments in the NPPF is high. It requires the decision maker to be able to demonstrate that the harm is deemed 'severe'.
- 33.. Subject to the completion of a S106 obligation to secure the highways improvements agreed, no highways safety or capacity issues are raised.
34. The Inspector simply noted that "*the transport has been properly taken into account and is not a matter that weighs against any of the appeals*"
35. That situation has not changed and the scheme is considered acceptable subject to the completion of a S106 agreement to secure the necessary highways improvements.

Ecology/Trees

36. Local Plan Policy ENV1 advises that schemes that conserve or enhance biodiversity will be supported, whilst where harm to biodiversity cannot be avoided appropriate mitigation will be required. Normally mitigation will be required on site unless special circumstances dictate that an off site model is more appropriate.
37. Local Plan Policy ENV3a & ENV3b draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection. Attention is drawn to the pattern and composition of trees and woodlands as a landscape characteristic.
38. The Council previously noted concerns regarding impacts upon reptiles and their translocation and the potential for adverse impact upon breeding birds

with further information being desirable. The lack of space for structural tree planting was also noted. Finally concerns from objectors to the scheme of the potential combined impact of development on this site and the ADAS site were noted in respect of potential impact upon the Wye and Crundale SAC.

39. On balance it was considered that the issues of concern could be addressed by means of appropriate conditions or were not of sufficient merit to warrant a refusal.
40. The Inspector concluded in respect of "*The Wye and Crundale Downs SAC that there is not likely to be a significant effect on this site in respect of any of the appeal schemes, either alone or in combination with other plans or projects*" *In respect of general ecology concerns he concluded that "Measures of mitigation and biodiversity enhancement were identified. These could be secured by appropriate planning conditions"*
41. As a result of the age of the survey work previously carried out updated work has been confirmed to show that the results and conclusions originally drawn have not changed.
42. Accordingly subject to appropriate conditions no objections are raised in this matter.

Housing

43. The Committee report made reference to policies SP2, HOU1 and HOU8 in respect of housing targets, affordable housing and the housing mix proposed. No objections were raised in respect of any of these matters.
44. In the intervening period between the Committee decision and Public Inquiry the Council announced that its delivery of housing had fallen below the required levels to provide a 5 year housing land supply. This matter was dealt with at the Inquiry through the Statement of Common Ground where both parties acknowledged the shortfall and left it to the Inspector to draw his own conclusions about the importance of this fact.
45. The Inspector noted that the Council could not provide a five year supply of deliverable housing sites and Paragraph 11(d) of the Framework is therefore engaged. However, he concluded that, due to the significant effect on the Stodmarsh SAC, the tilted balance did not apply in this case. Essentially the lack of a 5 year housing land supply did not outweigh the harm.
46. The Council's Housing position remains the same as last year insofar as it still cannot demonstrate a 5 year housing land supply. However the position in regard of the impacts upon Stodmarsh have not changed and this shortfall is still not considered to be such as to engage paragraph 11(d) of the

Framework and the lack of supply does not therefore outweigh the harms resulting from the impacts upon the Stodmarsh SAC.

47. The application does trigger the need for the provision of affordable housing in accordance with policy HOU1 of the Local Plan. However, as this is, in part, a previously developed site, the application of the Government's Vacant Buildings Credit approach is relevant here. By 'offsetting' the extent of the existing built floorspace on the site, the requirement for affordable housing arising from this application is significantly reduced.
48. Two units for shared ownership housing in accordance with our housing policies would be secured through the S106 obligation and the scheme would upon completion of that obligation be policy compliant.

Residential Amenities

49. The NPPF seeks a high level of amenities for existing and future users resulting from new development. It was considered by the Council that the scheme would not cause any adverse impacts upon surrounding residents such as to be unacceptable.
50. Potential impacts from the adjacent MUGA's on future residents of the scheme were considered acceptable subject to the use of appropriate conditions. Overall, the proposed development was found to be acceptable in terms of residential amenity on existing and future residents.
51. This matter was not addressed at the Inquiry and this remains the Council's position.

Open Space

52. Policy COM2 identifies the Borough wide targets for the provision of new recreation, sport, play and open space recreation. The trigger for the provision of new open space is 50 units.
53. In this instance it was identified that the Council had no policy which would allow us to amalgamate two separate sites, such as this and the ADAS site such as to generate sufficient volume of development to require provision of facilities. No space was therefore considered to be required in order to be policy compliant. That position has not changed.

Drainage & Impacts upon Stodmarsh

54. Policy ENV6 deals with flood risk whilst ENV8 addresses issues associated with water quality and ENV9 sustainable drainage issues.

55. In this instance the site lies in Flood Zone 1 which is land at the lowest risk of flooding and there is no anticipated risk of flooding arising from the proposed scheme.
56. The sustainable drainage scheme would utilise a mixture of permeable paving/surfaces, soakaways and permeable paving. The details submitted have been assessed by the County Council Lead Local Flood Authority who are satisfied that the scheme could be acceptable, subject to details to be provided pursuant to an appropriately worded condition. This is a common way of dealing with such matters and subject to the use of an appropriately worded condition no objections are raised to this aspect of the scheme.
57. The site falls within the 'Stour Lower' Operational Catchment Area. The Council has received Standing advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
58. The effect of the advice implies that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh Lakes.
59. The Inspector was the Competent Authority to carry out the Appropriate Assessment as part of the Planning Inquiry. By the time the inquiry commenced the appellant had submitted evidence to support their use of a package treatment plant on site which, in simple terms, would discharge clean water into the mains sewage system. It was also discussed that the PTP could discharge directly to the environment without being connected to the public sewerage system. However, there was no evidence before the Inquiry that would exclude the potential for a hydrological connection between the appeal sites and the designated sites in that scenario and that scenario was not taken further.
60. The Inspectors conclusions on this matter are set out at paragraphs 144-155 of the Decision Notice. In essence he noted that: *the nutrient budgets show small increases in Nitrogen (N) at both sites, a small increase in phosphorous (P) for Appeal B (this site) and a decrease in P for Appeal C (ADAS). The appellant's assessment was that, taken together, mitigation measures would outweigh any small positive budgets for P and N, thereby achieving nutrient neutrality. The PTPs would use a biological nutrient removal system which does not require the addition of chemicals. The calculations assume that the PTPs would remove 98.84% of P and 89.05% of Nitrogen from the wastewater leaving the sites. The justification for those factors comes from data relating to a demonstration plant at Petersfield in Hampshire which has been operating within a larger WWTW complex since 2014.*

61. However there was no evidence before the Inquiry about the ongoing performance of PTPs. The appellant was not able to point to any examples of PTPs that have been installed to address concerns about nutrient enrichment in sensitive environments. There was limited information before the Inquiry as to what the future management arrangements might be. Notwithstanding the suggested conditions, the Inspector concluded that *“there was not sufficient certainty that the PTPs would ultimately be controlled by a body with the expertise and resources required to maintain them in a way that would deliver the high level of performance that is being relied on to provide mitigation.”*
62. Drawing all this together, it was concluded that the evidence provided insufficient certainty that the proposed PTPs would deliver nutrient neutrality, either at the outset or over the lifetime of the developments. Having regard to the precautionary principle, the Inspector could not exclude the risk of a significant effect on the conservation objectives of the designated sites. .
63. As part of this application, the applicants have submitted details of the proposed PTP which would be located beneath the parking court in the north west corner of the site with small changes to the layout of the parking spaces to accommodate access to service chambers and with a small above ground kiosk (2 x 1.1 x 0.9m in size) located within the boundary planting along the western boundary by the car park. Additional details seeking to address the Inspectors concerns have been submitted and these have been assessed by AECOM on behalf of the Council and also by Natural England. In neither case is it agreed that the details submitted thus far provide sufficient clarity or confidence that the proposed PTP would deliver nutrient neutrality. However this matter remains under discussion.
64. Work commissioned by the Council has commenced on identifying a package of strategic mitigation measures that it is hoped would enable relevant developments within the Borough’s River Stour catchment (where the NE advice applies) to come forward on a ‘nutrient neutral’ basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development
65. Apart from this issue, this proposal is considered to be otherwise acceptable (subject to conditions). The Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE’s views. As matters stand, it has not been demonstrated that the proposed PTP would offer a solution to the impacts anticipated, but subject to further scrutiny that may change or there is potential for an off-site package of mitigation measures in order for this proposal to achieve ‘nutrient neutral’ status. and in the absence of such measures (or any others) having been identified and

demonstrated to be deliverable, it is not possible to conclude that the scheme would be acceptable in respect of this issue now.

66. Therefore It is possible for the Council to consider a resolution to grant permission subject to the submission of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment.

Planning Obligations

67. 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
68. With the exception of the provision of affordable housing I recommend the planning obligations in Table 1 would be required should the Committee resolve that it would grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all considered 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.
69. 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

| | Planning Obligation | | | Regulation 122 Assessment |
|---|-----------------------------|---|---|--|
| | Detail | Amounts (£) | Trigger Points (£) | |
| Potentially applies to any size/scale of residential development | | | | |
| Page 116 | <u>Outdoor Sport</u> | | | <p>Necessary in order 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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers of the scheme would be expected to use outdoor sport facilities</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and potential new users.</p> |
| | <u>Capital Contribution</u> | £870.43/dwelling | Upon occupation of 75% of the dwellings | |
| | <u>Project:</u> Pitches | £34,817 total | | |
| | Changing Rooms | £20,324 total | | |
| | Maintenance – Pitches | £517.75/dwelling | | |
| | Total £20,710 | | | |
| | <u>Indoor Sport</u> | | | <p>Necessary and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, and guidance in the NPPF.</p> <p>Directly Related as occupiers of the scheme</p> |
| <u>Project:</u> | £542.35/dwelling | Upon occupation of 75% of the dwellings | | |
| Artificial pitches | £2,943 total | | | |
| Sports Halls | £18,751 total | | | |

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| | | | | would be expected to use indoor sport facilities Fairly and reasonably related in scale and kind considering the extent of the scheme and potential new users |
| Page 117 | <p><u>Informal/Natural Green Space</u></p> <p>Project: Informed with reference to the Parish Council</p> | <p>£362 per dwelling for capital costs</p> <p>£325 commuted maintenance cost per dwelling</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 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> |

| Applies to sites of 10 dwellings or more or 0.5ha or over | | | | |
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| | <u>Affordable Housing</u> | | | |

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| Page 118 | In accordance with table within Policy HOU1 | 2 shared ownership units | Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings. | <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> | |
| | Applies to sites of 11 dwellings or more | | | | |
| | Planning Obligation | | | Regulation 122 Assessment | |
| | Detail | Amounts (s) | Trigger Points (s) | | |
| | <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</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 3 of housing units to be provided</p> | |

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| | | | 50% of the dwellings not required to be built in accordance with the standard. | |
| Page 119 | <p><u>Adult Social Care</u></p> <p>Project: Specialist care accommodation, assistive technology systems, adapting community facilities, sensory facilities within the Borough</p> | <p>£146.88 per dwelling Total £5,875</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 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>Allotments</u></p> <p>The provision of improved fencing (including rabbit), 'Grass guard'</p> | <p>£258 per dwelling for</p> | <p>Upon occupation of</p> | <p>Necessary as allotments are required to meet the demand that would be generated and must</p> |

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| Page 120 | <p>type surfacing for all-year round user parking areas, improved access and construction of raised beds for wheelchair users, water supply provision and conservation allotment plot mapping and boundary marking and other land management measures at Beanfield and/or Churchfield allotments and/or towards the extension of Beanfield allotment I</p> | <p>capital costs £66 per dwelling for maintenance</p> | <p>75% of the dwellings</p> | <p>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 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>Cemeteries</u></p> <p>The creation of direct and accessible access, a new garden of remembrance, hard and soft landscaping, signage, seating and related works at Churchfield Burial Ground, Wye (including the cost of the preparation of any necessary landscape design and management plan.</p> | <p>£284 per dwelling £176/unit commuted 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 and IMP2, 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</p> |

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| | | | | kind considering the extent of the development and the number of occupiers and the extent of the facilities to be maintained and the maintenance period is limited to 10 years. |
| Page 121 | <p><u>Children’s and Young People’s Play Space</u></p> <p>Project:</p> <p>The acquisition of additional land adjacent to Lady Joanna Thornhill Endowed Primary School playing field, clearance design and implementation of infrastructure works and the installation and maintenance of play equipment and/or the installation of an all weather surfaced area in the vicinity of the play equipment and/or improvements to and maintenance of the existing play facilities (0 – 13 years) at the village hall recreation ground, or another scheme to be identified within the parish Informed with referenced to the parish council</p> | <p>£649 per dwelling for capital costs</p> <p>£663 commuted sum 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 and 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 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> |
| | <u>Community Learning</u> | | | |

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| <p>Page 122</p> | <p>Project: Towards additional resources for the new learners at Ashford AEC.</p> | <p>£16.42/dwelling Total 656.80</p> | | <p>Necessary the equipment identified is needed to provide adequate levels of 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 guidance in the NPPF. .</p> <p>Directly related as children of occupiers could attend the AEC 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>Health Care</u></p> <p>Project: Refurbishment, reconfiguration and /or extension to the Wye Surgery</p> | <p>Total £41,976 Based on a formula employing occupancy</p> | <p>Half the contribution upon occupation of 25% of the dwellings and balance on</p> | <p>Necessary as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p> |

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| | | rates and dwelling numbers. | occupation of 50% of the dwellings | <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> |
| Page 123 | <p><u>Libraries</u></p> <p>Contribution for additional resources and bookstock at Wye Library</p> | <p>£55.45/dwelling</p> <p>Total £2,218</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> |
| | <p><u>Primary Schools</u></p> <p>Project: Towards the provision of the new Conningbrook Primary</p> | <p>£4,535 per dwelling</p> | <p>Half the contribution</p> | <p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan</p> |

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| Page 124 | <p>School pursuant to the hybrid permission 19/00025/AS or section 73 permission or linked planning obligation; or other facility the County Council shall in its absolute discretion determine</p> <p><i>Land:</i> Project: Towards the new 2FE Primary School site at Conningbrook Park, Kennington pursuant to hybrid permission 19/00025/AS or any section 73 permission</p> | <p>Total £181,400</p> <p>£2363.92 per dwelling</p> <p>Total £94,557</p> | <p>upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>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 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.</p> |
| | <p><u>Secondary Schools</u></p> <p>Project: Towards the expansion of Norton Knatchbull, Hythe Road, Ashford</p> | <p>£ 4,115.00 per dwelling</p> <p>Total £164,600</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 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 guidance in the NPPF. .</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be</p> |

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| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 125</p> | | | | <p>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>Strategic Parks</u></p> <p>Project:</p> <p>The provision and maintenance of Specific Hub projects (COM2) at the Strategic Parks as identified in the adopted Ashford Local Plan</p> | <p>£146 per dwelling for capital costs</p> <p>Total £5,840</p> <p>£47 per dwelling for maintenance</p> <p>Total £1,880</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies 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 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</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. |
| Page 126 | <p><u>Voluntary Sector</u></p> <p>Project: Project: Contribution towards groups active within the village and local area.</p> | <p>£87 per dwelling</p> <p>Total £3,480</p> | <p>Upon occupation of 75% of the dwellings</p> | <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> |
| | <p><u>Youth Services</u></p> <p>Project: Additional resources for Ashford District Youth Services</p> | <p>£65.50/dwelling</p> <p>Total £2,620</p> | <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the</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</p> |

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| | | | dwellings | <p>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 accommodation specifically for the elderly.</p> |
| Area / Site specific potential requirements | | | | |
| Page 127 | Planning Obligation | | | Regulation 122 Assessment |
| | Detail | Amount (s) | Trigger Points | |
| | <p><u>Public Art</u></p> <p>Project: To be agreed with the PC: potential work in association with the North Downs Way</p> | <p>£141/unit</p> <p>Total £6,768</p> | <p>Upon occupation of 75% of the dwellings</p> | <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> <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> |

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| Page 128 | <p><u>Custom/Self Build</u></p> <p>Project: Provision of two serviced plots</p> | <p>5% as serviced dwelling plots</p> | <p>TBA</p> | <p>Necessary as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to HOU6 of 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> |
| Applies to all | | | | |
| | <p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p> | <p>£1000 per annum until development is completed</p> | <p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not</p> | <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</p> |

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| | | | one-off payment) | kind considering the extent of the development and the obligations to be monitored. |
| <p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p> | | | | |

Human Rights Issues

70. 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

- 71 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

72. The proposed scheme accords with the Councils policies regarding the sustainability of the location on the edge of the village of Wye on land that has been, partially at least, previously developed.
73. The site is located within the Kent Downs Area of Outstanding Natural Beauty and views of the site would be visible from surrounding land. It is considered that the scheme would provide an acceptable design and layout and with sufficient scope for landscaped buffers and internal planting as to not unacceptably impact the general character and amenities of the surrounding AONB.
74. At this point evidence has not been submitted to demonstrate that the proposed package treatment plant would overcome previously expressed concerns regarding the impact upon the Stodmarsh Lakes SAC, SPA and Ramsar sites and consequently it has not been demonstrated that the scheme would not cause potential significant impacts upon these environments. However The Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations, including preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE’s views. Therefore It is possible for the Council to consider a resolution to grant permission subject to the submission of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment.

75. No matters were raised by the Planning Inspector in the public inquiry held at the beginning of 2021 relating to the previous scheme (other than those relating to Stodmarsh impacts) that would be unacceptable in relation to the Development Plan. Overall it is considered that subject to the approach to Stodmarsh discussed above and the completion of a S106 Obligation that the scheme is acceptable.

Recommendation

(A) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and the following conditions

(B) Permit

Subject to the completion of an appropriate S106 Obligation and 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. Materials
4. Boundary Treatment
5. No gates/fences, etc other than approved
6. Construction hours
7. Slab levels
8. Construction Management plan
9. Highways conditions survey
10. Parking prior to occupation
11. Footpaths/Carriageway provision prior to occupation

12. Electric charging points
13. Off Site works
14. Landscape plan
15. Landscape Management Plan
16. Identification of Tree Removal
17. Tree protection – Retained Trees/shrubs
18. Retained tree identification
19. Preliminary ecological appraisal
20. Site wide ecological Management and monitoring plans
21. Biodiversity Mitigation strategy
22. Reptile translocation details
23. Lighting Details
24. Bird Nesting Season
25. Provision of visitor car park and signage
26. Surface water drainage scheme
27. Verification report
28. Details of infiltration testing
29. Details of foul/surface water discharge
30. Details of PTP including noise levels and cabinet details
31. Contamination: Specific Phase 1 Study
32. Contamination: Unexpected contamination
33. Broadband
34. Residential compliance with Part M Building Regulations.
35. Secured by Design

Informatives:

Provision of bins

Dust emissions

Burning of waste

Notes to Applicant

1. S106
2. Working with the Applicant

3. S278 Agreement to secure off site works in relation to the site access, Occupation Road/Olantigh Road Junction, Olantigh Road Speed limit reduction and traffic calming and footway improvements.

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 application was acceptable as submitted and further information was sought as required. The applicant/ agent responded by submitting additional information but did not fully address all outstanding queries.
- The application was dealt with without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

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

Contact Officer: Lesley Westphal

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Appeal Decisions

Inquiry opened on 28 January 2021

Site visit made on 17 February 2021

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Appeal A: APP/E2205/W20/3259450

Former Wye College Buildings, High Street, Wye, Ashford TN25 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Telereal Trillium against Ashford Borough Council.
 - The application, Ref 17/00567/AS, is dated 7 April 2017.
 - The development proposed is *conversion of former College buildings with associated restoration and alterations to buildings, demolition of later structures and rebuilding to provide 38 dwellings and community space; together with provision of two new dwellings, parking courts with car barns, cycle storage and refuse stores on land to the north of the retained buildings and associated landscaping; and change to parking arrangements for Squires Cottages (Change of Use from College residential accommodation back to 4 individual dwellings approved under Reference 16/00893/AS).*
-

Appeal B: APP/E2205/W20/3259462

Occupation Road, Wye, Ashford TN25 5EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Tele Property Investments Ltd against Ashford Borough Council.
 - The application, Ref 19/01327/AS, is dated 5 September 2019.
 - The development proposed is *residential development of 40 dwellings with associated access road, car park and open space.*
-

Appeal C: APP/E2205/W20/3259465

Former Government Offices, Olantigh Road, Wye, Ashford TN25 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Tele Property Investments Ltd against Ashford Borough Council.
 - The application, Ref 19/01330/AS, is dated 9 September 2019.
 - The development proposed is *demolition of offices and redevelopment with twenty dwellings with associated garages, parking and internal estate roads and open space.*
-

Decision – Appeal A

1. The appeal is allowed and planning permission is granted for conversion of former College buildings with associated restoration and alterations to buildings, demolition of later structures and rebuilding to provide 38 dwellings and community space; together with provision of two new dwellings, parking courts with car barns, cycle storage and refuse stores on land to the north of the retained buildings and associated landscaping; and change to parking arrangements for Squires Cottages (Change of Use from College residential accommodation back to 4 individual dwellings approved under Reference 16/00893/AS) at Former Wye College Buildings, High Street, Wye, Ashford TN25 2AL in accordance with the terms of the application, Ref 17/00567/AS, dated 7 April 2017, subject to the conditions set out in the attached schedule.

Decision – Appeal B

2. The appeal is dismissed.

Decision – Appeal C

3. The appeal is dismissed.

Preliminary matters

4. The Inquiry sat for 7 days between 28 January and 5 February 2021. I visited the sites and surrounding area on 17 February 2021. By agreement with the parties, my visits were mainly unaccompanied. I visited the listed buildings which are the subject of Appeal A in the presence of a security officer (unconnected with the Inquiry team) who enabled me to gain access safely.
5. The description of development set out above for Appeal A is taken from the Statement of Common Ground (SoCG) for that appeal. This differs from the application form because the number of residential units was reduced, whilst the application was before the Council, in response to comments from Council officers and Historic England. I have determined the appeal on the basis of the plans that were before the Council when it considered the application.
6. The appeals were made against the failure to determine the applications within their respective statutory periods. In respect of Appeal A, the Council had previously resolved to grant planning permission, subject to the receipt of amended plans showing the former Latin School in community use (rather than residential use) and subject to a s106 obligation relating to infrastructure contributions. The Council had accepted that the infrastructure contributions that would normally be sought for residential development in this location would make the scheme unviable. There was agreement that this could be addressed by way of a review mechanism to enable proportionate contributions to be made in the event that values were to improve during the construction period. However, the details of the review mechanism were not agreed. Nor was there agreement on the use of the Latin School.
7. The Council subsequently reviewed its position in relation to the former Latin School and decided not to pursue an objection on those grounds. Moreover, agreement was reached on the terms of a s106 Agreement. Consequently, the Council withdrew its opposition to Appeal A. At the Inquiry, objections to Appeal A were maintained by Wye with Hinxhill Parish Council (the Parish Council), the Wye College Regeneration Group (WyeCRAG) and others.

8. In respect of Appeal B, the Council resolved that, had it been in a position to determine the application, permission would have been refused for five reasons:
 - a) overdevelopment and poor layout and design that would result in harm to the Kent Downs Area of Outstanding Natural Beauty (AONB) and the visual amenity of the area generally;
 - b) the absence of a s106 obligation to provide the infrastructure required to offset the impacts of the proposals;
 - c) the absence of a s106 obligation to provide the highway works required to form a safe access to the site;
 - d) insufficient information to demonstrate that a proposed infiltration drainage scheme would not harm groundwater sources; and
 - e) insufficient information to demonstrate that translocation of reptiles could be implemented satisfactorily.
9. Discussions continued between the Council and the appellant and agreements were reached on the terms of a s106 obligation and suggested planning conditions. These agreements resolved items (b) to (e). At the Inquiry, only item (a) was pursued by the Council. However, the Parish Council and others maintained objections on other grounds.
10. In respect of Appeal C, the Council resolved that, had it been in a position to determine the application, permission would have been refused for four reasons:
 - a) overdevelopment and poor layout and design that would result in harm to the Kent Downs AONB and the visual amenity of the area generally;
 - b) the impact on trees within and adjacent to the site;
 - c) the absence of a s106 obligation to provide the infrastructure required to offset the impacts of the proposals; and
 - d) the absence of a s106 obligation to provide the highway works required to form a safe access to the site.
11. The appellant submitted revised plans for Appeal C. The effect of the revisions was to amend the detailed siting of some units in order to address item (b). The Council was satisfied that the amendments would resolve those concerns and arranged for neighbour consultations to be carried out. There were no objections to the revisions. I am satisfied that the amendments would not alter the substance of the proposals, nor would they result in any additional impacts on people or the environment. No party would be prejudiced by the appeal being considered on the basis of the amended plans. I have therefore determined the appeal on that basis.
12. The Council and the appellant subsequently reached agreements on the terms of a s106 obligation and suggested planning conditions, thereby resolving items (c) and (d). At the Inquiry, only item (a) was pursued by the Council. The Parish Council and others maintained objections on other grounds.

13. The effect on the Stodmarsh nature conservation sites, which includes consideration under the Habitats Regulations, was a matter that only came to the attention of the Council after the appeals had been submitted. The Council did not provide evidence on this matter. However, evidence was provided by the appellant and the views of Natural England were obtained.
14. Discussions on planning obligations continued during the Inquiry. Agreement was reached at a late stage and I allowed a period after the last sitting day of the Inquiry for signed versions of the three Agreements to be submitted. The signed versions were consistent with the final draft versions that were available for discussion at the Inquiry. It was also necessary to allow a period for closing submissions to be submitted in writing after the last sitting day, due to lack of time at the event. The Inquiry was formally closed in writing on 16 February 2021 after closing submissions and the Agreements had been received.
15. The s106 Agreement for Appeal A makes provision for various financial contributions. A contribution to footpath improvements in the vicinity of the site would be payable in any event. All other contributions would become payable under a deferred contributions mechanism in the event that values improve sufficiently during the course of the project. The deferred contributions would relate to allotments, cemeteries, primary healthcare, informal natural greenspace, play space, outdoor sports facilities, libraries, primary education and secondary education.
16. The s106 Agreements for Appeals B and C each make provision for financial contributions to adult social care, allotments, cemeteries, play space, community learning, informal natural greenspace, libraries, public art, primary education, secondary education, strategic parks and facilities for the voluntary sector and youth services. The s106 Agreement for Appeal B also makes provision for footpath improvements. In addition, it would secure the delivery of two residential plots for self-build housing and two shared ownership units.
17. For each Agreement, the Council submitted a statement of compliance with the Community Infrastructure Levy Regulations. The statements explained why the various contributions would be necessary to mitigate impacts arising from the appeal schemes, identifying relevant planning policies as appropriate. The obligations were not controversial at the Inquiry and no party argued that they were unjustified. I see no reason to take a different view and, accordingly, I have taken the obligations into account in my decisions.

Main issues

18. The main issues are:

Appeal A

- whether the proposals would provide a suitable location for housing and community uses and whether the provision for community uses would be adequate, having regard to the provisions of the development plan;
- the effect of the proposals on the historic environment; and
- the effect of the proposals on the Stodmarsh nature conservation sites.

Appeals B and C

- whether the proposals would provide a suitable location for housing, having regard to the provisions of the development plan;
- the effect of the proposals on the Kent Downs Area of Outstanding Natural Beauty and on the character and appearance of the area generally;
- the effect of the proposals on the Stodmarsh nature conservation sites.

Reasons

Background and policy context

19. Wye is a village situated within the Kent Downs AONB around three miles north east of Ashford. It is one of the larger villages in Ashford Borough with a good range of shops, schools and services. There are rail services from Wye to Ashford, Canterbury, London and other locations. Wye Agricultural College played a major part in the life of the village throughout the 20th century. Many of those who worked at the college also lived in Wye and the college buildings were frequently used by the wider community. The agricultural college became part of Imperial College, London. The college facilities in Wye were closed in 2008.
20. The appeal sites are part of a wider area identified in the Tenterden and Rural Sites DPD 2010 (TRSDPD) as WYE3. Policy WYE3 stated that the future of the facilities and land at the Imperial College campus should be the subject of a marketing campaign for educational and related research and business uses for a period of six months. The aim was to secure such uses on all or part of the site if possible. If the marketing campaign demonstrated that these uses would not be achievable then the policy required that the mix of alternative uses should be established through a master planning exercise.
21. A report to the Council in September 2018 records that the required marketing campaign was undertaken on behalf of Imperial College. The Council concluded that the marketing had demonstrated that a viable educational or related use was not going to emerge so the master planning exercise needed to be undertaken. This was taken forward through the Wye Neighbourhood Plan (WNP) which was adopted in 2016. The WNP was based on the policies of the Ashford Borough Local Plan 2000, the Core Strategy 2008 and the TRSDPD, all of which are now superseded. The development plan currently comprises the Ashford Local Plan 2030 (adopted in 2019) (ALP) and the WNP. Where neighbourhood plan areas had been established early in the preparation of the ALP, as in Wye, site allocations fall to the neighbourhood plan where they are non-strategic in nature.
22. Policy WNP6 states that development proposals for the WYE3 site should deliver a mix of uses, including education, business, community infrastructure and some housing. It goes on to say that such development should be delivered in a phased manner in accordance with a masterplan that has been adopted as a Supplementary Planning Document by Ashford Borough Council. Policy WNP11 sets out the mix of uses proposed for the former Imperial College landholdings.

23. A masterplan was prepared by the appellant in consultation with the Council and other stakeholders, although the Parish Council and others dispute the effectiveness of community engagement in that process. The masterplan was presented to the Council's Cabinet in September 2018. There was a resolution to adopt it as informal guidance, rather than as a Supplementary Planning Document, subject to some minor amendments. The masterplan was discussed again by the Cabinet in October 2019 when there was a further resolution to adopt it as informal guidance for development management purposes. Again, this resolution was subject to amendments, one of which was to limit the number of dwellings on the former Agricultural Development Advisory Service (ADAS) site (Appeal C) to 15. Subsequently, the Council received a pre-action letter from solicitors acting for the Parish Council. This set out an intention to seek judicial review should the masterplan be adopted in line with the Cabinet resolution. The current position is that the masterplan has not been adopted and the Council has no plans to take the matter forward.
24. It is not for me to comment on the lawfulness of the Council's approach to adopting the masterplan or the merits of the Parish Council's challenge to that approach. For the purposes of these appeals, the practical outcome is that there is no masterplan for the WYE3 site that has been adopted by the Council as Supplementary Planning Guidance. It follows that, in this respect, none of the appeal schemes can fully comply with WNP Policy WNP6. In my view the draft masterplan carries no weight as a statement of development plan policy because it has not been adopted. Moreover, it carries very little weight as emerging policy because the Council currently has no intention of taking it forward.
25. The WNP establishes a village envelope around the settlement, outside which development will only be permitted in accordance with development plan and national policies for development in the countryside and AONB. The site of Appeal A is within that envelope and the site of Appeal C is outside it. However, at the site of Appeal B, the village envelope is marked with a dotted line which (the plan states) indicates that this section is to be defined through the masterplan. As there is no adopted masterplan, the village envelope remains undefined at this point.
26. The position on other sites within WYE3 is as follows:
- Wye School has been established, providing educational use in accordance with WNP11(a), albeit that this use was in place at the point at which the WNP was made;
 - land to the west of Olantigh Road remains available for development as a business hub in accordance with WNP11(b) but there were no proposals for this land before the Inquiry;
 - commercial uses along the south side of Occupation Road have been retained in accordance with WNP11(c), albeit that they have not been enhanced in accordance with that policy;
 - horticultural uses have continued to the south of Occupation Road, in accordance with WNP11(d); and

- the Withersdane site has been acquired by an organisation with the intention of putting it to an institutional use in accordance with WNP11(f).

27. The Council's most recent Five Year Housing Land Supply Update indicates that the supply equates to 4.8 years of the five year requirement (with a 5% buffer). The Council accepts that it cannot currently demonstrate the five year supply required by the National Planning Policy Framework (the Framework). The appellant considers that the shortfall may be greater. However, the SoCG confirms that the Council and the appellant agree that the scale of the shortfall is not a matter that needs to be explored in more detail for the purposes of these appeals. I share that view.

Appeal A - whether the proposals would provide a suitable location for housing and community uses and whether the provision for community uses would be adequate, having regard to the provisions of the development plan

28. The appeal site comprises an area of around 1ha, bounded by High Street to the south, Olantigh Road to the east, former college buildings to the north and the church of St Gregory and St Martin to the west. A footpath crosses the site running from the churchyard to Olantigh Road. To the south of the footpath the buildings of the former Wye College, which include nationally important heritage assets, are arranged in a series of quadrangles. To the north of the footpath are more modern buildings which were also part of the college. It is proposed that most of the buildings to the south of the footpath would be converted to residential and community use. The buildings to the north would be demolished and replaced by two new dwellings and parking courts with car barns and other ancillary structures.
29. The site is located within the WNP village envelope and housing is one of the uses proposed in Policy WNP11(e). It is well located in relation to the services available in the village. At the Inquiry there was no dispute that this would be a suitable location for housing, amongst other uses. I share that view.
30. The Latin School is located in the south west corner of the site, adjacent to the High Street. It has until recently been used as a Heritage Centre¹. This use would be relocated within the complex. The Council and the appellant agree that the proposed floorspace is larger and more practical than the existing floorspace. I note that the proposed facility would have an entrance directly from the High Street and would have space for an archive room, accessible WC and kitchen. I agree that this would be an improvement on the existing arrangements. The proposals would therefore accord with ALP Policy COM1, which seeks to retain community infrastructure unless a suitable replacement can be provided.
31. Local residents drew attention to the level of demand for space to accommodate the activities of community groups in Wye and to the loss of other spaces used by such groups. The point was made that the Heritage Centre is one of many groups in the village. However, I consider that the proposed community space would be an improvement on the existing situation. Whilst I appreciate that some residents would like to see more space devoted

¹ It was closed at the time of my visit in accordance with national restrictions in response to the Covid-19 pandemic

to community use, Policy WNP11(e) does not specify the amount of community space to be provided. The planning system is generally concerned with land uses rather than the identity of individuals or organisations that may use a particular building or space.

32. The proposals do not include any of the business uses that are referred to as part of the mix set out in WNP11(e). This matter was considered in the officers' report which stated that:

"Given the marketing exercise that has been carried out promoting a mix of uses, has failed to generate any commercial interest from developers, I consider that the combination of housing and some community use on this scheme to be a realistic mix of use for the conversion and restoration of this heritage asset".²

33. The Council has therefore reached the view that, notwithstanding the terms of WNP11, the proposed mix of uses is a good fit with the need to secure the conversion and restoration of the listed buildings. I agree that securing the reuse of the listed buildings is an important planning objective. Heritage considerations are discussed in more detail below. I see no reason to disagree with the Council's judgement that the absence of employment uses should not amount to a reason for refusal.
34. The Parish Council argued that the absence of an adopted masterplan amounts to a fundamental conflict with the WNP. It was suggested that this is not merely a technical or procedural matter and that, had the viability of the WYE3 site been assessed in a comprehensive way, it may have been possible to achieve more infrastructure contributions and more community and/or employment use within the Appeal A site. I agree that, in the absence of an adopted masterplan, it is not possible to secure phased development of the WYE3 sites as envisaged in WNP6. Also, there can be no guarantee that the proposed business hub and improvements to commercial units south of Occupation Road will be delivered. It follows that the balance between residential and employment uses may not be achieved in the way envisaged in the WNP.
35. The Appeal B and C schemes would deliver proportionate infrastructure contributions. It is possible that assessing viability across all the WYE3 sites would result in more (or indeed less) contributions in total but there is no evidence before me on that. It should also be noted that the total number of dwellings proposed across the three appeal sites would be well above the "approximately 50" referred to in WNP11(g). That said, the WNP does not seek to limit the number of dwellings and there is no evidence that exceeding 50 would, in itself, be harmful.
36. Whilst I consider that the absence of an adopted masterplan is a material disadvantage, I do not agree with the characterisation of the appeal proposals as "piecemeal". The appellant has sought to engage with the masterplan approach. Importantly, the pattern of development that is emerging on the ground (as described above) appears to me to be broadly consistent with the WNP.

² Paragraph 66 of the officers' report

37. The Framework states that the planning system should be plan-led and that plans should provide a positive vision for the future of each area, addressing housing needs and other economic, social and environmental priorities. On the Parish Council's approach, the absence of an adopted masterplan would be likely to delay necessary development of the WYE3 site for an indefinite period. In my view that approach would not be consistent with the Framework. I consider that the absence of an adopted masterplan should be regarded as a material conflict with part of WNP6 which should be weighed in the balance together with other planning policies and other material considerations. Having regard to all the above matters, I attach moderate weight to that conflict.
38. WyeCrag has submitted an illustrative scheme for a hotel, restaurant, events space and other community uses. This scheme was put forward in support of arguments relating to the optimum viable use of the listed buildings. These are heritage considerations that are discussed below.
39. I conclude that the site is a suitable location for housing and community use and that the proposed community use would accord with the development plan. The proposals would accord with WNP6 insofar as that policy seeks residential and community uses as part of a mixed use development of the WYE3 site. They would accord with WNP11(e) insofar as the positive reuse of the listed buildings at the former Wye College would be achieved with residential and community use. They would accord with ALP Policy COM1 which seeks to ensure that there is a suitable replacement for the loss of any existing community facilities. There would be conflict with WNP6 insofar as that policy requires development to be delivered in a phased manner in accordance with an adopted masterplan. There would be conflict with WNP11(e) insofar as that policy requires an element of business use.

Appeal B - whether the proposals would provide a suitable location for housing, having regard to the provisions of the development plan

40. The site extends to around 2ha of land to the east of Wye School and to the north of Occupation Road. It is a gently sloping site with a mix of buildings comprising glasshouses, former teaching classrooms and research spaces to the west, a former meteorological station within an otherwise undeveloped field in the central part and an undeveloped field to the east. The buildings that were used by the college are now vacant and this part of the site comprises previously developed land. The western and central portions would be developed for housing with the eastern section left largely undeveloped, other than the introduction of a small car park to accommodate visitors to the North Downs Way. The Council does not object to the principle of residential development at this site although objections were maintained by the Parish Council and others.
41. WNP11(g) allows for residential development of land at WYE3 that is not required for the school or business hub. However, as noted above, the village envelope has not been defined at the site of Appeal B. As the WNP has not defined the extent of the relevant allocation it is appropriate to have regard to ALP Policy HOU5. This policy deals with proposals for residential development adjoining the built up confines of specified villages, including Wye.
42. I consider that the scale of development proposed would be proportionate to the size of the settlement and the service provision that it offers. There would be highway improvements at the junction of Olantigh Road and Occupation

Road which would ensure satisfactory access to the site. The site is on the edge of the village and would allow access to locations within the settlement by walking and cycling. Public transport services are also available in the village. For the reasons discussed below, I consider that the proposals would achieve a high quality of design and would sit sympathetically in the wider landscape. In these respects they would accord with the criteria set out in HOU5.

43. The Parish Council's arguments in relation to the absence of an adopted masterplan apply to all three appeal sites. My comments on that issue, which are set out above in relation to Appeal A, apply equally to Appeal B.
44. Part of the site is previously developed land. The central part of the site is not previously developed. However, it is land adjoining the built up confines to which ALP Policy HOU5 applies. The proposals comply with the criteria of HOU5 in all respects but one. In principle, I consider that the parts of the appeal site that are proposed for development are in a suitable location for housing.
45. However, Policy HOU5(f)(vi) also states that development should not adversely affect the integrity of international and national protected sites for nature conservation, in line with Policy ENV1. For reasons discussed below, the appeal scheme does not meet that criterion so it would not accord with Policy HOU5(f)(vi) in this respect.

Appeal C - whether the proposals would provide a suitable location for housing, having regard to the provisions of the development plan

46. The site, which extends to around 2.67ha, is occupied by a range of one and two-storey brick faced buildings, glasshouses, storage and plant rooms dating from the 1970s. It was previously used by ADAS and was last occupied by DEFRA until around 2009. Access is from Olantigh Road. The site is largely enclosed by woodland, some of which (fronting Olantigh Road to the south) is subject to a Tree Preservation Order. To the north is Olantigh Towers Registered Park and Garden (Grade II). The appeal site comprises previously developed land and the scheme would result in a net reduction in built footprint and floor area. The Council does not object to the principle of residential development at this site although objections were maintained by the Parish Council and others.
47. Policy WNP11(h) seeks to achieve the appropriate reuse of the former ADAS buildings, having regard to the concept of the walkable village. Given that the WNP does not allocate the site for any particular use, it is appropriate to have regard to ALP Policy HOU5. Although the site does not adjoin the built up confines of Wye, the policy also covers sites that are close to the built up confines. This would include the appeal site.
48. I consider that the scale of development proposed would be proportionate to the size of the settlement and the service provision that it offers. The proposed highway improvements include revisions to the site access, a reduced speed limit on Olantigh Road, traffic calming, footway improvements and works at the junction of Olantigh Road and Occupation Road. Together, these works would ensure that the site could be accessed safely and that there would be no harm to the wider road network.
49. Although there is a Registered Park and Garden nearby, no party at the Inquiry suggested that the replacement of the existing buildings would cause any harm

to the designated heritage asset through development in its setting. The appeal site is visually enclosed and I agree that there would be no harm to the significance of the heritage asset. For the reasons discussed below, I consider that the appeal scheme would achieve a high quality of design and would sit sympathetically in the wider landscape.

50. The Parish Council argued that the proposals would be in conflict with Policy WNP11(h) in relation to the concept of the walkable village. The WNP promotes the concept of a concentric village with the centre being within easy walking distance. It states that locating housing within about 400m from the centre of the village (defined as the Bridge St/Church St junction) is a good indicator of a sustainable settlement. However, the WNP does not set a policy limit of 400m. Neither the Council nor the highway authority raised any objection to the principle of up to 15 dwellings at the appeal site, which is around 870 to 900m³ from the village centre defined in the WNP.
51. Local residents gave evidence that the footway along Olantigh Road is narrow and poorly surfaced in places. However, the proposals include improvements to the footway. These improvements could be secured by a condition. In my view, subject to those improvements, the facilities within the village would be reasonably accessible by walking and cycling. Policy WNP11(h) requires that development proposals should have regard to the concept of a walkable village. I consider that the planned improvements to the walking route between the site and the village would accord with the policy in that regard. I do not consider that the difference between the 15 dwellings contemplated by the Council and the 20 dwellings proposed in the appeal scheme is significant.
52. The Parish Council's arguments in relation to the absence of an adopted masterplan apply to all three appeal sites. My comments on that issue, which are set out above in relation to Appeal A, apply equally to Appeal C.
53. In conclusion, the site comprises previously developed land. The WNP does not allocate it for any particular use but it is close to the built up confines of Wye so ALP Policy HOU5 applies. I consider that the proposals comply with the criteria of HOU5 in all respects but one. In principle, I consider that this is a suitable location for housing. As this would be an appropriate reuse of the site, the proposals would accord with WNP11(h).
54. However, Policy HOU5(f)(vi) also states that development should not adversely affect the integrity of international and national protected sites for nature conservation, in line with Policy ENV1. For reasons discussed below, the appeal scheme would not meet that criterion so it would not accord with Policy HOU5(f)(vi) in this respect.

Appeal A – the effect of the proposals on the historic environment

Introduction

55. The designated heritage assets that have been identified as being affected are:
 - Wye College, Cloister Quadrangle – Grade I
 - The Latin School, Wye College – Grade I

³ These are the alternative estimates provided by the appellant and the Parish Council

- The Wheel House (Junior Common Room), Walls and Gates attached – Grade II*
- Wye College, Entrance and Hall Quadrangles – Grade II
- Church of St Gregory and St Martin – Grade I (effect on setting only)
- Wye Conservation Area

56. In addition to the above, the medieval college of St Gregory and St Martin at Wye is a Scheduled Monument (SM). The monument includes the buried remains of the medieval college. The standing listed buildings are all excluded. The appeal scheme does not indicate any works below ground level. If any such works were required then SM consent may be required. Consequently, it is not necessary for me to comment further on the SM in this decision.

The significance of the heritage assets

57. At the Inquiry, Cloister Quadrangle, the Latin School and the Wheel House were referred to collectively as Kemp's College. The buildings were constructed at about the same time for related purposes and their shared history is an important aspect of their significance. It is therefore convenient to consider them together when assessing significance, bearing in mind that the statutory duty⁴ applies to them as individual listed buildings. The later Grade II listed buildings were referred to at the Inquiry as Wye College. I shall use the terms Kemp's College and Wye College in the same way in this decision. All listed buildings are important and the Framework requires that great weight is to be attached to the conservation of designated assets. The presence of Grade I and Grade II* listed buildings indicates a particularly high level of significance.
58. Kemp's College comprises an outstanding collection of medieval college buildings, founded in 1447 by Archbishop John Kemp. Historic England (HE) describes these as rare and impressive structures, including stone ranges with elaborate timber roofs, set around a small quadrangle (Cloister Quadrangle). The Wheel House was a separate building to the south, probably accommodating kitchens and a brewhouse. The Latin School, also a separate building to the south, was built as a school. After 1545 the buildings of Kemp's College were used as a school and master's house. The most important changes to the buildings around the Cloister Quadrangle came in the 17th century, when panelling was installed in the parlour⁵ and Solar and a staircase was constructed in the north range. In the 18th century brick arcading was constructed around the Cloister Quadrangle.
59. Kemp's College has a high level of historic interest in that it illustrates the arrangement and use of a 15th century chantry college. The association with Kemp, who was an advisor to the monarch, adds to the historic interest. It also has a high level of architectural interest, due to the completeness of its component parts, the survival of the historic plan form and the existence of extensive 15th century fabric. There is also a large amount of important 17th century fabric with the addition of fireplaces, chimneys and panelling in that period. All parties have drawn attention to the size and grandeur of the staircase. Carved statues of Ancient Britons, that once stood on the newels of

⁴ Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

⁵ The two ground floor spaces in the north range shown as "communal spaces" on the proposed ground floor plans are referred to as the "Jacobean dining room" and the "parlour" in the suggested conditions

- the staircase, are currently in the minstrels gallery. The 18th century facades to the Cloister Quadrangle add a further layer of architectural interest.
60. In the late 19th century the buildings were converted to an agricultural college which expanded rapidly in the early 20th century to form a number of quadrangles (Wye College). The buildings of Wye College have considerable architectural interest. They demonstrate a high standard of design, incorporating historical revival styles that sit harmoniously with the earlier buildings. The materials and craftsmanship are of similarly high quality. To my mind the pre-eminent feature of Wye College is the design quality of the elevations and the way that the buildings enclose a series of four quadrangles, creating a harmonious and unmistakably collegiate atmosphere.
61. HE highlighted the steeply raked lecture theatre as the most notable feature of the Wye College buildings. The dining hall is also an impressive space which adds to significance. The workshops, which lie outside the arrangement of quadrangles, add something to the overall significance of Wye College in that they illustrate the practical aspects of the education that the agricultural college provided, alongside academic teaching and research. All of these features add to the historical interest of Wye College in that they illustrate the way that the college functioned. The overall design quality of the buildings also demonstrates the confidence and ambition of those responsible for expanding the college in the early 20th century.
62. HE's *Conservation Principles* suggests that the communal value of a heritage asset includes the way a place figures in the collective experience. The concept of communal value is pertinent here because of the close association between the college and the village of Wye. That association goes back over centuries because of the charitable schools that once provided education for the local community. At the Inquiry, local residents described how the life of the agricultural college was entwined with the economic, social and community life of the village in many ways. Aspects of this close relationship included the use of spaces within the college for community activities. There was, it seems, little restriction on the ability of the general public to walk through the college and use facilities within it. It is clear from the representations that I have heard and read that the former agricultural college figures in the collective experience such that it is, for many local residents, an important aspect of their sense of community and local distinctiveness.
63. The agricultural college closed in 2008 and the buildings have been unused since that time.
64. The Church of St Gregory and St Martin is a parish church dating from the 13th century. It has a high level of architectural and historic interest. The church is seen as a free-standing structure set within its churchyard, the east side of which is bounded by the buildings of Kemp's College. This setting makes an important contribution to the ability to appreciate the church and hence to the significance of the listed building. However, the modern buildings to the north of the east/west footpath have little impact on the character of the space around the church. They neither add to, nor detract from, the significance of the listed building.
65. The Wye Conservation Area covers the historic core of the settlement, including the buildings of Kemp's College and Wye College, the Church and numerous listed buildings along Church Street and Bridge Street. The concentration of

designated assets and the street pattern of the settlement core make important contributions to the significance of the Conservation Area.

The effect of the appeal proposals

The Old Hall, Jacobean dining room, parlour, Jacobean staircase and chapel

66. The Old Hall, Jacobean dining room, parlour and Jacobean staircase are amongst the most important and sensitive spaces within Kemp's College, in terms of the ability to understand the layout and functioning of the chantry college, the illustration of the innovations made to support domestic use in the 17th century and the amount and quality of historic fabric that survives. These spaces would be retained as they are, for communal use by residents of the residential accommodation with occasional public access. This approach would limit the pressure to make changes to these highly sensitive spaces, for example through the introduction of new services that might be required for a more intensive use. In my view the restoration of these spaces, and retention in communal use, is a key aspect of the preservation of the heritage asset which should be regarded as an important heritage benefit.
67. The Jacobean staircase has been identified as a highly significant element of 17th century fabric. It is important in its own right, as an example of the craftsmanship of the period. Moreover, it illustrates the status that the house and its occupants had achieved at that time. Restoration of the staircase, with the reinstatement of the statues of the Ancient Britons, is also an important heritage benefit. Retention of the chapel for public worship would maintain an important link with the way previous occupiers have used the buildings, contributing to the preservation of significance.

Upper floor of the north range (Unit 32)

68. The ability to appreciate the earlier layout and function of this part of the building (which includes the Solar) has been heavily compromised by 20th century adaptations. The spaces have been subdivided by modern partitions and fire doors to create a series of student study/bedrooms. The subdivision of the panelled room to the east⁶ appears particularly unfortunate, with the proportions of the room being lost.
69. In discussions with HE, the appellants have proposed the removal of the existing ceilings in the central part of Unit 32, creating a single volume and allowing the crown-post roof trusses to be seen. Some parties have criticised this approach on the basis that it would involve the loss of historic fabric from the 17th century. I appreciate that there is a balance of considerations here and that the proposed approach would result in the loss of some historic fabric. However, the existing ceilings are subdivided as described above and overlain with modern finishes. It seems likely that historic fabric survives but it is not readily appreciated in the current condition. In contrast, the appeal scheme would enable the spatial quality of the Solar and the structure of the roof to be appreciated. HE considered that opening up the fine crown-post roof represents one of the most important opportunities for enhancement in the northern range. I agree.
70. The ceiling would be retained in the panelled room to the east. This would be appropriate and consistent with the retention and restoration of 17th century

⁶ Photograph 8 on drawing *Demolition – first floor plan – Unit 32* (drawing 2742-91 Rev A)

features such as panelling and the chimneypiece. The southern wall adjoins the Old Hall and it would be necessary to provide fire separation at this point. I note that the panelling would need to be removed and then repositioned with fire separation behind. The Council was satisfied that full details of those works could be secured by conditions on the listed building consent. I see no reason to take a different view and consider that any harm from disturbance to historic fabric would be minor. Taken together, I consider that the proposals for Unit 32 should be regarded as an important heritage benefit.

South range and west range

71. The conversion of the south and west ranges to a single dwelling (Unit 18) could be achieved largely within the existing layout of rooms and circulation spaces. The layout and historic fabric would therefore be preserved. The creation of a separate dwelling here would require sound and fire separation to be installed at two points, in bedroom 5 (adjacent to Unit 32) and in a corridor (adjacent to the southern end of the Old Hall). I saw that overlining the walls in question would not result in the loss of any important features. The overlining would be attached to historic fabric and the details would need to be approved. Again, this could be controlled by conditions on the listed building consent, such that any harm from disturbance to fabric would be minor.

The Latin School

72. The Latin School is shown as ancillary residential accommodation associated with Unit 18. The space has most recently been used as a heritage centre and would require little adaptation for its proposed use. No subdivisions or external alterations are proposed. I consider that keeping the Latin School in the same unit of occupation as the south range of Kemp's College is an important aspect of the appeal scheme. This is because the physical relationship between the Latin School and the south range, which is important in understanding the way the site functioned in the past, would be unchanged. There would be no need to introduce walls, gates or other barriers into the important garden space adjacent to the Latin School and no change to the pathway leading from High Street to the southern entrance of the south range. The concerns raised at the Inquiry related to functional subdivision and public access, rather than the proposed physical works. I return to those matters below.

The Wheel House

73. The Wheel House would be retained as a single open plan space. The only external change would be the removal of a small and unsympathetic modern extension. At the Inquiry, no party identified any harm arising from works to the Wheel House.

Wye College

74. The buildings of Wye College were purpose-built as student accommodation, mostly in the early 20th century. The cellular nature of the buildings lends itself to residential conversion. The appeal scheme would result in only very limited changes to the external elevations or to the calm, enclosed character of the quadrangles. Thus the special architectural interest of these elevations and spaces would be preserved.
75. The lecture theatre was considered by HE to be the most notable feature of the Wye College buildings. I agree that it is an important feature, both from the

craftsmanship of its steeply-raked seating arrangement and from the strong sense of connection it provides to a long history of academic endeavour. The lecture theatre would be retained as it is, for the communal use of residents and with occasional public access. I consider that retaining this sensitive space unchanged should be regarded as a heritage benefit.

76. No party at the Inquiry questioned the appropriateness of putting most of the buildings to residential use. However, the Parish Council criticised the proposals for the dining hall, the workshops and the north elevation of the Agricola Quadrangle. The dining hall is an impressive space which would be subdivided to create residential units. In my view this should be recognised as causing some harm to the significance of the listed building. The degree of harm would be mitigated (to some extent) by retaining a double height void within Unit 23, thereby allowing the structure to be appreciated and recalling the scale of the original space.
77. Although the workshops lie outside the arrangement of quadrangles, which is the principal feature of the listed building, they nevertheless have some value in illustrating the practical aspects of the education that the agricultural college provided. The demolition of most of the workshops would therefore represent some loss of significance, mitigated by the retention of the two storey central block with its Arts and Crafts architectural details. The north elevation of the Agricola Quadrangle has been partly subsumed in a modern extension dating from the 1970s. Removing this utilitarian structure would in itself be a benefit. There is no policy requirement for the lost elevation to be recreated. Instead, the appellant has proposed a new elevation, albeit using materials and detailing consistent with the period of the building. In my view that is a valid approach that would not be harmful.

Church of St Gregory and St Martin

78. The churchyard is an important element of the setting of the church. No alterations are proposed to the west elevation of Kemp's College where it adjoins the churchyard. However, the modern buildings to the north of the east/west footpath have little impact on the character of the space around the church. In my view replacement of those buildings with two houses linked by a single storey car barn would not affect the ability to experience the church in its churchyard setting. There would be no harm to the setting or the significance of the church.

Wye Conservation Area

79. The buildings of Kemp's College and Wye College are important features of the conservation area. The appeal scheme would not result in any significant changes to the appearance of the buildings as seen from High Street, Olantigh Road or the churchyard. There would, therefore, be no harm to the conservation area.

Bringing vacant buildings back into use

80. Planning Practice Guidance notes that the vast majority of heritage assets are in private hands and that putting such assets to a viable use is likely to lead to the investment in their maintenance that is necessary for their long-term conservation. That advice is pertinent to this appeal which relates to buildings that have been unused since 2008. HE has noted that some maintenance has

continued but the buildings are in need of reuse. I share that view. The viability of the appeal scheme has been assessed by the Council. It concluded that the scheme would be viable, albeit that some infrastructure payments would need to be deferred as set out in the s106 Agreement.

81. I consider that the appeal scheme would secure new uses that are likely to lead to the investment needed for the long-term conservation of the listed buildings. Having regard to the high level of significance attributable to these buildings, and the scale and complexity of the group of buildings that is in need of reuse, I regard this as a heritage benefit to which significant weight should be attached.

Subdivision – function and occupation

82. The buildings of Kemp's College have been occupied as a single unit since the foundation of the chantry college. The buildings have had an educational function, to varying degrees, for most of that time. The buildings of Wye College were built as a residential institution. The Parish Council and others are concerned that the complex would be subdivided into individual residential units, resulting in harm to the significance of the listed buildings. HE referred to the "*dilution of the overall coherence and institutional character of the buildings*" as a negative impact.
83. I agree that the coherence and institutional character of the buildings adds to their significance. However, the institution that gave rise to much of that character closed in 2008. A marketing campaign was undertaken to seek an appropriate institutional use to take on the buildings but none was forthcoming. The current development plan does not require institutional use, nor any further marketing, no doubt as a result of what has gone before. The WNP seeks a mix of uses, including community, residential and business uses. Any scheme in compliance with that policy is likely to result in subdivision of function and occupation. Moreover, no party at the Inquiry suggested that there is any reasonable prospect of a single institutional occupier coming forward.
84. The loss of institutional use is not a consequence of this appeal scheme, which was brought forward several years after the agricultural college had closed. To the extent that the appeal scheme would result in a loss of institutional character, the proposals include some important mitigation. The future residents would have access to the quadrangles and cloisters, as well as to the Old Hall, panelled dining room, parlour and lecture theatre. These spaces, which would have been important to the previous institutional use, would be made available for communal use by future residents. There would be occasional public access to most of these spaces and the Chapel would be kept available for public worship. Moreover, there would be a unified management structure for the external spaces within the complex.
85. Taken together, I consider that these measures would mitigate the loss of institutional character, notwithstanding the subdivision of much of the floorspace into individual residences. My overall assessment is that subdivision would result in some loss of coherence and institutional character, resulting in some harm to significance. For both Kemp's College and Wye College this would be at the lower end of the spectrum of less than substantial harm.

Communal value

86. As noted above, the agricultural college was, for many local residents, an important aspect of their sense of community and local distinctiveness. Residents have described how the life of the college was entwined with the economic, social and community life of Wye. However, that institution has gone and there is no reasonable prospect of any comparable institutional use coming forward. The communal value that is still felt within the community resides in the collective experiences associated with the buildings that remain. To my mind, finding an appropriate new use for buildings that have been vacant for a lengthy period would not represent a further loss of communal value.

Public access

87. It seems that there was little restriction on the ability of the general public to walk through the agricultural college and use facilities within it. However, that ability came to an end when the college closed. As long as the buildings remain vacant it seems unlikely that there will be any ability for the public to gain access. The proposals include public access to the quadrangles, cloisters and important rooms on one day per month, with the chapel available for public worship for four services per month and an annual heritage open day.
88. It is understandable that those who were familiar with the college when it was functioning would prefer to see a much greater level of public access. However, there is no policy or legal requirement for the landowner to replicate the former arrangements. Indeed, there is no general obligation on an owner of a heritage asset to grant any public rights of access to it⁷. HE advised that the provision of occasional public access to key historic features would represent a heritage benefit. I share that view and I consider that the proposed arrangements for public access to key features of the complex should be regarded as a heritage benefit.

Conclusions on the designated heritage assets

Cloister Quadrangle

89. The heritage benefits would include:

- restoration of the most important and sensitive spaces and their retention in communal use;
- restoration of the Jacobean staircase;
- removal of modern subdivisions in the Solar;
- opening up the roof of the Solar to reveal the crown-post roof;
- restoring the fabric and proportions of the 17th century panelled room; and
- public access to the Old Hall, Jacobean staircase and Cloister Quadrangle and use of the chapel for public worship.

In addition, there would be a wider heritage benefit in securing the reuse of the buildings in a manner that is likely to support their long-term conservation. There would also be some heritage harm:

⁷ Particular obligations may apply in some cases, for example as a condition of public funding

- loss of 17th fabric in the ceiling to the Solar;
- minor disturbance to fabric in limited areas where fire separation would be needed;
- subdivision would result in some loss of coherence and institutional character.

Overall I would characterise the harms as relatively minor (individually and collectively) and towards the lower end of the spectrum of less than substantial harm. They would be decisively outweighed by the heritage benefits identified above, to which I attach significant weight. The result would be a net heritage benefit.

The Latin School

90. There would be no harm from physical works to the building. There would be some harm from the subdivision of the wider complex which would result in some loss of coherence and institutional character. This would be mitigated by the retention of the Latin School in the same unit as the south range, enabling the intervening garden space to remain undisturbed. The residual harm would be outweighed by the wider heritage benefit of securing the reuse of the building in a manner that is likely to support its long-term conservation. This would result in a net heritage benefit.

The Wheel House

91. There would be no harm from physical works to the building. There would be some harm from the subdivision of the wider complex which would result in some loss of coherence and institutional character. The harm would be outweighed by the wider heritage benefit of securing the reuse of the building in a manner that is likely to support its long-term conservation. This would result in a net heritage benefit.

Wye College, Entrance and Hall Quadrangles

92. The cellular nature of the buildings makes them well suited to residential conversion, without harm to the architectural quality of the external elevations and spaces. Heritage benefits would include retention of the lecture theatre in communal use and public access to the lecture theatre and quadrangles. There would also be a wider heritage benefit of securing the reuse of the buildings in a manner that is likely to support their long-term conservation.
93. There would be some heritage harm from the subdivision of the dining hall and the loss of the greater part of the workshops. There would be some harm from the subdivision of the wider complex which would result in some loss of coherence and institutional character. Overall, I would characterise the harms as relatively minor (individually and collectively) and towards the lower end of the spectrum of less than substantial harm. They would be decisively outweighed by the heritage benefits, to which I attach significant weight. The result would be a net heritage benefit.

Conclusion on the listed buildings that would be directly affected

94. For each of the listed buildings identified above I have found that any heritage harms would be outweighed by heritage benefits, resulting in a net heritage

benefit. In relation to the statutory duty⁸, I conclude that each of the listed buildings would be preserved. In relation to the Framework, I conclude that there would be net heritage benefit (in each case) such that the appeal scheme should be considered under paragraph 193 which requires that great weight is given to the conservation of designated heritage assets⁹.

Church of St Gregory and St Martin

95. There would be no harm to the significance of the church through development in its setting. The setting of the listed building would be preserved.

Wye Conservation Area

There would be no harm to the character or the appearance of the conservation area. The character and appearance of the conservation area would be preserved.

Other heritage considerations

The WyeCrag proposals

96. WyeCrag put forward an alternative scheme which, it was suggested, would involve less harm to the listed buildings and would therefore represent the optimum viable use. WyeCrag argued that the appeal scheme would result in less than substantial harm to the listed buildings, would not represent the optimum viable use and, consequently, would be contrary to paragraph 196 of the Framework.
97. Whilst I have identified some harm to each of the listed buildings, in each case I have found that the harm would be outweighed by greater heritage benefits. For the reasons given above, I do not think paragraph 196 is applicable. However, even if paragraph 196 was applicable, it does not require demonstration of optimum viable use in every case. Optimum viable use is to be considered "*where appropriate*". In my view, it would not be appropriate to require the appellant to demonstrate optimum viable use in the circumstances of this case where heritage benefits would decisively outweigh heritage harms.
98. In any event, I do not think it has been shown that the WyeCrag scheme would result in less harm to the listed buildings. It is an illustrative concept sketch rather than a fully developed scheme, so cannot be compared directly with the appeal scheme. Even so, on the basis of the information before the Inquiry, I consider that WyeCrag's evidence understated the level of intervention in the historic fabric that would be likely to be required in practice to support the mix of uses proposed. In summary, whilst I have taken account of the WyeCrag scheme, it does not alter my conclusions on the appeal scheme.

The information available to Historic England and the Council

99. The Parish Council argued that the appellant's heritage report was a description of the listed buildings rather than a proper analysis of their significance. Planning Practice Guidance states that applicants are expected to describe the

⁸ Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

⁹ An alternative approach would be to weigh the heritage harms against the heritage benefits (for each asset), together with any other public benefits, under paragraph 196 of the Framework. It makes no difference which approach is taken because consideration of non-heritage benefits (in this case, the delivery of housing) would only add to the weight in favour of the appeal scheme.

significance of any heritage assets that will be affected and, where relevant, how this has informed the development of the proposals. The Parish Council pointed out that the heritage report came after the scheme drawings were prepared. Consequently, it was not clear on the face of the application documents how significance was assessed and taken into account in the preparation of the appeal scheme. In my view that was a fair criticism.

100. The timeline submitted by the appellant at the Inquiry describes an iterative process in which the appellant's team engaged with HE during the pre-application period and after the submission of the application.
101. Given the level of engagement with HE, it seems to me that HE would have been aware of the historic and architectural interest of the heritage assets when making its comments to the Council. I have taken HE's comments into account, keeping in mind that some aspects of significance (such as communal value) may not have been explored at that stage. Subsequently, the Inquiry heard expert evidence on heritage matters on behalf of the appellant, the Parish Council and WyeCrag. That evidence included detailed analysis of the significance of the heritage assets. I have reached my conclusions in the light of that evidence, together with what I saw on site. Overall, I am satisfied that there is sufficient information before me for heritage matters to be properly assessed.

Conclusions on the historic environment

102. I conclude that the appeal scheme would preserve the listed buildings that would be directly affected and would support their long-term conservation. Bearing in mind the high level of significance attributable to these buildings, great weight should be attached to their conservation. There would be no harm to the setting or the significance of the Church of St Gregory and St Martin. There would be no harm to the character or the appearance of the Wye Conservation Area.
103. The scheme would accord with ALP Policies SP1 and ENV13 which seek to preserve heritage assets and to encourage proposals that bring redundant buildings into appropriate uses consistent with their conservation. It would accord with ALP Policy ENV14, which seeks to protect conservation areas, and with ALP Policy SP6 and WNP Policy WNP2 which promote high quality design that conserves local distinctiveness.

Appeal B - the effect of the proposals on the Kent Downs AONB and on the character and appearance of the area generally

104. The appeal site lies within the Kent Downs AONB. The management plan for the AONB describes it as having a dramatic and diverse topography, including scarp slopes and broad, steep-sided river valleys. This topography provides opportunities for long distance panoramas across open countryside. The site is located within the broad valley of the River Stour. To the east the land rises gently, then more steeply, to Wye Downs. Wye Memorial Crown is a well-known elevated viewpoint on the North Downs Way which provides extensive views over the village of Wye and the Stour valley.

Landscape impact

105. The site is adjoined by modern school buildings to the west. The North Downs Way passes along Occupation Road which forms the southern site boundary.

There are commercial premises and houses fronting the southern side of Occupation Road. There are school playing fields to the north and open fields to the east. As noted above, this is a gently sloping site with a mix of buildings comprising glasshouses, former teaching classrooms and research spaces to the west, a former meteorological station within an otherwise undeveloped field in the central part and an undeveloped field to the east (known as the Strawberry Field).

106. The redundant buildings detract from the landscape character of the site itself and its surroundings. However, this is a relatively localised impact. In middle and longer range views the impact of the vacant buildings is limited by vegetation and the presence of buildings on the northern fringes of Wye. The proposals would not increase the total footprint of buildings on the site but development would extend further east, into the meteorological station field. The Strawberry Field would be retained as meadow with additional planting along its northern and eastern boundaries. I consider that the replacement of the existing buildings with well-designed houses in a landscaped setting would result in an enhancement of the landscape character of the site itself. This would be a localised effect.
107. Having regard to the previously developed nature of part of the site, together with the location on the edge of the settlement, I consider that the appeal scheme would have a neutral effect on the landscape character of the wider AONB.

Visual impact

108. The main locations where visual receptors would experience the proposed development would be in the immediate vicinity of the site along Occupation Road, middle distance views from footpaths to the east (including parts of the North Downs Way) and longer views from the vicinity of Wye Memorial Crown. The current approach to the village along Occupation Road is not of high visual quality, being hemmed in by commercial buildings on one side and a high conifer hedge on the other.
109. The proposed linear park would have the effect of opening up and softening the character of this part of the North Downs Way. Whilst the linear park would not be wide enough to function as an area for outdoor recreation, if suitably landscaped it would provide an important visual amenity. It would enable the tree-lined nature of the North Downs Way to extend most of the way to Olantigh Road. Details of landscaping could be secured by a condition. Insofar as the redundant buildings are visible from Occupation Road, their replacement with well-designed houses in a landscaped setting would be an improvement in visual terms. The Village Design Statement comments on the importance of approaches to the village. I consider that the appeal scheme would improve the appearance of the approach to Wye along the Occupation Road section of the North Downs Way.
110. In middle distance views from the east, some of the proposed houses would be closer to the viewer than the existing redundant buildings. Even so, the proposed houses would be seen in the context of existing buildings in Wye, including the prominent school buildings. Views of the proposed houses would be filtered by existing trees. There would be greater filtering over time as new tree planting matured. The skyline would continue to be formed by a ridge of

higher ground to the north west, as it is now. Although there would be some change in the view, I do not think that the change would be harmful.

111. As seen from Wye Memorial Crown, the appeal site is a small element in a broad, sweeping panorama encompassing the settlement of Wye and the Stour Valley. It might be possible to pick out the roofs of the proposed houses, at least at times when visibility is good. However, I do not think there would be any material change in the character and quality of the view.

Design

112. The proposed houses would be set within a landscape framework formed by planting along the site boundaries, including in the linear park to the south and the Strawberry Field to the east. Some of the houses would be grouped around a central green space which would mark a division between two broad character areas. There would be higher density to the west, closer to Wye, with more terraced and semi-detached units, and lower density to the east, closer to the countryside. The design of the houses would draw on the materials and roof forms of Kent vernacular architecture, with a mix of hipped roofs, gables and catslides.
113. The proposals would achieve a coherent pattern of development with a legible and accessible layout. The green spaces within the developed area would not be large in area but they would create an attractive and distinctive public realm. Public safety has been considered in that the spaces would be overlooked by housing. The Strawberry Field, which is proposed for ecological mitigation, would also provide a green setting in visual terms. There would be a good range of unit types. This would be beneficial in terms of mix and integration. It would also allow for variety in the street scene.
114. The Council characterised the layout as suburban, referring to the street pattern as “*rectangular*” and criticising the use of parking courts and the lack of verges and roadside greenery. However, the plans show that the main routes would incorporate changes of alignment to avoid long, straight views. Some buildings would be sited close to the street to create pinch points, thereby providing variety, visual enclosure and traffic calming. The proposed parking court would be small in scale, bounded by houses and landscaping. Its layout would be convenient and secure. To my mind this represents a reasonable design choice, enabling the inclusion of some smaller houses that would not have individual parking. The southern and eastern sections of the access road would have landscaped open space on one side. Some of the frontages within the scheme would be enclosed by trees and the plot boundaries would be defined by hedges. Further details of landscaping and boundary treatments could be controlled by planning conditions.
115. The Council provided information about housing density in other locations on the edge of Wye. This was essentially a numerical exercise which, to my mind, did little to inform consideration of the design quality of the appeal scheme. Reference was also made to the design of housing schemes in other locations¹⁰. However, the fact that a particular design approach was followed on an unrelated site does not provide a measure of design quality for this appeal site. In my view the proposed density would be appropriate to this edge of village location.

¹⁰ Orchard Gate and Wootton Farm

Conclusions

116. My overall assessment is that the appeal scheme would achieve high quality design, as required by the Framework and the development plan, and would not result in harm to the Kent Downs AONB or the character and appearance of the area generally. The proposals would accord with ALP Policies SP1 and SP6 and WNP Policy WNP2, insofar as those policies promote high quality design. They would accord with ALP Policies HOU3a and HOU5, insofar as those policies relate to design and landscape. They would accord with ALP Policy ENV3b and WNP Policy WNP8 which seek to protect and enhance the distinctive character of the AONB.

Appeal C - the effect of the proposals on the Kent Downs AONB and on the character and appearance of the area generally

117. The appeal site is close to the site of Appeal B, so my comments above in relation to the setting of that site in the wider landscape apply equally to this appeal.

Landscape impact

118. As noted above, the site is occupied by a range of one and two-storey brick faced buildings, glasshouses, storage and plant rooms dating from the 1970s, previously used by ADAS. The buildings are in a poor condition and they detract from the landscape character of the site. This can be seen at the site access from Olantigh Road. However, the site is largely enclosed by woodland, including an arboretum to the south (subject to a Tree Preservation Order) and Olantigh Towers Registered Park and Garden to the north. Consequently the existing buildings have little impact on the wider landscape of the AONB.

119. The site comprises previously developed land and the scheme would result in a net reduction in built footprint and floor area. I consider that the replacement of the existing buildings with well-designed houses would result in an enhancement of the landscape character of the site itself. Due to the visually enclosed nature of the site, this would be a localised effect. There would be a neutral effect on the landscape character of the wider AONB.

Visual impact

120. The main locations where visual receptors would experience the proposals would be in the immediate vicinity of the site at the access from Olantigh Road, middle distance views from footpaths to the east (including parts of the North Downs Way) and longer views from the vicinity of Wye Memorial Crown.

121. Views from the site access would be improved by the replacement of the existing buildings with well-designed housing. That said, the development would not have a strong presence in the street scene of Olantigh Road because most of the houses would be set back from the site frontage. Moreover, the houses would face onto internal roads. The existing brick boundary wall and mature tree belt along the site frontage would be maintained. The approach to the village would therefore be largely unaffected.

122. There is limited ability to see the existing buildings in middle distance views from the east due to intervening topography and vegetation. The ridges of the proposed houses would be higher than the parapet level of the existing flat-roofed structure but the eaves level would be lower. The roofscape of the

proposed houses would, potentially, be visible, albeit any such views would be heavily filtered by existing vegetation. The design incorporates hipped roofs and the buildings closest to the eastern boundary would be widely spaced.

123. The roof ridges would be below the general level of the tree canopy in the vicinity of the site. There would be no impact on views of the far horizon, which is formed by high ground on the opposite side of the valley. Subject to suitable colour and tone of roofing materials, which could be covered by a condition, I consider that the proposed houses would have little impact on the middle distance views. They would not be harmful.
124. My comments above in relation to views of the Appeal B scheme from Wye Memorial Crown apply equally to this appeal. For the same reasons, I consider that there would be no material impact on those views.

Design

125. The scheme would retain the trees and woodland around the site, creating a strong sylvan setting for the development. The focal point of the layout would be a roughly triangular green with houses grouped around it. There would be smaller character zones in other parts of the site, including a more formal arrangement at the southern end and a looser grouping on the higher land to the east. The design of the houses would reflect the materials and roof forms typically associated with Kent vernacular architecture. The density would be relatively low. The scheme would include four semi-detached house types with the rest being detached houses set in relatively generous plots. I consider that the proposals would create an attractive place to live. The central green would be a safe and accessible space, overlooked on all sides. It would be a distinctive feature, giving a sense of identity. The routes through the site would be legible and it would be easy to move around.
126. The Council criticised the scheme on the basis that it would be a linear arrangement with a uniform set back of houses from the street, that the layout would not allow the countryside to penetrate the site and that the largest houses would be placed on the highest land, on the eastern side of the site. I do not agree with those criticisms. The layout would have an informal character, appropriate to this rural setting. The scheme would include a range of house types and roof forms. Some of the garages would be attached to houses whilst others would be sited side-on or backing on to the street, creating localised narrowing and variety in the street scene.
127. I agree that the scheme would be inward-looking, with the houses facing the internal roads and green rather than facing Olantigh Road or the countryside. However, to my mind that is a reasonable design response to a site that is largely surrounded by woodland and visually separated from other built development. Whilst seeking to draw the countryside into the residential enclave, as the Council suggested, would be one design approach, it is not the only approach. For the reasons given above, I consider that the proposed development would sit comfortably in the wider landscape whilst creating an attractive living environment for future residents. It is fair to point at that plots 7 and 8, containing the largest houses, would occupy higher ground on the eastern side of the site. However, as discussed above, this arrangement would not result in harm to the landscape of the AONB.

128. My comments on Appeal B relating to density comparisons, and comparisons with design approaches followed elsewhere, apply equally to this appeal. The Council would prefer to see 15 houses on this site rather than the 20 proposed by the appellant. However, there is no adopted policy in support of that preference. Although there was reference to 15 houses in a report relating to the draft masterplan, that carries very little weight as a statement of planning policy for the reasons discussed above. In my view the Council's preference for 15 dwellings is not, in itself, a valid criticism of the design quality of the appeal scheme.

Conclusions

129. My overall assessment is that the scheme would achieve high quality design, as required by the Framework and the development plan. It would not result in harm to the Kent Downs AONB or to the character and appearance of the area generally. The proposals would accord with ALP Policies SP1 and SP6 and WNP Policy WNP2, insofar as those policies promote high quality design. They would accord with ALP Policies HOU3a and HOU5, insofar as those policies relate to design and landscape. They would accord with ALP Policy ENV3b and WNP Policy WNP8 which seek to protect and enhance the distinctive character of the AONB.

The effect of the proposals on the Stodmarsh nature conservation sites

130. Natural England (NE) considers that the water environment in the Stour catchment is one of the most important in the UK for water dependant wildlife. Moreover, the Stodmarsh water environment is internationally important. However, there are high levels of nitrogen (N) and phosphorous (P) input to this environment and there is evidence that these nutrients are causing eutrophication in parts of the designated sites, thereby impacting on protected habitats and species.
131. Stodmarsh Special Protection Area (SPA) is a wetland of international importance including open water, reedbeds and grazing marshes. The interest features of the SPA include great bittern, gadwall, northern shoveler and hen harrier, together with assemblages of waterbirds and breeding birds. The conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored, including by maintaining or restoring the habitats and populations of the qualifying features.
132. Stodmarsh Special Area of Conservation (SAC) is described in similar terms. The qualifying feature of the SAC is Desmoulin's whorl snail. The conservation objectives for the SAC are to ensure that the integrity of the site is maintained or restored and that it contributes to achieving the favourable conservation status of its qualifying feature by maintaining or restoring habitats and populations.
133. The interest features of the Stodmarsh Site of Special Scientific Interest (SSSI) include the features noted above together with wetland habitats, standing waters and assemblages of vascular plants and invertebrates. The interest features of the Stodmarsh Ramsar Site include assemblages of invertebrates, scarce plant species and rare wetland birds.
134. It is necessary to consider all three appeals in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the

Habitats Regulations) due to the presence of the Stodmarsh SPA, SAC and Ramsar designations. Impacts on the SSSI are also a relevant consideration. However, as there is considerable overlap in terms of interest features and impact pathways is it not necessary to discuss the SSSI separately.

135. Some of the waterbodies within the designated sites have been found to be in unfavourable condition due to high levels of P and N. There is uncertainty regarding the source of these nutrients, although NE considers that they are mostly caused by wastewater from housing and agricultural sources. NE has published advice on nutrient neutrality for new development in the Stour catchment. This states that there is uncertainty as to whether new growth will cause further deterioration of the designated sites. Studies are being undertaken to investigate the impacts of the wastewater treatment works (WWTW) discharging into the River Stour. These studies will also investigate the hydrological links between the River Stour and the Stodmarsh lake system and will seek to propose solutions to identified impacts.
136. Until that work is done, NE advises that there is potential for new housing developments to exacerbate the existing impacts, creating a risk to the future conservation status of the designated sites. It is NE's view that a likely significant effect on the internationally designated Stodmarsh sites, due to increases in wastewater from new developments coming forward in the Stodmarsh catchment, cannot be ruled out. This advice is pertinent to all three appeal schemes, each of which will create additional housing within the catchment. In these circumstances the Habitats Regulations state that planning permission should not be granted unless an appropriate assessment has determined that the proposals would not adversely affect the integrity of the designated sites. The appellant has provided information to support the assessments and NE has provided comments on that information. The information was discussed at the Inquiry and I have taken it into account.
137. NE considers that one way of addressing the current uncertainty is for development proposals to achieve nutrient neutrality. The advice for the Stour catchment includes a methodology for calculating nutrient budgets. The appellant has sought to follow that approach and has submitted nutrient budgets for each appeal.
138. The appellant has also considered the potential for effects on the designated sites arising from additional recreational pressure. The designated sites are around 17km from the appeal sites. Moreover, there are existing visitor management measures in place at Stodmarsh, which any additional visitors would be subject to. The appellant concluded that there would be negligible impact on the designated sites as a result of additional recreational pressure. This conclusion was not challenged by NE and I see no reason to take a different view. It follows that the potential for nutrient enrichment is the only impact pathway that requires more detailed assessment.

Appeal A – Appropriate Assessment

139. The Appeal A site would drain to the Wye WWTW, which discharges to the River Stour, creating a pathway to the designated sites. Consequently, the appeal scheme has the potential to affect the designated sites through nutrient enrichment from wastewater and surface water drainage. Such enrichment could harm the water environment which supports the habitats and species that the designations seek to protect. Parts of that water

environment are already in poor condition. This outcome could hinder the conservation objectives for the sites and result in adverse impacts on their integrity.

140. The methodology for calculating nutrient budgets takes account of the previous use and occupancy of the site. For Appeal A, this results in a relatively low increase in population which, in turn, generates only small increases in P and N. The proposals include a number of mitigation measures. During construction, there would be a Construction Environmental Management Plan to manage risks of nutrient enrichment arising from construction activities. In the operational phase, there would be a landscape strategy and management plan designed to control surface water run-off and enhance uptake of P and N. The surface water drainage strategy would include treatment¹¹ and infiltration of run-off from hard surfaces, including those used by vehicles. Sustainable transport measures, such as cycle parking and electric vehicle charging points, would reduce transport related emissions. Low Nitrogen Oxide boilers would be used and there would be greywater recycling for the two new dwellings.
141. The appellant's assessment is that, taken together, the mitigation measures would outweigh the small positive budgets for P and N, thereby achieving nutrient neutrality. NE raised a query on the nutrient budgets relating to the reduction factors for P and N resulting from the proposed sustainable drainage measures. The appellant provided further evidence in support of those factors which NE has had the opportunity to comment on. No further challenge to the nutrient budgets, or the overall conclusion based on those budgets, has been received from NE or any other party.
142. The proposed mitigation measures could be secured through the imposition of planning conditions. Subject to such conditions, it can be ascertained on the basis of the evidence before the Inquiry that the Appeal A scheme would achieve nutrient neutrality. There are no impact pathways to the designated sites other than the potential for nutrient enrichment. The advice of NE is that achieving nutrient neutrality is one way of addressing current uncertainties. Mindful of that advice, I conclude that the appeal scheme would not adversely affect the integrity of the Stodmarsh SPA, SAC and Ramsar sites, either alone or in combination with other plans and projects. For the same reasons, the proposals would not harm the Stodmarsh SSSI.
143. It follows that application of the Habitats Regulations does not indicate that planning permission should be refused. The Appeal A scheme would accord with ALP Policy ENV1 which seeks to avoid adverse effects on the integrity of European protected sites and to protect SSSIs.

Appeals B and C

144. The sites for Appeals B and C are within the Stour catchment. The impact pathway and related potential for harm to the integrity of the designated sites through nutrient enrichment exists in the same way as it does for Appeal A. However, the population increases would be greater at these sites. The proposals for each site include mitigation measures that would be broadly similar to those described above. In addition, it is proposed that a package

¹¹ The nutrient budget calculations include a reduction in P and N resulting from use of sustainable drainage mitigation

treatment plant (PTP) would be installed at each site to remove most of the P and N from wastewater before it is discharged to the public sewer. The treated effluent would drain to the Wye WWTW which discharges to the River Stour.

145. The nutrient budgets show small increases in N at both sites, a small increase in P for Appeal B and a decrease in P for Appeal C. The appellant's assessment is that, taken together, mitigation measures would outweigh any small positive budgets for P and N, thereby achieving nutrient neutrality.
146. The PTPs would use a biological nutrient removal system which does not require the addition of chemicals. The calculations assume that the PTPs would remove 98.84% of P and 89.05% of N from the wastewater leaving the sites. The justification for those factors comes from data relating to a demonstration plant at Petersfield in Hampshire which has been operating within a larger WWTW complex since 2014. The demonstration plant has large above-ground tanks and deals with a higher throughput of wastewater than the PTPs would process. There is, therefore, an inbuilt assumption that the high level of efficiency achieved at the demonstration plant would be replicated in significantly smaller, remote facilities located below ground. The appellant argued that the technology would be the same so the same level of efficiency would be achieved. However, there was no scientific evidence before the Inquiry to demonstrate that the same efficiency would be achieved in a PTP.
147. Indeed, there was no evidence before the Inquiry about any aspect of the performance of PTPs. The appellant was not able to point to any examples of PTPs that have been installed to address concerns about nutrient enrichment in sensitive environments.
148. The data submitted for the demonstration plant includes a maintenance schedule comprising weekly inspections, cleaning and calibration of instruments every six months and a service of all drives and motors every 12 months. The appellant suggested that the company that supplied the plant would also be able to provide a maintenance service. Whilst that is no doubt a possibility, there is no certainty that it would happen. One of the suggested conditions requires approval of future arrangements for management and maintenance, including possible adoption by a public body. However, there would be no mechanism to require such adoption. NE advises that PTPs require significant upkeep to ensure their continued efficacy and that the competent authority would need to be satisfied that the long term monitoring and management measures would be sufficiently secure.
149. There was limited information before the Inquiry as to what the future management arrangements might be. Notwithstanding the suggested condition, to my mind there is not sufficient certainty that the PTPs would ultimately be controlled by a body with the expertise and resources required to maintain them in a way that would deliver the high level of performance that is being relied on to provide mitigation.
150. Drawing all this together, I do not think that the evidence provides sufficient certainty that the proposed PTPs would deliver nutrient neutrality, either at the outset or over the lifetime of the developments. Having regard to the precautionary principle, I cannot exclude the risk of a significant effect on the conservation objectives of the designated sites.

151. In general, NE considers that PTPs which discharge to the mains network are not certain as mitigation measures. The appellant disputes the basis for NE's advice, both as a matter of approach and on the particular circumstances of this case. However, whilst I have taken account of NE's advice, my conclusions on these two appeals are not founded on NE's more general objections to PTPs as mitigation. It is not therefore necessary for me to comment further on the differences of approach as between the appellant and NE.
152. At the Inquiry, the appellant suggested a scenario whereby the PTPs might discharge directly to the environment, without being connected to the public sewerage system. However, there was no evidence before the Inquiry that would exclude the potential for a hydrological connection between the appeal sites and the designated sites in that scenario.
153. The contribution that these two housing schemes could make to nutrient enrichment at the designated sites may be small. However, it is necessary to consider the proposals alone and in combination with other plans and projects. I conclude that it has not been shown that either appeal scheme would achieve nutrient neutrality. I cannot exclude the risk that the proposals would adversely affect the integrity of the Stodmarsh SPA, SAC and Ramsar sites. I do not consider that the risk could be adequately addressed by way of planning conditions.
154. In these circumstances, application of the Habitats Regulations would indicate that planning permission should be refused, unless there were no alternative solutions that would avoid an adverse effect and there were imperative reasons of overriding public importance. There was no evidence before the Inquiry on alternatives or imperative reasons of overriding public importance. That is unsurprising, given the appellant's view that there would be no adverse effect. Nevertheless, it seems unlikely that either of these medium scale housing developments would meet those high tests. Accordingly, I have not sought further information on those matters.
155. I conclude that, for Appeals B and C, the risk of harm to the integrity of the European protected sites cannot be excluded. The proposals would conflict with ALP Policy ENV1 which seeks to avoid adverse effects on the integrity of European protected sites, either alone or in combination with other plans and projects. They would also result in an unacceptable risk of harm to the Stodmarsh SSSI, contrary to Policy ENV1.

Other matters

Affordable housing

156. The Parish Council and local residents expressed concern that very little affordable housing would be delivered across the three appeal sites. In Wye, ALP Policy HOU1 requires all schemes of 10 or more dwellings to deliver 40% of the units as affordable housing, split between affordable home ownership and affordable/social rented units. The policy is applicable to all three schemes.
157. However, the Council has agreed with the appellant that all three sites are subject to national policy on Vacant Building Credit (VBC), as set out in the Framework and Planning Practice Guidance. The result of applying national

policy on VBC is that no affordable housing should be sought in respect of Appeals A and C. In the case of Appeal B, after allowing for VBC, the proposals include two affordable dwellings which would be delivered as shared ownership units. The Council considers that the conflict with Policy HOU1 would, in each case, be outweighed by the application of national policy on VBC.

158. An interested party argued that VBC should not be applied in respect of some of the buildings in question, either on the basis that they have been abandoned or on the basis that they have been made vacant for the sole purpose of redevelopment. However, the Council would have been aware of national policy on these matters, as set out in Planning Practice Guidance, when assessing the applicability of VBC. I see no reason to disagree with the Council's conclusions on this matter. Consequently this is not a matter that weighs against the appeals.

Biodiversity

159. The Wye and Crundale Downs SAC is around 1.2km to the east of the closest of the appeal sites. It is designated for semi-natural dry grasslands on calcareous substrates. The appellant's ecological report did not identify any impact pathways between the appeal sites and the designated site, concluding that the SAC could be screened out of further assessment under the Habitats Regulations. No party has disputed that finding. I conclude that there is not likely to be a significant effect on this site in respect of any of the appeal schemes, either alone or in combination with other plans or projects.
160. Each application was accompanied by ecological reports which assessed the presence or absence of important or protected habitats and species. Measures of mitigation and biodiversity enhancement were identified. These could be secured by appropriate planning conditions.

Transport

161. Each application was accompanied by a transport assessment which considered the availability of sustainable transport options and the effects of generated traffic on the road network. Transport improvements have been proposed, including a reduced speed limit and a village gateway on Olantigh Road, a new junction arrangement at the intersection of Occupation Road and Olantigh Road and footway improvements to improve pedestrian connectivity. These are matters that could be secured by conditions. Neither the Council nor the Highway Authority has any objections on transport or highway safety grounds. I consider that transport has been properly taken into account and is not a matter that weighs against any of the appeals.

Residential amenity

162. The Parish Council argued that some of the residential units proposed in Appeal A would be subject to undue overlooking from footpaths and that a private garden would be overlooked from the archive room in the proposed heritage centre. I note that the footpath through the churchyard passes close to windows and that the east/west footpath through the site would be adjacent to the building. However, it is not uncommon for people who live in historic environments to accept a degree of overlooking from the public realm. Sometimes this may be greater than that found in modern housing. I do not

think that any impacts would be so great as to result in unacceptably poor living conditions for future residents.

Representations of interested parties

163. I have taken account of the representations from interested parties, including those made at the Inquiry and those submitted in writing. The main matters raised in the representations have been discussed above.

Conclusions - Appeal A

164. I have concluded that the site is a suitable location for housing and community use. The proposals would accord with Policy WNP6, insofar as that policy seeks residential and community uses as part of a mixed use development of the WYE3 site. They would accord with Policy WNP11(e), insofar as the positive reuse of the listed buildings at the former Wye College would be achieved with residential and community use. They would accord with ALP Policy COM1 which seeks to ensure that there is a suitable replacement for the loss of any existing community facilities.
165. The proposals would accord with ALP Policies SP1 and ENV13 which seek to preserve heritage assets and to encourage proposals that bring redundant buildings into appropriate uses, consistent with their conservation. They would accord with ALP Policy ENV14, which seeks to protect conservation areas, and with ALP Policy SP6 and WNP Policy WNP2 which promote high quality design that conserves local distinctiveness. They would also accord with ALP Policy ENV1 which seeks to avoid adverse effects on the integrity of European protected sites and to protect SSSIs.
166. No party at the Inquiry identified conflict with other relevant development plan policies, such as those relating to residential space standards, transport, environmental matters and infrastructure provision.
167. On the other hand, there would be conflict with Policy WNP6, insofar as that policy requires development to be delivered in a phased manner in accordance with an adopted masterplan. There would be conflict with Policy WNP11(e) insofar as that policy requires an element of business use. There would be conflict with ALP Policy HOU1 in that no affordable housing would be provided.
168. Overall, I attach greatest weight to the policies which seek to preserve heritage assets and secure their long-term conservation because of the high level of significance attributable to the designated heritage assets in question. The policy conflicts that I have identified are not, in my view, sufficient to outweigh the matters where I have identified policy compliance. I conclude that the proposals are in accordance with the development plan as a whole.
169. Turning to other material considerations, the proposals would contribute to housing delivery, provide improved accommodation for community use and secure the reuse of previously developed land. VBC has been applied by the Council in accordance with national policy. These are matters weighing in favour of the appeal. I have not identified any considerations that indicate a decision other than in accordance with the development plan. The appeal should therefore be allowed.

Conclusions – Appeal B

170. I have concluded that the parts of the appeal site that are proposed for development are, in principle, in a suitable location for housing. The appeal scheme would accord with the criteria of HOU5 in all respects but one. It would achieve high quality design and it would not result in harm to the Kent Downs AONB or the character and appearance of the area generally. The scheme would accord with ALP Policies SP1 and SP6 and WNP Policy WNP2, insofar as those policies promote high quality design. It would accord with ALP Policies HOU3a and HOU5, insofar as those policies relate to design and landscape. It would accord with ALP Policy ENV3b and WNP Policy WNP8 which seek to protect and enhance the distinctive character of the AONB.
171. No party at the Inquiry has identified conflict with other relevant development plan policies, such as those relating to residential space standards, transport, environmental matters (other than effects on the Stodmarsh sites) and infrastructure provision.
172. However, the risk of harm to the integrity of the Stodmarsh European protected sites cannot be excluded. The appeal scheme would therefore conflict with ALP Policy ENV1 which seeks to avoid adverse effects on the integrity of European protected sites. It would also result in an unacceptable risk of harm to the Stodmarsh SSSI. It would conflict with ALP Policy HOU5(f)(vi) which states that development should not adversely affect the integrity of international and national protected sites. I have also identified conflict with Policy WNP6, insofar as that policy requires development to be delivered in a phased manner in accordance with an adopted masterplan, and with ALP Policy HOU1, insofar as the affordable housing to be provided would be below the level required by the policy.
173. Overall, I attach greatest weight to the policies which seek to protect international and national protected sites because of the importance of those sites for nature conservation. My overall assessment is that the proposals should be regarded as being in conflict with the development plan as a whole, notwithstanding the matters where I have identified policy compliance.
174. It is therefore necessary to consider whether there are other material considerations that indicate a decision other than in accordance with the development plan. The Framework can be one such consideration. The Council cannot currently demonstrate the five year supply of deliverable housing sites required by the Framework. Paragraph 11(d) of the Framework is therefore engaged. However, paragraph 177 of the Framework states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the project would not adversely affect the integrity of the habitats site. In this case I have found that, on the evidence before the Inquiry, an appropriate assessment could not reach that conclusion. It follows that the presumption in favour of sustainable development does not apply. The Framework is not a consideration that indicates that the appeal should be allowed.
175. The proposals would contribute to housing delivery (including two shared ownership units) and secure the reuse of previously developed land. VBC has been applied by the Council in accordance with national policy. These are matters weighing in favour of the appeal. However, they do not outweigh the

conflict with the development plan that I have identified. I have not identified any considerations that indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

Conclusions – Appeal C

176. In principle, I consider that this is a suitable location for housing. As this would be an appropriate reuse of the site, the appeal scheme would accord with Policy WNP11(h). My conclusions on compliance/conflict with the other development plan policies discussed above in relation to Appeal B are the same for Appeal C. The material differences to have in mind are that Appeal C would make a smaller contribution to housing delivery and would not include any affordable housing. Taking account of those differences, I reach the same overall conclusion. The proposals should be regarded as being in conflict with the development plan as a whole, notwithstanding the matters where I have identified policy compliance.
177. For the same reasons as those discussed above in relation to Appeal B, I find that the Framework is not a consideration that indicates that the appeal should be allowed. I have not identified any considerations that indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

Conditions for Appeal A

178. The suggested conditions were discussed at the Inquiry. They were largely agreed between the Council and the appellant although in some instances there were differences of substance on the draft conditions, which I have referred to below. The suggested conditions were not disputed by other parties. I have considered them in the light of Planning Practice Guidance. In some cases I have amended detailed wording and/or merged conditions to avoid duplication. Some conditions require matters to be approved before development commences. This is where they address impacts arising during construction.
179. I have decided not to impose some of the suggested conditions. A condition relating to access for site inspections is not necessary because the Council already has the relevant powers. A condition on phasing is not necessary because this matter is covered adequately in the conditions on the listed building consent that has already been granted. A condition relating to obscure glazing in some windows of the listed buildings could result in harm to historic fabric and would be disproportionate to any minor impact from overlooking within the historic complex. A condition limiting the hours of use of the communal spaces within the listed building is not necessary because these spaces are within the development and would not affect nearby residents. The arrangements for use by residents of the scheme would be a matter for the management company. A condition relating to subdivision of dwellings is not necessary because this would be subject to planning control.
180. Condition 2 requires development to be in accordance with the approved plans in the interests of clarity and certainty. Conditions 3, 4 and 5 require approval of external materials, architectural details and external fixtures in the interests of protecting the listed building and the character and appearance of the conservation area. Condition 6 controls the hours of construction work to protect the living conditions of nearby residents.

181. Condition 7 controls the use of specified spaces within the listed buildings, to ensure that heritage benefits described in the application are delivered. I have adopted the wording suggested by the appellant because it would provide greater clarity than the Council's suggested wording. Condition 8 would secure the replacement of an existing community facility, in compliance with development plan policy. I have adopted the wording suggested by the appellant because the Council's suggested wording includes matters not relevant to planning. Condition 9 would secure public access to parts of the listed building, to ensure that heritage benefits described in the application are delivered. I have adopted the wording suggested by the appellant which gives greater clarity and certainty than the wording suggested by the Council. Moreover, the Council's wording includes matters not relevant to planning.
182. Condition 10 would secure access for an archaeologist during the works, Conditions 11 and 12 would provide for archaeological investigations and building recording to be carried out and Condition 13 would ensure that no hoardings are erected during construction unless details have first been approved. These conditions are necessary to protect the archaeological potential of the site, both above and below ground. For Conditions 11 and 12, I have adopted the wording suggested by the appellant because the Council's suggestions would conflict with conditions on the listed building consent that has already been granted for the works.
183. Condition 14 requires approval of details of external lighting in the interests of the character and appearance of the area and to mitigate impacts on bats. Condition 15 would secure footpath improvements in the interests of sustainable transport. Condition 16 requires approval of details of earthworks and finished levels in the interests of the character and appearance of the conservation area. Conditions 17 and 18 require approval of details of hard and soft landscaping, Condition 19 would secure implementation of these details and Condition 20 would secure long-term management of the landscaping. These conditions are necessary in the interests of the character and appearance of the conservation area and would contribute to the achievement of nutrient neutrality.
184. Conditions 21, 22 and 23 relate to provision of vehicle parking and turning areas, residents' information on parking and transport and provision of cycle parking. They are necessary in the interests of meeting the transport needs of the development and conditions 22 and 23 would also contribute to the achievement of nutrient neutrality. Condition 24 requires approval of details of foul and surface water drainage in the interests of managing risks of flooding and pollution and achieving nutrient neutrality. Condition 25 requires approval of details of biodiversity enhancements to ensure that the scheme makes a positive contribution to biodiversity.
185. Conditions 26, 27, 28 and 29 relate to provision of refuse storage facilities, water efficiency, connection to broadband and electric vehicle charging points in the interests of sustainable development and achieving nutrient neutrality. Condition 30 requires approval of a cleaning and maintenance strategy for the exterior of the listed buildings, in the interests of their long-term conservation. Condition 31 requires any historic fabric removed during the works to be kept for reuse on site or elsewhere, in the interests of the conservation of the listed building and the conservation of the historic environment generally. Conditions 32, 33 and 34 require approval of a

construction environmental management plan and schemes of minimum environmental requirements for demolition and construction. They are needed in the interests of protecting the living conditions of nearby residents, managing risks of pollution and achieving nutrient neutrality.

David Prentis

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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| Mark Westmoreland Smith | of Counsel, instructed by Carissa Humphrey, Senior Planning and Development Solicitor. Ashford Borough Council |
| <i>He called</i> Lesley Westphal BA(Hons) MRTPI | Senior Planning Officer, Ashford Borough Council |

FOR THE APPELLANT:

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| Christopher Boyle | Queen's Counsel, instructed by Union4 Planning Ltd |
| <i>He called</i> Marian Cameron BSc(Hons) MSc MIEMA CENV PEIA | Marian Cameron Consultants Ltd |
| Ryan Hilton BA(Hons) MArch PGDip RIBA | On Architecture |
| Andrew Cox BSc DipLA CMLI | Lloyd Bore Ltd |
| John Burton MBE DipArch RIBA AABC IHBC | Purcell |
| Steven Fidgett BSc(Hons) DipTP MRTPI | Union4 Planning Ltd |

WYE WITH HINXHILL PARISH COUNCIL:

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| Robert Williams | of Counsel, instructed by Richard Buxton Solicitors |
| <i>He called</i> Kit Wedd BA(Hons) IHBC | Spurstone Heritage Ltd |
| Kevin Goodwin BA(Hons) MRTPI | KG Creative Consultancy |

WYE COLLEGE REGENERATION GROUP:

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| Dr James McAdam | |
| <i>He called</i> C Bain-Smith RIBA SCA | Architect |
| Jonathan Timms MA(Oxon) | Financial advisor to building conservation groups |
| Tony Shoults MA(Cantab) DipTP | Former Chair, Wye with Hinxhill Parish Council |

INTERESTED PARTIES

| | |
|------------------------|---|
| Dr Sally Leaver | Wye College Regeneration Group |
| Dr Lee Prosser | Wye College Regeneration Group |
| Prof John Mansfield | Local resident, former member of staff |
| Prof Chris Bains | Wye College Regeneration Group |
| James Ransley | Local business |
| Alan Paterson | Local resident |
| Cllr Noel Ovenden | Member, Ashford Brough Council |
| Judith Rossiter | Wye College alumni and former member of staff |
| Malcolm Alexander | Wye College alumni and former member of staff |
| Christine Drury | CPRE Ashford |
| Francis Huntingdon | Local resident, Wye Heritage |
| Sue Powell | Local resident |
| Lucy Huntingdon | Local resident, former member of staff |
| Rosie Fletcher | Local resident |
| Dr Christopher Burnham | Local resident, former member of staff |
| Trudi Field | Local resident |
| Martin Mackey | Local business |
| Cllr David Reece | Local resident (spoke in personal capacity) |
| Matt Judge | Local resident |
| Cllr Richard Bartley | Local resident, former member of staff (spoke in personal capacity) |
| Elizabeth Coulsdon | Local resident |
| Maryanne Graham | Local resident, former member of staff |

Conditions for Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Development shall be carried out in accordance with the plans listed in the attached schedule.
- 3) Samples of all external materials shall be provided on site for discussion with the local planning authority within three months of the commencement of construction works and shall be accompanied by written details of the materials including source, manufacturer and samples of all bricks, stone, tiles and cladding materials to be used externally. The details of the external materials shall be approved in writing by the local planning authority before their use in the development.
- 4) No development above ground floor slab level on any new build structures shall be commenced until the following details have been submitted to and approved in writing by the local planning authority:
 - 1:20 scale details of eaves, fascias, coping and roof ridge details;
 - 1:20 scale details of cladding panels including dimensions, overlaps, joint details and fixing methods;
 - external rainwater goods;
 - boundary walls and gates (including colour finishes);
 - brick or stone laying patterns, mortar specification and colour;
 - brick bond and decorative brick work bands including vertical brick courses and window surround details;
 - 1:10 and 1:20 scale details and sections of the window and door frames (including reveals);
 - 1:20 scale details of balconies including materials, balustrade, railings, fixings and soffits;
 - 1:20 scale details and sections of recessed or projecting sections of the facades and materials to show joins and edge treatment;
 - supporting columns including materials, finish and colour;
 - external doors to car ports, cycle stores and bin stores;
 - 1:20 scale details of the location, set back, colour and specification of any expansion points or weep holes; and
 - rooftop fixtures or equipment.

Development shall be carried out in accordance with the approved details.

- 5) Details of the location, design, appearance and materials of external fixtures and equipment located above ground level on the new or converted buildings shall be submitted to and approved in writing by the local planning authority before they are installed. The details shall include any:
 - lighting;

- signage;
- intercom systems;
- security, alarms or CCTV cameras;
- delivery/collection of post;
- cables and/or pipework for gas, electricity, water and telecommunications; and
- vents, grilles or flues.

This condition does not apply to any works that are subject to listed building consent. Development shall be carried out in accordance with the approved details.

- 6) No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours on a Saturday, with no working activities on a Sunday or Bank Holiday.
- 7) The areas and rooms identified below shall only be used as follows:
 - From commencement of use of the new Wye Heritage Centre as a heritage centre, it shall only be used for purposes within Use Class D1(c-g) as a non-residential institution, as a heritage centre and public hall for exhibitions, meetings, archive, education and activities of local community groups and for no other purposes within Use Class D1.
 - The Lecture Theatre and Old Hall shall only be used by occupants of the development for communal uses ancillary to the main residential C3 use of the site and for use as an ancillary hall for occasional meetings and activities of community groups and for no other purpose whatsoever.
 - The Jacobean dining room/parlour room, Jacobean Staircase, cloisters and quadrangles shall only be used by occupants of the development for access and for communal uses ancillary to the main residential C3 use of the site.
 - The Chapel shall only be used for purposes within Use Class D1(h) in connection with public worship and for no other purposes within Use Class D1.

These rooms and areas shall not be used for any other purpose whether or not in the same Use Class of the Schedules of the Town & Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative uses are permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order.

- 8) The area marked on Proposed Ground Floor Plan Overview (drawing number 2742-50, P7) as a Heritage Centre (with associated foyer, kitchen, WC and archive room) shall be made available for use as a Heritage Centre prior to the cessation of use of the existing Heritage Centre in the Latin School. The Heritage Centre shall be available for use between the hours of 08:00 and 22:00 hours each day.

- 9) Within 3 months of the date of first occupation of the development, and thereafter for as long as the property is in residential use, public access shall be granted to the following areas of the building for the prescribed periods:
- once per calendar month, for no less than 4 hours, access shall be available to the Chapel, Old Hall, Jacobean staircase, Lecture Theatre, War Memorials, Cloister Quadrangle, Middle Quadrangle, Agricola Quadrangle and West Quadrangle;
 - the Chapel shall be available for a minimum of 4 services per month, each of up to 2 hours; and
 - an annual heritage open day of up to 6 hours duration providing (as a minimum) access to the areas identified in this condition.

Each residential occupier shall be provided with details of how to participate in the annual heritage open days.

- 10) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.
- 11) No development shall take place, other than internal works/strip out and demolition to slab level, until the applicant, or their agents or successors in title, has secured the implementation of archaeological field evaluation works in accordance with a specification and written timetable which has previously been submitted to and approved in writing by the local planning authority and following on from the evaluation has secured the implementation of any safeguarding measures, identified in the evaluation as necessary, to ensure preservation in situ of important archaeological remains and/or further archaeological investigation in accordance with a timetable which has previously been submitted to and approved in writing by the local planning authority.
- 12) No development shall take place, other than internal works/strip out and demolition to slab level, until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been previously submitted to and approved in writing by the local planning authority.
- 13) No fencing or hoarding shall be erected during the construction of the development other than in accordance with details that have been submitted to and approved in writing by the local planning authority.
- 14) Prior to occupation of any dwelling details of external lighting required to ensure community safety and secure access to that dwelling shall be submitted to and approved in writing by the local planning authority. The approved lighting shall be installed prior to occupation of that dwelling and no further external lighting shall be installed without the prior written consent of the local planning authority.

- 15) Prior to occupation of any dwelling a scheme of footpath improvements shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
- footpath AE113 between Olantigh Road and footpath AE110 through the site to be widened and upgraded with a new bound surface; and
 - a section of footpath AE110 adjacent to the development site to be upgraded with a new bound surface.

The scheme shall be implemented as approved within 3 months of the first occupation of the development.

- 16) No development shall take place, other than internal works/strip out and above ground demolition, until details of earthworks have been submitted to and approved in writing by the local planning authority. The details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

- 17) No development shall take place, other than internal works/strip out and above ground demolition, until details of hard landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- entrance forecourt adjacent to High Street;
- means of enclosure;
- car parking layouts;
- samples of surfacing materials;
- minor artefacts and structures;
- existing and proposed functional services above and below ground (including alignment of pipes and cables, manholes and supporting structures);

The works shall be carried out as approved.

- 18) No development shall take place, other than internal works/strip out and above ground demolition, until details of soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- planting plans;
- written specifications including cultivation and other operations associated with plant and grass establishment;
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- tree pits including root protection details; and
- an implementation programme.

The works shall be carried out as approved.

- 19) All hard landscape works shall be carried out prior to the occupation of the development. All soft landscape works shall be carried out in accordance with the implementation programme approved pursuant to Condition 18. Any trees or 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 similar size and species, unless the local planning authority gives written consent to any variation.
- 20) Prior to the occupation of the development a landscape management plan shall be submitted to and approved in writing by the local planning authority. The management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens. The landscape management plan shall be carried out as approved.
- 21) Prior to the occupation of the development the areas shown on drawing reference number 2742-03 rev P10 (Proposed Site Plan) as vehicular access, vehicle parking space, car ports, visitor parking bays, loading bays and turning areas shall be provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter, those areas shall be permanently maintained and 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 those areas or in such a position as to preclude vehicular access to those areas.
- 22) Prior to the occupation of the development details of a residents' information pack shall be submitted to and approved in writing by the local planning authority. The information pack shall relate to the approved parking arrangement for each home (including Squires Cottages) and shall include:
 - the location of any allocated parking facilities serving the home;
 - confirmation that, in respect of car barns, these facilities have been designed to ensure that they are used for the parking of motor vehicles and that the addition of further doors is prohibited;
 - details of cycle parking spaces; and
 - details of public transport connections.

The approved details shall be given to the first occupier of each dwelling and also to those managing communal areas at first occupation.

- 23) Prior to the occupation of the development details of cycle stores shall be submitted to and approved in writing by the local planning authority. The details shall include internal amenity lighting, secure entrance doors and parking arrangements within the store. The cycle stores shall be provided in accordance with the approved details prior to the occupation of the development and shall thereafter be permanently retained as such.
- 24) No development shall take place, other than internal works and strip out and above ground demolition, until details of foul and surface water

drainage have been submitted to and approved in writing by the local planning authority. The details shall ensure that:

- no additional land drainage or ground water will enter the public sewer network;
- land uses such as hardstanding that may be subject to oil/petrol spillages are drained by means of oil trap gullies or petrol/oil interceptors;
- additional surface water generated by the 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 within the curtilage of the site without increase to flood risk on or off-site; and
- silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters.

The details shall include:

- an implementation timetable; and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the drainage system throughout its lifetime.

Development shall be carried out in accordance with the approved details and implementation timetable.

- 25) Prior to the occupation of the development details of biodiversity enhancements, including bat and bird nesting boxes and native planting, shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable. Thereafter the development shall be maintained and operated in accordance with the approved scheme.
- 26) No dwelling shall be occupied until facilities for refuse storage for that dwelling have been provided in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall include arrangements for secure access, amenity lighting and cleaning facilities. Thereafter the development shall be maintained and operated in accordance with the approved details.
- 27) The dwellings hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 105 litres per person per day.
- 28) Units 40 and 41 as shown on drawing number 2742-03-P10 hereby approved shall not be occupied until they have been connected to high speed wholly fibre broadband in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be maintained and operated in accordance with the approved details.
- 29) No dwelling shall be occupied until facilities for electric vehicle charging for that dwelling have been provided in accordance with details that have

been submitted to and approved in writing by the local planning authority. Thereafter the development shall be maintained and operated in accordance with the approved details.

- 30) Prior to the occupation of the development a cleaning and maintenance strategy for the external elements of the building shall be submitted to and approved in writing by the local planning authority. The strategy shall include the methodology and techniques for cleaning the various external materials and the frequency of cleaning. Thereafter the development shall be maintained and operated in accordance with the approved cleaning and maintenance strategy.
- 31) The demolition of any external walls shall be carried out in such a way as to ensure that all external stones/bricks not irretrievably damaged or eroded are set aside and stored securely for potential re-use in the construction of other buildings within the development or for recycling.
- 32) No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:
 - a) location of the site compound and routing of construction and delivery vehicles between the site and the M20/A28;
 - b) parking and turning areas for construction vehicles, delivery vehicles and site personnel;
 - c) temporary traffic management signage;
 - d) access points, loading/unloading and turning areas for construction traffic;
 - e) hours of operation and timing of deliveries which are to be between 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on a Saturday and at no time on a Sunday or Bank Holiday unless in association with an emergency;
 - f) dust suppression, odour suppression and vapour suppression methods;
 - g) fencing/hoardings to any compounds;
 - h) structures to be located within compounds and any proposed lighting including measures to limit light spillage to the public highway and to nearby residents;
 - i) plant, equipment and machinery to be installed within the compound including details of hours of operation and noise during operation;
 - j) facilities for washing the wheels, chassis and bodywork of construction vehicles free of mud;
 - k) storage and removal of demolition and construction waste;
 - l) construction activities to be carried out in accordance with best practice pollution prevention guidelines;
 - m) the Environment Agency and/or Internal Drainage Board to be consulted prior to any temporary or permanent works that may interfere with the bed, banks or floodplains of any watercourse;

- n) prior to pumping from excavations, permits to operate pumps to be issued to the pump operator, indicating the point of discharge and all other necessary control procedures;
- o) water quality and flow rates within any watercourses running through or near the site to be monitored prior to and at regular intervals during construction to ensure that water quality and flow is not affected;
- p) no pumping to controlled waters or surface water drains/ditches without a Discharge Consent obtained from the Environment Agency;
- q) before any discharge of water is made from the site adequate provisions to be made to ensure that it is not polluting, including the incorporation of appropriate silt settlement techniques into any affected watercourses and protection of gullies (if necessary, blocking the drains during specific operations);
- r) reporting of all spills regardless of size;
- s) storage of fuel, oil or chemicals to be on impervious bases of appropriate capacity located away from any watercourses;
- t) drainage from storage compounds to be passed through oil interceptors prior to discharge;
- u) leaking and empty drums to be removed from the site and disposed of appropriately;
- v) refuelling of mobile plant and machinery to be undertaken in a designated area away from watercourses and surface drains, supplied with appropriate spill kits and bunded bowsers;
- w) mobile plant to have drip trays or the equivalent under them to prevent any leaks getting to the ground;
- x) handling and storage of potentially hazardous liquids on site (such as fuels and chemicals) to be controlled and best practice guidance from the Environment Agency to be applied;
- y) biodegradable hydraulic oil to be used for machinery/plant where possible;
- z) operational outlets to public sewers to be protected from debris and filters/screens/sumps to be employed;
- aa) drums and barrels to be fitted with flow control taps and properly labelled;
- bb) portable toilets (for initial site set up works only) and good quality temporary toilet facilities to be provided for construction workers with waste water from these facilities to be removed from site by tanker and disposed of appropriately;
- cc) placing of any wet concrete or cement in or close to any water body including culverts will be controlled through temporarily bunding the area of works to prevent leaks into the water body;
- dd) no concrete wash-outs to be permitted on site, contractors using concrete wagons must employ the use of a concrete sock for

- each wagon and manholes and catch pits to be covered to prevent concrete or cement ingress;
- ee) any haul roads and hardstanding on the site and approaches to any water body (or drains leading to a water body) to be regularly cleaned using water bowzers and/or road sweepers to prevent the build-up of mud, oil and dirt that may be washed into a water body or drain during heavy rainfall;
 - ff) use of water sprays to reduce dust or wash down within construction areas to be carefully regulated to avoid washing substantial quantities of silt into surface water drains;
 - gg) spill kits to be located near any water body, within the works compounds and at any location where fuel, oil or other chemicals are in use; and
 - hh) arrangements for liaising with local residents and community groups.

All measures included in the approved CEMP shall be installed prior to the commencement of development and retained for the duration of the construction works. Any variations to the approved CEMP shall first be submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the site preparation and construction phases.

- 33) No demolition or on-site clearance shall commence until a Scheme of Minimum Environmental Requirements for Demolition (SMERFD) has been submitted to and approved in writing by the local planning authority. The SMERFD shall include:
- a Code of Construction Practice; and
 - hours of working for demolition and noisy activities and details of the installation of any large equipment such as cranes relating to those works.

Thereafter, demolition and on-site clearance works shall be implemented in accordance with the SMERFD.

- 34) No construction shall commence until a Scheme of Minimum Environmental Requirements for Construction (SMERFC) has been submitted to and approved in writing by the local planning authority. The SMERFC shall include:
- design, implementation and protection of any landscaping to be retained to relevant British Standards;
 - Considerate Contractors/Code of Construction Practice;
 - methodology for protecting existing and new trees to the relevant British Standard during construction; and
 - a method statement for any piling (or other noisy construction activities) or the installation of any large static construction equipment such as cranes.

Thereafter, construction shall be implemented in accordance with the SMERFC.

End of conditions

Schedule of approved plans for Appeal A

| | |
|---------|---|
| CD/13c | 2742-01 Site Location P4 |
| CD/13d | 2742-02 Existing Site Plan P4 |
| CD/13e | 2742-03 Proposed Site Plan P10 |
| CD/13f | 2742-04 Parking and Cycle Strategy P19 |
| CD/13h | 2742-06 Roof Plan P4 |
| CD/13i | 2742-07 Historical Development P1 |
| CD/13j | 2742-08 Demolition Site Plan P2 |
| CD/13k | 2742-10 Existing Ground Floor Overview P1 |
| CD/13l | 2742-11 Existing First Floor Overview P1 |
| CD/13m | 2742-12 Demolition- Ground Floor P1 |
| CD/13n | 2742-13 Demolition- First Floor P1 |
| CD/13o | 2742-20 Existing Ground Tile Detail 1 P1 |
| CD/13p | 2742-21 Existing Ground Tile Detail 2 P1 |
| CD/13q | 2742-22 Existing Ground Tile Detail 3 P1 |
| CD/13r | 2742-23 Existing Ground Tile Detail 4 P1 |
| CD/13s | 2742-24 Existing First Tile Detail 1 P1 |
| CD/13t | 2742-25 Existing First Tile Detail 2 P1 |
| CD/13u | 2742-26 Existing First Tile Detail 3 P1 |
| CD/13v | 2742-27 Existing First Tile Detail 4 P1 |
| CD/13w | 2742-28 Existing Second P1 |
| CD/13x | 2742-30 Existing Elevation 1 of 10 P1 |
| CD/13y | 2742-31 Existing Elevation 2 of 10 P1 |
| CD/13z | 2742-32 Existing Elevation 3 of 10 P1 |
| CD/13aa | 2742-33 Existing Elevation 4 of 10 P1 |
| CD/13ab | 2742-34 Existing Elevation 5 of 10 P1 |
| CD/13ac | 2742-35 Existing Elevation 6 of 10 P1 |
| CD/13ad | 2742-36 Existing Elevation 7 of 10 P1 |
| CD/13ae | 2742-37 Existing Elevation 8 of 10 P1 |
| CD/13af | 2742-38 Existing Elevation 9 of 10 P1 |
| CD/13ag | 2742-39 Existing Elevation 10 of 10 P1 |
| CD/13ah | 2742-40 Demolition Elevation 1 of 10 P1 |
| CD/13ai | 2742-41 Demolition Elevation 2 of 10 P1 |
| CD/13aj | 2742-42 Demolition Elevation 3 of 10 P1 |
| CD/13ak | 2742-43 Demolition Elevation 4 of 10 P1 |

| | |
|---------|--|
| CD/13al | 2742-44 Demolition Elevation 5 of 10 P1 |
| CD/13am | 2742-45 Demolition Elevation 6 of 10 P2 |
| CD/13an | 2742-46 Demolition Elevation 7 of 10 P2 |
| CD/13ao | 2742-47 Demolition Elevation 8 of 10 P1 |
| CD/13ap | 2742-48 Demolition Elevation 9 of 10 P1 |
| CD/13aq | 2742-49 Demolition Elevation 10 of 10 P1 |
| CD/13ar | 2742-50 Proposed Ground Floor Overview P7 |
| CD/13as | 2742-51 Proposed First Floor Overview P3 |
| CD/13au | 2742-53 First Floor Unit Mix P1 |
| CD/13av | 2742-54 Second Floor Unit Mix P1 |
| CD/13be | 2742-68 Proposed Second Floor Plan P1 |
| CD/13bf | 2742-70 Proposed Elevation 1 of 10 P2 |
| CD/13bg | 2742-71 Proposed Elevation 2 of 10 P2 |
| CD/13bh | 2742-72 Proposed Elevation 3 of 10 P2 |
| CD/13bi | 2742-73 Proposed Elevation 4 of 10 P1 |
| CD/13bj | 2742-74 Proposed Elevation 5 of 10 P1 |
| CD/13bk | 2742-75 Proposed Elevation 6 of 10 P3 |
| CD/13bl | 2742-76 Proposed Elevation 7 of 10 P2 |
| CD/13bm | 2742-77 Proposed Elevation 8 of 10 P2 |
| CD/13bn | 2742-78 Proposed Elevation 9 of 10 P2 |
| CD/13bo | 2742-79 Proposed Elevation 10 of 10 P1 |
| CD/13bp | 2742-80 Units 40 and 41 P5 |
| CD/13bq | 2742-81 Car Barns A and B Plans and Elevations P1 |
| CD/13br | 2742-82 Car Barn C Plans and Elevations P2 |
| CD/13bs | 2742-84 Units 40 and 41 P5 |
| CD/13bt | 2742-85 Proposed Elevations Existing/Proposed Ground Line P3 |
| CD/13bu | 2742-89 Proposed Ground Floor- Unit 32 Tile Detail P2 |
| CD/13bv | 2742-90A Proposed First Floor- Unit 32 |
| CD/13bw | 2742-91A Demolition- First Floor- Unit 32 |
| CD/13bx | 2742-93 Proposed Second Floor- Unit 32 P2 |
| CD/13by | 2742-94 Proposed Section- Unit 32 P1 |
| CD/13bz | 2742-95 Existing Section- Unit 32 |
| CD/13ca | 2742-96 Existing Second Floor Plan- Unit 32 |
| CD/13cb | 2742-97 Existing First Floor Plan- Unit 32 |
| CD/13cc | 2742-98 Ridge Detail- Unit 32 |
| CD/13cd | 2742-99 Eaves Detail- Unit 32 |

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| CD/13ce | 2742-100 Under tile vent detail- Unit 32 |
| CD/13cg | 2742-102 First Floor Cloister Quad |
| CD/13ch | 2742-103 Proposed First Floor- Unit 32 P1 |
| CD/13ci | 2742-105 Statue Locations P1 |
| CD/13cj | 2742-106 Proposed First Floor- Services/Sound Insultation |
| CD/13ck | 2742-107 Proposed Ground Floor- Services/Sound Insultation |
| CD/13cl | 2742-108 Section A-A Unit 32 |
| CD/13cm | 2742-109 Site Elevation View from Public Footpath |

| | | |
|--------------------------------|--|---|
| Application Number | 21/01293/AS | |
| Location | Former A.D.A.S Offices, Olantigh Road, Wye,Ashford TN25 5EL | |
| Grid Reference | | |
| Parish Council | Wye with Hinxhill | |
| Ward | Wye with Hinxhill | |
| Application Description | Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space | |
| Applicant | Tele property Investments Ltd | |
| Agent | Union 4 Planning | |
| Site Area | 2.67ha | |
| (a) - | (b) - | (c) KCCH&T/X,KCCE/X, KCCH/X,LLFA/X, KCCDC/X,ABCOS/X, ABCEP/X,ABCES/X, SW/R NE/R |

Introduction

1. This application is reported to the Planning Committee because it is a major application. Last year a scheme that was largely identical to this (with the exception of details relating to the package treatment plan (PTP) now submitted) was reported to the Planning Committee when it was determined that had an appeal not already been lodged, permission would have been refused for reasons relating to the character and impact of the scheme upon the AONB and surrounding countryside, the lack of a S106 obligation to secure infrastructure contributions and required highways works. Following a subsequent public inquiry the appeal was dismissed, but only in relation to matters surrounding the Stodmarsh impacts.
2. This scheme includes the same plans and elevations as previously considered, with the exception of a minor alteration relating to the provision of an underground PTP and small associated control kiosk (details submitted as part of the Inquiry) . The application is accompanied by largely the same

suite of supporting environmental and technical reports as submitted and agreed at the Inquiry, with the exception of an updated ecology statement and details regarding the PTP. The original Decision Notice and Inspectors decision notice in respect of the appeal on this site and the two other sites the subject of the combined inquiry are attached at Appendix 1 to application reference 21/01292/AS.

3. In view of the very recent appeal decision and the weight that must be attributed to it and given the similarities with the appeal scheme, this report will outline the relevant policies for consideration in respect of the individual issues, with a brief summary of the Councils original approach, thereafter referencing the Inspectors specific findings in that respect and the current conclusions.

Site and Surroundings

4. The site comprises a previously developed site lying outside the identified built confines of Wye and centres around the former ADAS office building and associated outbuildings and greenhouses. The buildings were formerly used by ADAS (Agricultural Development and Advisory Service) until subsequently used as administrative buildings until 2009. The office building has been vacant for some while and the site is now overgrown. The buildings comprise a mixed single and two storey flat roof building, broadly 'U' shaped and with single storey brick built outbuildings to the north and derelict greenhouses to the south of the office building. The site lies on a sloping site, sloping uphill away from the road. It is surrounded by good tree cover and along the front boundary with the highway, is bounded by a brick wall. The site is vacant and now overgrown.
5. It lies to the north of the village of Wye, it abuts the Olantigh Towers historic park and garden along the northern boundary which surrounds the Grade II Listed Olantigh terraces and stable block some distance to the north. To the south west the site borders a group TPO (7/2016/W1 – Mixed native broadleaf mixed with rare exotic woodland species) which stretches south along the road frontage to the nearby Wye School and the site adjoins the school fields on the southern boundary. To the east of the site lies an area of mixed woodland.
6. The whole site and surroundings lie within the North Downs AONB with far reaching views from the road frontage at least, particularly to the west. Most of the site is occupied by the office building and greenhouses whilst to the east lies a raised area of what now appears to be scrubland and is referred to as Donkey Field.

7. The site contains an existing vehicular and pedestrian access onto Olantigh Road (with a separate pedestrian access some 50m's to the south of the main access) which also forms part of the National Cycle route (no 18) with a number of connecting footpaths and bridleways within the vicinity of the site. An informal footpath runs adjacent to the boundary wall to the site from Wye ...

8.



Figure 1: Site Plan

Proposal

9. The scheme proposes the demolition of all buildings on site and the erection of 20 two storey houses . 16 of the houses would be detached each with a detached 1 ½ storey garage whilst the scheme would incorporate 2 pairs of semi detached houses – each house with an integral garage. The scheme would be set in a broadly triangular layout with a central green adjacent to 5 houses and the remaining properties set around this central area. The houses would include development on what is currently vacant land to the east of the offices and on the ground occupied currently by the green houses.



Figure 2: Site Layout

10. The house sizes would range from the 4 x 3 bed semi detached units, 8 x 4-bedroom units and 8x 5- bedroom units. The design would present a generally traditional design approach with brick, tile hung and weatherboarded elevations and pitched tiled roofs utilising clay tiles. The design approach is aimed at reflecting the eclectic mix of dwelling types in Wye itself. The scheme aims to incorporate 4 different character areas, being the entrance, the green, the farmstead and country house road: seeking to provide a different identity within each area. An assessment of Wye identifies a red brick vernacular with traditional detailing being prevalent and incorporating Kent peg tiles and timber boarding. These details are included in the variety of individual house designs developed.



Figure 3: Sections

11. The scheme would be at a density of 8dph and with a footprint of 34432sq m's, compared to the footprint of existing buildings which is currently 4023sq m's.



Figure 4: Typical House Designs

12. The proposed garages would range from modest single detached garages to a number of double and even quadruple garages which incorporate internal storage space dormer windows suggesting first floor storage. The largest two houses on the site would have quadruple garages each with dormer windows at first floor suggesting first floor storage as well as some external

storage/log stores. All would have weatherboarded elevations and pitched tiled roofs. The proposed dormers would be a traditional pitched roof design.

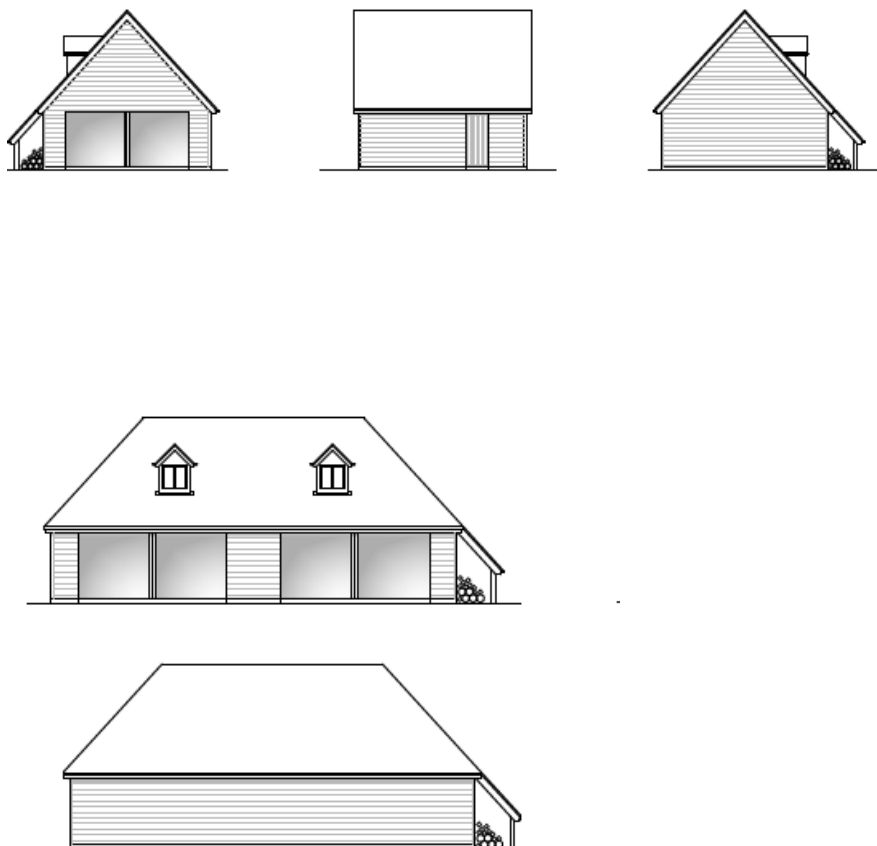


Figure 5: Garage Design

13. The landscape masterplan indicates that existing trees would be retained where possible to be protected during construction and supplemented by a range of new tree, shrub and hedgerow planting. The emphasis would be on planting of native species with the central green planted with large canopy trees and under planted with native daffodils. Smaller ornamental species would be planted around the main housing area. Adjacent to the eastern boundary on the highest part of the site, an area is identified on the eastern boundary which would remain outside individual gardens, be fenced off with post and rail fencing and retained as open planted space to be managed by the adjacent two landowners. This would be grassed over and planted with a mix of ornamental and semi ornamental trees. The inside wall running

along the road frontage would be planted with climbing rose and clematis using new trellis panels.

14. The access road through the site would be resin bond gravel, with blue yard paving for the garage forecourts and entrances adjacent to the access road, and resin bound gravel on individual driveways and garage forecourts elsewhere. Low level lighting is proposed around the site with some seating proposed on the green.
15. It is noted that bird and bat roosting bricks would be incorporated into building elevations, to be advised by the project ecologist.
16. The refuse strategy identifies that all houses would place their bins adjacent to the access route on collection day, with the three houses in the farmstead having an allocated bin collection point to deposit the bins awaiting collection.
17. The following documents were submitted to support this application:
 - Arboricultural Report
 - Arboricultural Impact Assessment
 - Bat Survey and Mitigation Strategy
 - Construction Environmental Management Plan
 - Dormouse Mitigation Strategy
 - Environmental Assessment (Phase 1)
 - Foul and Surface Water Drainage Strategy
 - Preliminary Ecological Appraisal
 - Nutrient Neutrality Report
 - Reptile survey
 - Design and Access Statement – Part 1 and 2
 - Foul and surface Water Management
 - Landscape and Visual Appraisal Parts 1, 2 and 3

- Landscape Management Plan
- Landscape Management Strategy
- Planning Statement
- Report to Inform the HRA
- Schedule of Accommodation
- Transport Assessment

Planning History

| | | |
|-------------|---|--------------------------------------|
| 19/01330/AS | Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space | Deemed refusal – appeal dismissed |
| 19/00002/AS | Screening opinion for development of 20 dwellings on land at former ADAS site. | EIA not required |
| 18/01009/AS | Prior approval for proposed lower and upper ground floors from B1a office use to 52 C3 dwellings (resubmission of 15/01602/AS). | Undetermined |
| 15/01602/AS | Prior Approval for proposed change of use of lower and upper ground floors from B1a office use to 52 C3 dwellings. | Prior App Not required |
| 87/01662/AS | Extension of agricultural implement store, potting shed for pathology department and grain storage and weighing area for soil science dept. | No objection |
| 87/00003/AS | Erection of storage and implement building | No objection |

86/01784/AS Notice of proposed development by MAFF for a new glasshouse
No objection

Other Wye College sites:

19/01370 Land Adj Occupation Road
Erection of 40 dwellings Appeal lodged
against non determination

17/00567/AS Conversion of former college buildings to provide 38 dwellings
Appeal lodged against
non determination

Consultations

Ward Members: No comments received

Parish Council: No comments received

KCC Highways and Transportation:

No objection, noting that the volume of traffic during peak hours would be significantly reduced compared to the previous office use, that in conjunction with identified housing sites in Wye that the impact on the public highway would be acceptable, that whilst garages do not count towards off street parking requirement that sufficient spaces exist in front of the garage to ensure that the parking provision is acceptable. The only adverse comment notes that visitor parking is allocated together on the site – which is likely to be unrealistic in terms of future use by visitors to the site and that two spaces should be moved to the north of the site.

Conditions are required regarding the following matters:

- Construction management plan
- Provision of parking on site prior to occupation
- Provision of electric charging points
- Provision of footpath and carriageway prior to occupation
- Off site highways improvements
- Highways condition surveys

KCC Ecological Service:

We advise that we are satisfied that sufficient information has been provided to enable ABC to understand the ecological interest of the site however we do have concerns with the implementation of the proposed mitigation. We accept that if the appeal is allowed we are satisfied that these concerns can be addressed via conditions

Accordingly conditions are recommended to deal with the following issues:

- An updated landscape plan
- Mitigation Strategy

- Provision of a maternity roost for bats
- Lighting Details
- Management and monitoring plan

KCC Heritage:

The site of the proposed development lies adjacent to the Olantigh Towers Park. Wye, a medieval market town with Roman or earlier origins, lies to the south and there is potential for multi-period remains to survive on this site. The site has been partially developed already which may have had an impact on surviving remains. In view of the archaeological potential, I recommend a condition is placed on any forthcoming consent regarding an archaeological field evaluation and a further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable to be agreed with the LPA.

KCC Flood and Water Management:

Comment that the Foul and Surface Water Management Strategy submitted has been reviewed and subject to the use of appropriate conditions relating to submission of a detailed sustainable surface water drainage scheme, the submission of a verification report and infiltration testing details regarding the above, no objection is raised.

KCC Developer Contributions:

See planning Obligations Below

ABC Open Space

See planning obligations below in Table 1.

ABC Environmental Services:

No objection subject to comments regarding the need for the developer to pay for the bins required for this scheme and that if the roadway is not adopted then an indemnity needs to be signed prior to the collection of any waste, Collection would be on an alternate weekly basis with refuse and food waste collected week one, recycling and food waste collected week two, whilst there are spaces allowed for on road parking, it is essential that there is adequate .

ABC Environmental Protection:

I would request that a more detailed site specific Phase 1 assessment is carried out which will provide a baseline for a Phase 2 assessment. I therefore request that conditions be attached to provide details for a scheme to deal with contamination including any unexpected contamination found during construction

Southern Water:

The drainage strategy submitted indicates discharge of foul flows from a package treatment plant to public sewer. Southern Water cannot accept a discharge from a private sewage treatment works into public network as a mechanism to offset for Nitrate neutrality. Treated flows from the package treatment plant should not be

connected to the public foul sewer.

Natural England:

Request further information regarding potential impacts upon Stodmarsh SSSI, SPA, SAC and Ramsar site. Seeking evidence that proposed efficiencies are feasible and available to this scheme

Additional information has been provided by the applicants and NE advise that some of the additional information provided may address some of their concerns but the issue of a private treatment plant connecting to Wye WwTW still remains an issue. Given that the calculations provided are unpinned by this approach, any mitigation will also be reflective of this and potentially insufficient. NE always advised that this approach should not be adopted.

At the time of writing this report further information submitted by the applicant is still under consideration by NE. Accordingly it cannot be confirmed that the details submitted thus far are acceptable to them.

If the Council is to approve the scheme contrary to this advice we are required to notify NE of the permission, the terms upon which it is proposed to grant it and how, if at all, we have taken account of NE advice. We must allow a further 21 days before the operation can commence.

NHS Primary Care:

Seek a S106 contribution of £24,192 towards refurbishment, reconfiguration and/or extension of wye Surgery and /or towards anew general practice premises, citing limited capacity within the existing premises to accommodate growth in this area.

Representations:

None received

Planning Policy

18. 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).
19. 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).

20. 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 |
| 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 |
| EMP2 | Loss or redevelopment of employment sites and premises |
| EMP6 | Promotion of Fibre to the Premises (FTTP) |
| TRA3a | Parking Standards for Residential Development |
| TRA4 | Promoting the local bus network |
| TRA5 | Planning for pedestrians |
| TRA6 | Planning for cycling |
| TRA7 | The road network and development |
| ENV1 | Biodiversity |
| ENV3a | Landscape Character and Design |
| ENV3b | Landscape character and Design in the AONB |
| ENV4 | Light pollution and promoting dark skies |
| 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 |
| ENV15 | Archaeology |
| COM1 | Meeting the community's needs |
| COM2 | Recreation, sport, play and open spaces |
| COM3 | Allotments |
| COM4 | Cemetery provision |
| IMP1 | Infrastructure provision |

21. **Wye Neighbourhood Plan (2016) (NP)**

| | |
|-------|---------------------|
| WNP1A | Village envelope |
| WNP1b | Local Green Spaces |
| WNP1c | Views |
| WNP2 | High Quality Design |
| WNP3 | Traffic Impact |
| WNP4 | Supporting Business |
| WNP5 | Integrated housing |

| | |
|-------|---|
| WNP6 | Mixed Development |
| WNP9 | Scale of housing development |
| WNP10 | Density and layout |
| WNP11 | The former imperial college London Camus at Wye |

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

Supplementary Planning Guidance/Documents:

Residential Space and Layout SPD 2011– External Space Standards Only

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

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

Village Design Statement :

Wye Village Design Statement (2000)

Other Guidance

Wye Masterplan: The Inspector concluded that the draft masterplan carries no weight as a statement of development plan policy because it has not been adopted and there is no timetable for such adoption. Consequently the provisions of that document, as relating to this site, are not addressed further

Government Advice

National Planning Policy Framework (NPPF) 2018

23. 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.

National Planning Policy Guidance (NPPG)

Nationally Described Space Standards

Assessment

24. The main issues are considered to be:
- The Principle of Development
 - Landscape Impact
 - Design and Impact upon visual amenities
 - Impacts upon Heritage Assets
 - Highways
 - Ecology/Trees
 - Housing
 - Residential Amenities
 - Planning Obligations

Principle of Development

25. The Council originally concluded that the site lies within the broad based allocation (WYE3) and WNP11 for the redevelopment of the former College campus identified in the Wye Neighbourhood Plan (WNP). That allocation however does not identify either the use of the application site nor the settlement confines in the vicinity of the site: It being anticipated that this would be completed by the Wye Masterplan. Accordingly the site was also considered against policies HOU3a and HOU5 and it was concluded that “the principle of residential development is acceptable where the impacts are appropriate to the sensitive area within which it lies.

26. The Inspector concluded that *“the site comprises previously developed land. The WNP does not allocate it for any particular use but it is close to the built up confines of Wye so ALP Policy HOU5 applies. I consider that the proposals comply with the criteria of HOU5 in all respects but one. In principle, I consider that this is a suitable location for housing. As this would be an appropriate reuse of the site, the proposals would accord with WNP11(h).*

However, Policy HOU5(f)(vi) also states that development should not adversely affect the integrity of international and national protected sites for nature conservation, in line with Policy ENV1. For reasons discussed below, the appeal scheme would not meet that criterion so it would not accord with Policy HOU5(f)(vi) in this respect”.

27. The matter of non compliance with Policy ENS1 and HOU5(f)(vi) is in respect of the Stodmarsh impacts . Accordingly subject to consideration of those impacts it is considered that the site would be an acceptable location in principle for new residential development of the scale proposed.

Landscape

28. The council considered the scheme against the background of its location in the AONB and policy ENV3b of the Local Plan and policies WNP1c, WNP2, WNP08 and WNP11 of the Wye Neighbourhood Plan
29. It was originally concluded that the proposed scheme would represent an over development of the site that would adversely affect the views into and out of the site, proposing a suburban scheme on this edge of village site. In essence it proposed too much built form that would not allow an informal spacious layout with sufficient space between the houses and their garage blocks to allow the countryside and rural character into the site. Instead the views from inside the site would simply provide views of other houses rather than clear views of the countryside. A scheme with fewer houses and a different design approach would reduce the amount of built form on the site providing more opportunity to bring the countryside into the site as envisaged by the Masterplan and the AONB Management Plan and mitigating the impacts of the scheme upon the wider AONB and views around the site.
30. The Inspector concluded that *“The site comprises previously developed land and the scheme would result in a net reduction in built footprint and floor area. I consider that the replacement of the existing buildings with well-designed houses would result in an enhancement of the landscape character of the site itself. Due to the visually enclosed nature of the site, this would be a localised effect. There would be a neutral effect on the landscape character of the wider*

AONB”.

Design and Impact upon visual amenities

31. The scheme was assessed against Local Plan Policies SP1, SP6 and HOU5 which seek development that is in accessible and sustainable locations, making best use of brownfield sites and Policy WNP2 requiring high quality design seeking to create local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the Kent Downs AONB. The Wye Village Design Statement (2000) was relevant identifying a number of relevant principles, including, amongst others, the importance of the village entrances, architectural style, traditional boundary treatments quality of materials and access by foot and bicycle.
32. A number of issues of concern were identified including the number of units, the manner in which they responded to the changes in land levels across the site, the excessive scale of some garaging, the lack of meaningful views of the countryside from within the site, the extension of development beyond the outer edges of existing built form and the appropriateness of the suburban character of the proposed scheme in this edge of village location.
33. The Inspector concluded that *“although the scheme would be inward-looking, with the houses facing the internal roads and green rather than facing Olantigh Road or the countryside that this is a reasonable design response to a site that is largely surrounded by woodland and visually separated from other built development. Whilst seeking to draw the countryside into the residential enclave, as the Council suggested, would be one design approach, it is not the only approach. I consider that the proposed development would sit comfortably in the wider landscape whilst creating an attractive living environment for future residents. It is fair to point at that plots 7 and 8, containing the largest houses, would occupy higher ground on the eastern side of the site. However, this arrangement would not result in harm to the landscape of the AONB.*

The Council would prefer to see 15 houses on this site rather than the 20 proposed by the appellant. However, there is no adopted policy in support of that preference. Although there was reference to 15 houses in a report relating to the draft masterplan, that carries very little weight as a statement of planning policy for the reasons discussed above. In my view the Council's preference for 15 dwellings is not, in itself, a valid criticism of the design quality of the appeal scheme.”

34. In respect of the impact upon visual amenities he concluded that *“The main locations where visual receptors would experience the proposals would be in the immediate vicinity of the site at the access from Olantigh Road, middle distance views from footpaths to the east (including parts of the North Downs Way) and longer views from the vicinity of Wye Memorial Crown.*

Views from the site access would be improved by the replacement of the existing buildings with well-designed housing. That said, the development would not have a strong presence in the street scene of Olantigh Road because most of the houses would be set back from the site frontage. Moreover, the houses would face onto internal roads. The existing brick boundary wall and mature tree belt along the site frontage would be maintained. The approach to the village would therefore be largely unaffected.

There is limited ability to see the existing buildings in middle distance views from the east due to intervening topography and vegetation. The ridges of the proposed houses would be higher than the parapet level of the existing flatroofed structure but the eaves level would be lower. The roofscape of the proposed houses would, potentially, be visible, albeit any such views would be heavily filtered by existing vegetation. The roof ridges would be below the general level of the tree canopy in the vicinity of the site. There would be no impact on views of the far horizon, which is formed by high ground on the opposite side of the valley. I consider that there would be no material impact on those views”.

35. Accordingly it is considered that the design layout and impacts upon the surroundings are acceptable and compliant with the Development Plan.

Impact upon Heritage Assets

36. The original report considered this matter against Local Plan Policy ENV13 which supports proposals that would preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their setting unless it can be demonstrated that there would be substantial public benefits to outweigh the harm or loss.
37. It was concluded that there would be no adverse impact upon the adjacent heritage asset of Olantigh Towers.

38. The Inspector concluded that *“The appeal site is visually enclosed and I agree that there would be no harm to the significance of the heritage asset. For the reasons discussed below, I consider that the appeal scheme would achieve a high quality of design and would sit sympathetically in the wider landscape”*.
39. Accordingly no objections are raised in this respect.

Highways

40. The original scheme was considered against Local Plan Transport policies seek to ensure that new development that generates significant levels of traffic must be well related to the primary and secondary road network, that traffic movements to and from sites can be accommodated to avoid severe cumulative residual impacts, provide sufficient off street parking and would promote sustainable forms of travel including provision for cycling and planning for pedestrians.
41. The scheme would utilise the existing access into the site from Olantigh Road creating a 4.8m wide circular route round the site to access the proposed houses. The submitted information indicates that the peak level traffic attending the site during its previous use was greater than that anticipated resulting from the proposed use (42 trips compared to 11 in the am peak and 31 trips compared to 12 in the pm peak). The development of this site has been assessed in combination with the other WYE3 sites and the cumulative impacts upon the highways were found to be acceptable.
42. It is intended that the site would be adopted by the Highways Authority and the submitted layout is acceptable with the circular route providing ease of access for service vehicles. The submitted details show safe access for a refuse vehicle and therefore by default a fire tender. The visitor parking layout has been amended to accommodate initial concerns about its spread around the site and is now acceptable.
43. Footway improvements are proposed on Olantigh Road to link with the existing footway on the west side of Olantigh Road to ensure safe pedestrian passage. Additionally a revision of the speed limit on Olantigh Road is proposed providing a buffer with the 30mph limit alongside a new village gateway and localised road narrowing to help reduce traffic speeds. This will help make turning movements safer in and out of the site as well as improved pedestrian safety. The proposed gateway would lie to 155m's the north of the access into the site. A revised junction arrangement for the Olantigh Road/Occupation Road junction is also proposed with raised table traffic calming and pedestrian crossing features. The details required for these

improvements could be required as part of the S106 obligation of S278 agreement regarding works to the highway.

44. The scheme would provide sufficient off street parking for both residents and visitors and no objection is raised in this respect.
45. On this basis and subject to the completion of a S106 obligation to secure the highways improvements agreed, no highways safety or capacity issues would be raised. However the obligation referred to has not been provided and therefore constitutes a reason for objection to the scheme on the basis that it would not provide the safety improvements required to ensure a safe and satisfactory highways environment for future residents of the site.
46. The Inspector noted that *“Each application was accompanied by a transport assessment which considered the availability of sustainable transport options and the effects of generated traffic on the road network. Transport improvements have been proposed, including a reduced speed limit and a village gateway on Olantigh Road, a new junction arrangement at the intersection of Occupation Road and Olantigh Road and footway improvements to improve pedestrian connectivity.*

These are matters that could be secured by conditions. Neither the Council nor the Highway Authority has any objections on transport or highway safety grounds. I consider that transport has been properly taken into account and is not a matter that weighs against any of the appeals”.

47. As previously no objections are raised to this scheme subject to the completion of the S106 obligation.

Ecology/Trees

48. The original scheme was assessed against Local Plan Policy ENV1 which advises that schemes that conserve or enhance bio diversity will be supported, whilst where harm to biodiversity cannot be avoided appropriate mitigation will be required. Normally mitigation will be required on site unless special circumstances dictate that an off site model is more appropriate.
49. Local Plan Policy ENV3a draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection. Attention is drawn to the pattern and composition of trees and woodlands as a landscape characteristic.
50. It was previously concluded by the Council that the development was unlikely to have a significant impact on bio diversity. The combined effects of this and

the Occupation Road site were considered in terms of the impacts upon the Wye and Crundale SSSI just over 1km to the east but not found to be of concern. Concern was expressed regarding potential impacts upon trees on the site and in close proximity to proposed houses. However this matter continued to be discussed leading up to the PLI and those concerns were largely overcome through the re-siting of some of the houses.

51. The Inspector concluded that *“The Wye and Crundale Downs SAC is around 1.2km to the east of the closest of the appeal sites. It is designated for semi-natural dry grasslands on calcareous substrates. The appellant’s ecological report did not identify any impact pathways between the appeal sites and the designated site, concluding that the SAC could be screened out of further assessment under the Habitats Regulations. No party has disputed that finding. I conclude that there is not likely to be a significant effect on this site in respect of any of the appeal schemes, either alone or in combination with other plans or projects. 160. Each application was accompanied by ecological reports which assessed the presence or absence of important or protected habitats and species. Measures of mitigation and biodiversity enhancement were identified. These could be secured by appropriate planning conditions”*
52. Accordingly subject to appropriate conditions, no objections are raised on this matter.

Housing

53. The original scheme was assessed against Local Plan Policies SP2, HOU1 and HOU18.
54. It was noted that the proposed scheme would not provide any smaller housing (ie less than 3 bed), only 4 x 3 bed houses with the majority being larger 4 and 5 bed homes with no affordable housing – it is not the range and mix that appears to reflect the identified needs of Wye or therefore to be compliant with Policy HOU18. On sites where the density of the scheme is important due to its environmental sensitivities, a scheme of fewer larger houses may be more appropriate than a greater number of smaller houses. However a scheme that encompasses a few smaller homes, either small houses or flats could be incorporated into this scheme, and still fit into the site and wider area in design terms. In terms of the lack of provision of affordable housing that is a direct result of the VBC, a Government initiative to encourage the redevelopment of brownfield sites. It does cause conflict with the affordable housing policies, but the VBC is applicable and the lack of provision of affordable housing is therefore compliant with the Development Plan.

55. On the basis that this is a previously developed site, the Vacant Buildings Credit (VBC) is a factor in the assessment of the provision of affordable housing. The existing buildings have a floorspace of 3,961sq m's gross floor area, whilst the proposed houses have a floor area of 3,432sq m's. This includes all buildings on the site including the greenhouses. Whilst they are in varying states of repair, they all have foundations and a level of structural integrity to justify the use of their floorspace within the VBC scheme. Therefore applying the VBC, no affordable housing needs to be provided.
56. It was considered that the scheme would provide a mix of units to potentially address at least a small part of the identified needs of the village. On balance no deemed reasons for refusal were raised to the scheme in respect of housing matters.
57. The Council was at the time of the Committee able to provide a 5 year housing land supply, although that changed before the Inquiry: the Council is still unable to demonstrate a 5 year housing land supply. However as is noted in the Inspectors conclusions regarding the Occupation Road site, the shortfall was not considered so significant as to outweigh the harms found in respect of the Stodmarsh sites.
58. Overall no objections are raised to the proposed scheme in terms of the provision of housing, its mix, standards or lack of affordable housing. In this respect the scheme would be acceptable.

Residential Amenities

59. The NPPF seeks a high level of amenities for existing and future users resulting from new development.
60. The standard of housing proposed would meet the standards required by the Nationally Described Space Standards providing comfortable homes on the edge of an attractive village. Pedestrian access to the village and nearby services and facilities would not comply with the walkable village approach of the Wye NP, but would nevertheless provide a range of services and facilities available within a 10-15 minute walking distance. This may result in some occupants driving to reach those facilities, but this is not so far as to comprise an unsustainable location which would prevent residents walking to the village if they so chose. Overall this is considered an acceptable and sustainable location to live which would not be harmful to residents amenities by virtue of the distance from the village centre.
61. It was previously concluded that the scheme would be acceptable both in terms of the impacts upon future residents amenities and those of existing

occupants of the village. Nothing took place at the PLI that would impact this conclusion.

Drainage/Impact upon Stodmarsh

62. Policy ENV6 deals with flood risk whilst ENV8 addresses issues associated with water quality and ENV9 sustainable drainage issues.
63. In this instance the site lies in Flood Zone 1 which is land at the lowest risk of flooding and there is no anticipated risk of flooding arising from the proposed scheme.
64. At the time of the previous decision the EA had expressed concerns regarding potential contamination of the groundwater sources during the construction process and the lack of evidence to demonstrate an acceptable approach. Officers concluded that if the scheme were considered to be acceptable this matter could be addressed through an appropriately worded pre-commencement condition and that this matter did not therefore have to be addressed by means of a reason for refusal.
65. The site falls within the 'Stour Lower' Operational Catchment Area. The Council has received Standing advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
66. The effect of the advice implies that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh Lakes.
67. The Inspector was the Competent Authority to carry out the Appropriate Assessment as part of the Planning Inquiry. By the time the inquiry commenced the appellant had submitted evidence to support their use of a package treatment plant on site which, in simple terms, would discharge clean water into the mains sewage system. It was also discussed that the PTP could discharge directly to the environment without being connected to the public sewerage system. However, there was no evidence before the Inquiry that would exclude the potential for a hydrological connection between the appeal sites and the designated sites in that scenario and that scenario was not taken further.
68. The Inspectors conclusions on this matter are set out at paragraphs 144-155 of the Decision Notice. In essence he noted that: *the nutrient budgets show*

small increases in Nitrogen (N) at both sites, a small increase in phosphorous (P) for Appeal B (this site) and a decrease in P for Appeal C (ADAS). The appellant's assessment was that, taken together, mitigation measures would outweigh any small positive budgets for P and N, thereby achieving nutrient neutrality. The PTPs would use a biological nutrient removal system which does not require the addition of chemicals. The calculations assume that the PTPs would remove 98.84% of P and 89.05% of Nitrogen from the wastewater leaving the sites. The justification for those factors comes from data relating to a demonstration plant at Petersfield in Hampshire which has been operating within a larger WWTW complex since 2014.

69. *However there was no evidence before the Inquiry about the ongoing performance of PTPs. The appellant was not able to point to any examples of PTPs that have been installed to address concerns about nutrient enrichment in sensitive environments. There was limited information before the Inquiry as to what the future management arrangements might be. Notwithstanding the suggested conditions, the Inspector concluded that "there was not sufficient certainty that the PTPs would ultimately be controlled by a body with the expertise and resources required to maintain them in a way that would deliver the high level of performance that is being relied on to provide mitigation."*
70. Drawing all this together, it was concluded that the evidence provided insufficient certainty that the proposed PTPs would deliver nutrient neutrality, either at the outset or over the lifetime of the developments. Having regard to the precautionary principle, the Inspector could not exclude the risk of a significant effect on the conservation objectives of the designated sites.
71. As part of this application, the applicants have submitted details of the proposed PTP which would be located beneath the central green within the site and would have two small associated cabinets – one for the pump station (1.2 x 1.2 x 0.4m) and one for the PTP (1.2 x 1.1 x 0.8m) which would be sited towards the north west corner of the central green.
72. Additional details seeking to address the Inspectors concerns have been submitted and these have been assessed by AECOM on behalf of the Council and also by Natural England. In neither case is it agreed that the details submitted thus far provide sufficient clarity or confidence that the proposed PTP would deliver nutrient neutrality. However this matter remains under discussion.
73. Work commissioned by the Council has commenced on identifying a package of strategic mitigation measures that it is hoped would enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to

appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.

74. Apart from this issue, this proposal is considered to be otherwise acceptable (subject to conditions). The Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views. As matters stand, it has not been demonstrated that the proposed PTP would offer a solution to the impacts anticipated, but subject to further scrutiny that may change or there is potential for an off-site package of mitigation measures in order for this proposal to achieve 'nutrient neutral' status. and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude that the scheme would be acceptable in respect of this issue now.
75. Therefore It is possible for the Council to consider a resolution to grant permission subject to the submission of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment.

Planning Obligations

76. 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
77. I recommend the planning obligations in Table 1 would be required should the Committee resolve that it would have granted 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 advise that planning permission would be granted if the Council had the ability to issue a decision.

Heads of Terms for Section 106 Agreement/Undertaking

| | Planning Obligation | | | Regulation 122 Assessment |
|---|--|---|--|---|
| | Detail | Amounts (s) | Trigger Points (s) | |
| Potentially applies to any size/scale of residential development | | | | |
| Page 209 | <p><u>Informal/Natural Green Space</u></p> <p>Project: the provision of additional informal natural green space/s within the Parish Council's administrative area</p> | <p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p> <p>Total: £15,180</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 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> |

Applies to sites of 11 dwellings or more

| Applies to sites of 11 dwellings or more | | | | |
|---|--|---|---|--|
| | Planning Obligation | | | Regulation 122 Assessment |
| | Detail | Amounts (s) | Trigger Points (s) | |
| Page 210 | <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> | <p>Provide on- site 20% of all units.</p> | <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 LocalPlan 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 3 of housing units to be provided</p> |
| | <p><u>Adult Social Care</u></p> | | | <p>Half the</p> <p>Necessary to meet the demand that is</p> |

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| Page 211 | <p>Project: Towards extra care accommodation in the Borough</p> | <p>£146.88 per dwelling Total £2937.60</p> | <p>contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>generated and must be maintained to ensure compliance with 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 would have access to the proposed care</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>Allotments</u></p> <p>Project: the provision of improved fencing (including rabbit), 'Grass guard' type surfacing for all-year round user parking areas, improved access and construction of raised beds for wheelchair users, water supply provision and conservation allotment plot mapping and boundary marking and other land management measures at Beanfied and/or</p> | <p>£258 per dwelling for capital costs £66 per dwelling for maintenance Total: £6,480.00</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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers may use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and</p> |

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| | Churchfield allotments and/or towards the extension of Beanfield allotment I | | | 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. |
| Page 212 | <p><u>Cemeteries</u></p> <p><i>Project:</i> the creation of direct and accessible access, a new garden of remembrance, hard and soft landscaping, signage, seating and related works at Churchfield Burial Ground, Wye (including the cost of the preparation of any necessary landscape design and management plan</p> | <p>£284 per dwelling caoital cost</p> <p>£176 per dwelling commuted maintenance</p> <p>Total: £9,200</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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be maintained and the maintenance period is limited to 10 years.</p> |
| | <p><u>Children's and Young People's Play Space</u></p> <p><i>Project:</i> the acquisition of</p> | <p>£649 per dwelling</p> | <p>Upon</p> | <p>Necessary as children's and young people's play space is required to meet the demand that</p> |

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| Page 213 | additional land adjacent to Lady Joanna Thornhill Endowed Primary School playing field, clearance design and implementation of infrastructure works and the installation and maintenance of play equipment and/or the installation of an all weather surfaced area in the vicinity of the play equipment and/or improvements to and maintenance of the existing play facilities (0 – 13 years) at the village hall recreation ground | for capital costs £663 commuted sum per dwelling for maintenance Total: £26,240 | occupation of 75% of the dwellings | would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF. 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. 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><u>Health Care</u></p> Project: Refurbishment, reconfiguration and /or extension to the Wye Surgery | £24,192 Based on a formula employing occupancy rates and dwelling numbers. | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the | <p>Necessary as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 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> |

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| | | | dwellings | <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> |
| Page 214 | <p><u>Indoor Sport</u></p> <p>Project: Pending confirmation</p> <p>Artificial pitches</p> <p>Sports Halls</p> | <p>£1,472</p> <p>9,376</p> <p>£542.40 per dwelling</p> | | <p>Necessary and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, and guidance in the NPPF.</p> <p>Directly Related as occupiers of the scheme would be expected to use indoor sport facilities</p> <p>Fairly and reasonably related in scale and kind considering the extent of the scheme and potential new users</p> |
| | <p><u>Libraries</u></p> <p>Contribution for additional bookstock for the Wye Library 6 Upper Bridge Street Wye Kent TN25 5AF for the new borrowers generated by this development</p> | <p>£55.45per dwelling</p> <p>Total £1,109.00</p> | <p>Half the contribution upon occupation of 25% of the dwellings and balance on</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> |

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| | | | 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 215 | <p><u>Outdoor Sport</u></p> <p>Capital Contribution</p> <p>Project: Pending confirmation Pitches</p> <p>Changing Rooms</p> <p>Maintenance – Pitches</p> | <p>£7,326</p> <p>£10,158</p> <p>£869.70 per dwelling</p> <p>£10,340</p> <p>£517 per dwelling</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary in order 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 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers of the scheme would be expected to use outdoor sport facilities</p> <p>Fairly and reasonably related in scale and kind considering the extent of proposed development and potential use</p> |
| | <p><u>Primary Schools</u></p> <p>Projects:</p> | | Half the | <p>Necessary as no spare capacity at any primary</p> |

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| Page 216 | <p>Primary Education: Towards the provision of the new Conningbrook Primary School pursuant to the hybrid permission 19/00025/AS or section 73 permission or linked planning obligation; or other facility the County Council shall in its absolute discretion determine</p> <p>Primary Land: Towards the new 2FE Primary School site at Conningbrook Park, Kennington pursuant to hybrid permission 19/00025/AS or any section 73 permission</p> | <p>£4,535 per dwelling Total £136,000</p> <p>£2,363.92/dwelling Total £47,278.47</p> | <p>contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> | <p>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 primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p> |
| | <p><u>Secondary Schools</u></p> <p>Projects: Towards the expansion of The Norton Knatchbull School Hythe Road Ashford Kent TN24 0QJ</p> | <p>£4,115.00 per dwelling</p> | <p>Half the contribution upon occupation of 25% of the dwellings and</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, Developer Contributions/Planning Obligations SPG, Education Contributions</p> |

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| Page 217 | | Total £90,800 | balance on occupation of 50% of the dwellings | <p>Arising from Affordable Housing SPG (if applicable), 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 dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p> |
| | <p><u>Community Learning</u></p> <p>Project: Towards the provision of IT Equipment for the new learners at Ashford Adult Education Centre Ashford Gateway Plus Church Rd Ashford Kent TN23 1AS</p> | <p>£16.42 per dwelling</p> <p>Total £328.40</p> | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings | <p>Necessary the equipment identified is needed to provide adequate levels of 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 guidance in the NPPF. .</p> <p>Directly related as children of occupiers could</p> |

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| | | | | <p>attend the AEC 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 style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 218</p> | <p><u>Strategic Parks</u></p> <p>Project:</p> <p>The provision and maintenance of Specific Hub projects (COM2) at the Strategic Parks as identified in the adopted Ashford Local Plan.</p> | <p>£146 per dwelling for capital costs</p> <p>£47 commuted sum per dwelling for maintenance-</p> <p>Total: £3,860</p> | <p>Upon occupation of 75% of the dwellings</p> | <p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies 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 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</p> |

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| | | | | the facilities to be provided and maintained and the maintenance period is limited to 10 years. |
| Page 219 | <p><u>Voluntary Sector</u></p> <p>Project: to be applied towards groups active within the vicinity of the Development</p> | <p>£87 per dwelling</p> <p>Total: £1740</p> | <p>Upon occupation of 75% of the dwellings</p> | <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> |
| | <p><u>Youth Services</u></p> <p>Project: Towards the provision of additional resources to the Youth Service operating in the vicinity of the Development</p> | <p>£65.50per dwelling</p> <p>Total £1,310</p> | <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of</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</p> |

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| P e 220 | | | 50% of the dwellings | <p>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 accommodation specifically for the elderly.</p> |
| | Area / Site specific potential requirements | | | |
| | Planning Obligation | | | Regulation 122 Assessment |
| | Detail | Amount (s) | Trigger Points | |
| | <p><u>Public Art</u></p> <p><i>Project: towards the cost of conceptualising, commissioning and delivery of art in any media whose form function and meaning is created for the general public and which is to be visually and physically accessible to the public within the Parish Council's administrative area I</i></p> | <p>Dwellings x 2.4 x £141</p> <p>Total £6,768</p> | <p>Prior to occupation of 75% of the dwellings</p> | <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> <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</p> |

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| | | | | kind considering the extent of the development. |
| Applies to all | | | | |
| Page 221 | <p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring and reporting upon compliance with the planning obligations</p> | <p>£1000 per annum until development is practically completed</p> | <p>First payment prior to commencement of development and on each anniversary thereof in subsequent years</p> | <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> |
| <p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p> | | | | |

Human Rights Issues

78. 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 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

79. 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

80. The proposed scheme would result in a scheme for 20 houses with associated access, garaging, landscaping and provision of a small green open space on this site lying just outside the identified village boundary.
81. The proposed scheme accords with the Council's policies regarding the sustainability of the location on the edge of the village of Wye on land that has been previously developed.
82. The site is located within the Kent Downs Area of Outstanding Natural Beauty and views of the site would be visible from surrounding land. It is considered that the scheme would provide an acceptable design and layout and with sufficient scope for landscaped buffers and internal planting as to not unacceptably impact the general character and amenities of the surrounding AONB.
83. The proposed scheme would also be acceptable in terms of its impacts upon the surrounding highways network, heritage asset, neighbours amenities, and amenities of future residents.
84. At this point evidence has not been submitted to demonstrate that the proposed package treatment plant would overcome previously expressed concerns regarding the impact upon the Stodmarsh Lakes SAC, SPA and Ramsar sites and consequently it has not been demonstrated that the scheme would not cause potential significant impacts upon these environments.

However, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations, including preparing or considering a draft Appropriate Assessment consulting NE upon it, and amending and/or adopting it after taking into account NE's views. Therefore It is possible for the Council to consider a resolution to grant permission subject to the submission of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment.

85. No matters were raised by the Planning Inspector in the public inquiry held at the beginning of 2021 relating to the previous scheme (other than those relating to Stodmarsh impacts) that would render this scheme unacceptable in relation to the Development Plan. Overall it is considered that subject to the approach to Stodmarsh discussed above and completion of a S106 Obligation that the scheme is acceptable.

Recommendation

- (A) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and the following conditions**
- (B) Permit**
- Subject to the completion of an appropriate S106 obligation, 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. Materials including hard landscaping
4. Boundary Treatment
5. No gates/fences,etc other than approved
6. Construction hours
7. Slab levels
8. Construction Management plan
9. Highways conditions survey
10. Parking prior to occupation
11. Footpaths/Carriageway provision prior to occupation
12. Electric charging points
13. Off Site works
14. Landscape plan
15. Landscape Management Plan
16. Tree Removal
17. Tree protection – Retained Trees/shrubs
18. Identification of tree removal
19. Preliminary ecological appraisal
20. Site wide ecological Management and monitoring plans
21. Bio diversity Mitigation strategy including in relation to Dormice
22. Bat maternity Roost
23. Reptile translocation details
24. Lighting Details
25. Bird Nesting Season
26. Access details to enhancement area (Donkey Field)
27. Heritage requirements
28. Surface water drainage scheme
29. Verification report
30. Details of infiltration testing
31. Details of foul/surface water discharge
32. Details of PTP including noise levels and cabinet details

33. Contamination: Specific Phase 1 Study
34. Contamination: Unexpected contamination
35. Broadband
36. Residential compliance with Part M Building Regulations.
37. Secured by Design
38. S278 Agreement to secure off site works in relation to the site access, Occupation Road/Olantigh Road Junction, Olantigh Road Speed limit reduction and traffic calming and footway improvements.

Informatives:

Provision of bins

Dust emissions

Burning of waste

Note to 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 :

- 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 is proposed

- 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 //AS)

Contact Officer: Lesley Westphal

Email: Lesley.westphal@ashford.gov.uk

| | |
|--------------------------------|--|
| Application Number | 21/01440/AS |
| Location | Meadowside Farm, Scots Lane, Brabourne, TN25 6LP |
| Grid Reference | 161286, 141754 |
| Parish Council | Brabourne |
| Ward | Bircholt Ward |
| Application Description | Demolition of existing agricultural barn and erection of a log cabin to be used as temporary residential accommodation |
| Applicant | Mr Peacock |
| Agent | Finn's |
| Site Area | 176.68m ² |

(a) 12/10/1R (b) Parish R (c) RPL-R ESM X KCC ECO X

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 within the designated Kent Downs AONB.
3. The wider site, outlined in blue in Figure 1, comprises a collection of rural barns 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.
4. The site falls within the Stodmarsh Catchment Area and is therefore been subject to consideration for Nitrogen Neutrality Assessment under the Habitat Regulations.

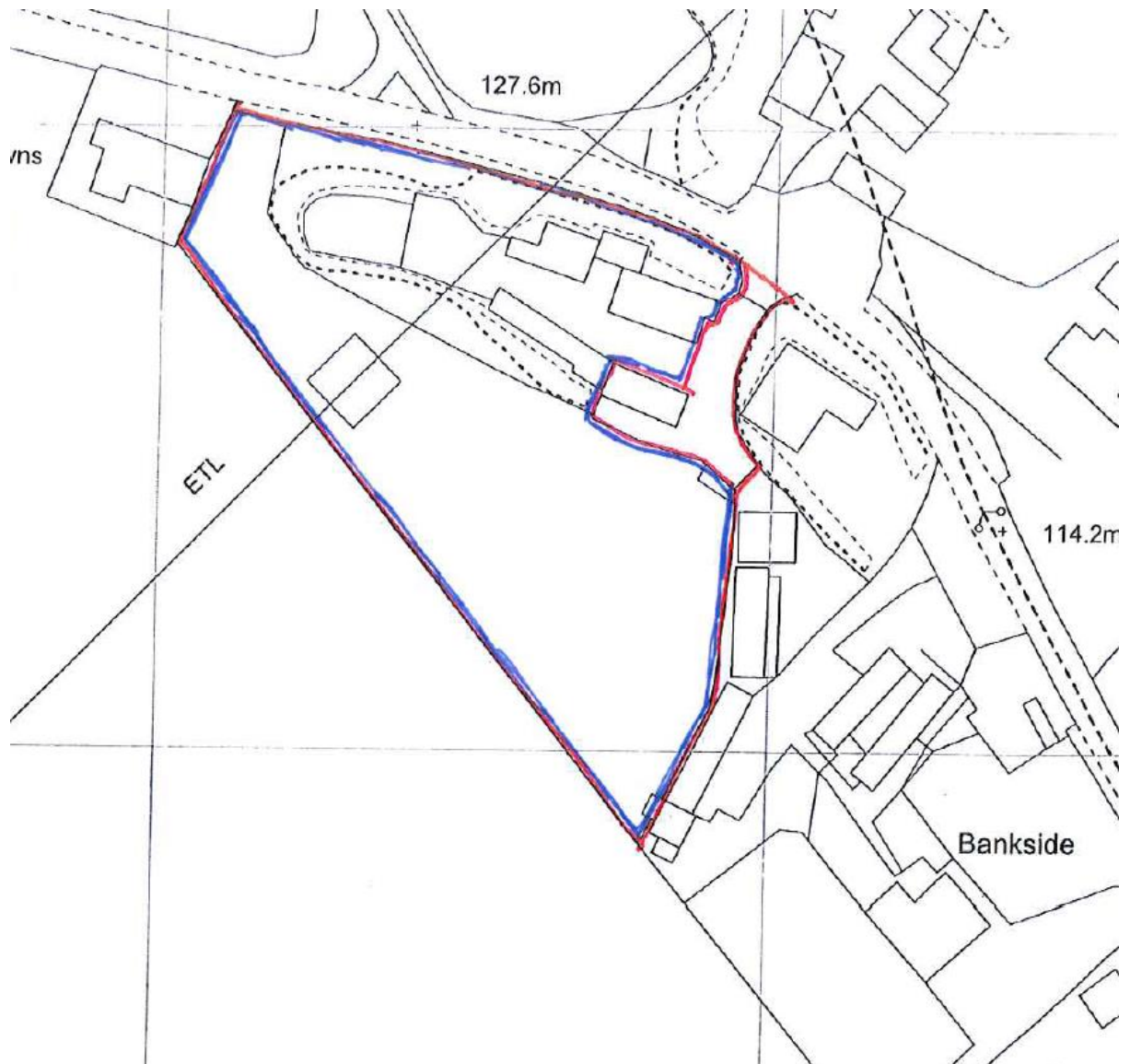


Figure 1 - Site Location Plan

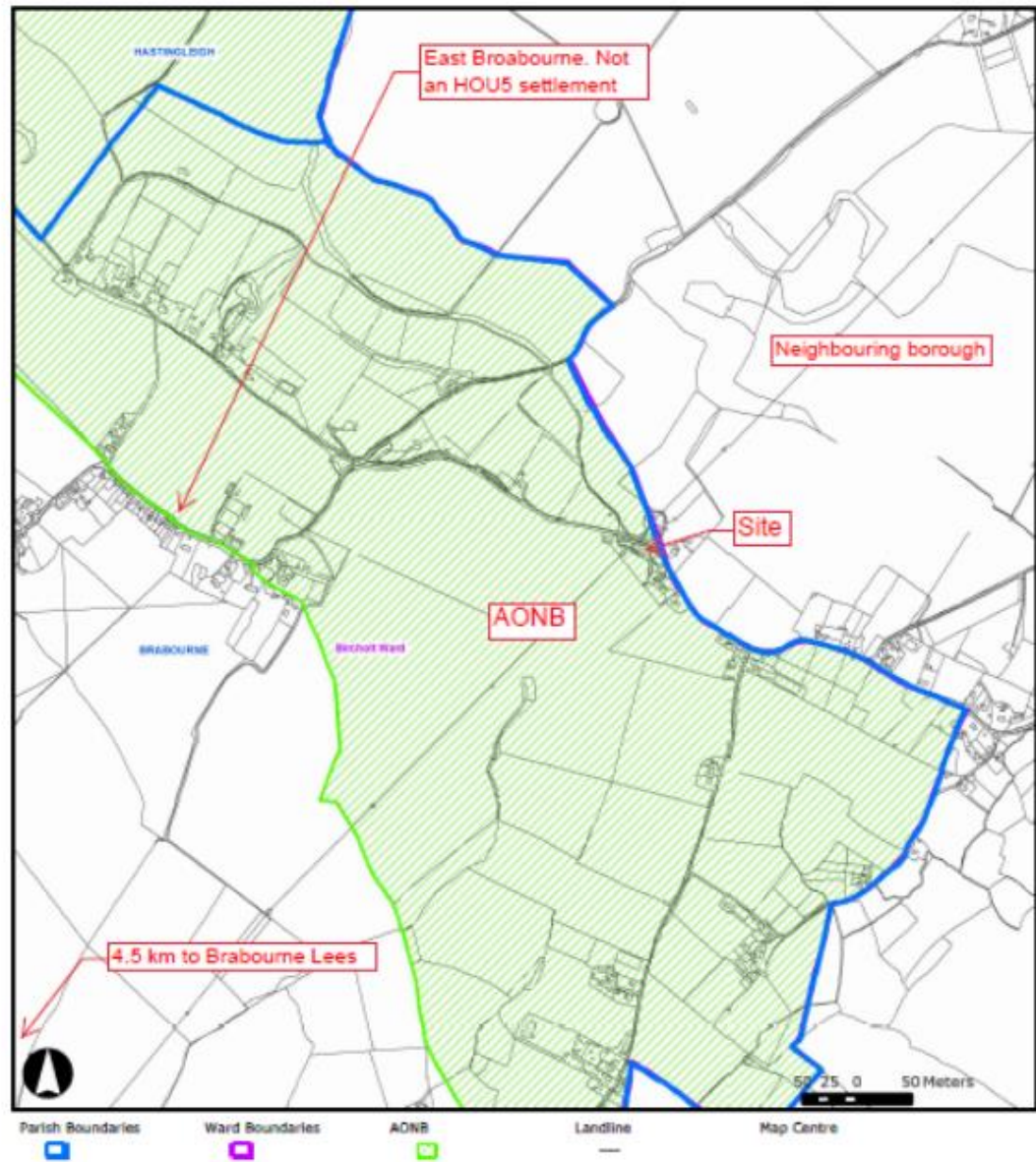


Figure 2 - Site location Plan (wider surrounding area)

Proposal

5. The proposal is for the demolition of an existing barn and the erection of a log cabin to be used as temporary residential accommodation in conjunction with an agricultural enterprise.

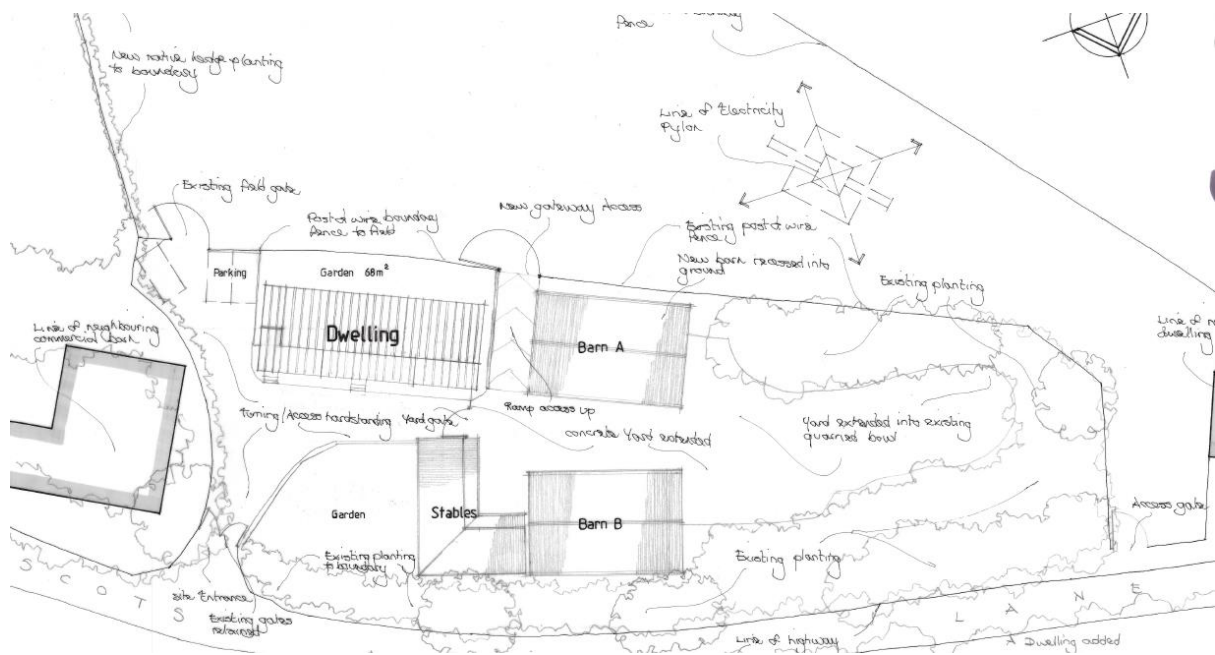


Figure 3 - Proposed Site Layout



Figure 4 – Impression View

6. The dwelling will measure some 19.5m in length and 6.8m in width. The metal clad roof is proposed to be fitted with a natural sedum grass roof. Externally the dwelling would be finished in timber cladding.
7. Internally the log cabin would provide three bedrooms for the applicant and his family, a lounge/kitchen/diner, separate utility/boot room and a farm office.

Planning History

8. The following is relevant relating to the application;-
19/01540/AS Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking.

This application was heard by the August 2020 Planning Committee and refused for the following reason:

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.

Other applications:

21/01471/AS demolition of existing agricultural buildings and stables and erection of two replacement agricultural barns and stables

Consultations

Ward Member: Requests that the application be determined by the planning committee.

Brabourne Parish Council - Objects for the following reason:

- It is considered that it has not been satisfactorily demonstrated that there is an essential need for a rural worker to live permanently at this site. In terms of details of the applicant's current accommodation, one point on this matter has been sent to the planning officer for consideration. With regards to business viability, this would be a matter for the LPA's rural planning consultant to advise on.

Rural Planning Consultant

- The "actual" figures quoted appear to be rounded summary estimates. Presumably these are taken from properly drawn up accounts for the years in question, but I would suggest what is required is submission of those actual certified accounts for those years, showing the profit and loss accounts, along with the balance sheets, for the farming business. The full accounts for 2020/21 are particularly relevant.
- There is no proper explanation of what is proposed in order to achieve the assumed sales and profit figures for 2021/22, so as to justify the large increases anticipated compared to the much lower figures given for the earlier years from 2017/18 onwards. There are no details, for example, of the expected numbers of breeding livestock, and their progeny for sale, nor of any secured sales outlets and the prices achievable therefrom. Similarly the assumed sales figure for hay is not explained and broken down. Normally it would be expected in this sort of case for detailed individual gross margins to be calculated for each enterprise (e.g sheep, pigs, hay).
- It appears unrealistic, as suggested, for a substantial increase in output to be achieved with virtually no increase in overheads.
- Based on the submitted plan, I would estimate there is only about 17 ha of actual grassland identified (as opposed to some 25 ha suggested in the submitted Statement) of which only 2.5 ha is owned.
- No details are given as to the arrangements under which these rented parcels are occupied, including whether there is any security of tenure for any of the areas.
- If the boundaries have been drawn correctly, the rented parcels include a number of buildings, the use of which has not been explained.
- No rental breakdowns are given either, and it is questionable why the figure for rent in the financial figures is so low and has hardly risen over the years, notwithstanding (as it appears) a significant increase in the areas occupied.
- There are no details of the location of the applicant's current accommodation.
- As matters stand, therefore, I do not consider an essential case for the temporary dwelling has been demonstrated, either in terms of the functional need for a responsible full-time farm worker to be resident at the site at most times, or in terms of there being a sound and viable business plan.

Following the provision of additional information further comments were made:

- There appears to be an additional plan showing a further area of rented land of some 4.9 ha off the east side of the B2068, about 3 miles from the site.
- The figures provided are a **Page 232** some of those provided last September,

- The “year” headings on the first page are wrongly stated, as they don’t match the columns below on the next page (where, presumably, the correct years are shown), nor do they correspond to the information submitted in September. Clearly “Actual” figures, prepared in November 2021, could not relate to the year 2021/22. “Actual 2021/22” should be 2020/21, likewise “2019/20” should be 2018/19, “2020/21” should be 2019/20, and “2022/3” (projected) should be 2021/22.
- With that in mind, the figures show a downwards revision in the sales and profit figure for 2020/21, which adds further doubt on the accuracy of these figures in the first place, as they were supposed to be “Actual” when presented in September 2021.
- There has also been a significant reduction in projected sales and profit for 2021/22.
- There are still no copies of actual certified accounts for the quoted “actual” years, showing the profit and loss accounts, along with the balance sheets, for the farming business

KCC Ecology

- We have reviewed the ecological information submitted in support of the application and advise that sufficient information has been provided.
- However, in addition, we note that the current application is to build a new dwelling. The proposed development falls within the Stodmarsh Nutrient Impact Area. All new development with overnight accommodation must take into account Natural England’s Advice on Nutrient Neutrality for New Development in the Stour Catchment. Ashford Borough Council will need to address the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), for which the applicant will need to provide information regarding nutrient budget calculations, as detailed in Natural England’s advice note dated November 2020.
- Conditions recommended for an Ecological Mitigation and Management Plan and Ecological Enhancements

Environmental Protection

- The log cabin will be placed on stilts and will be off the ground. Due t the previous use of the buildings there is the potential for land contamination and the use of asbestos. The applicant will need to ensure that all asbestos containing material is removed and disposed of by a suitably qualified and experienced contactor.
- Conditions recommended relating to construction works, electric car charging and reporting of unexpected contamination.

Neighbours

- 12 neighbours have been formally consulted. One objection and ten letters of support as summarised below:
- Objection
 - Attempt to make an agricultural piece of land into a residential building plot starting with a temporary building.

- Support
 - Would allow family to be closer to the land and manage livestock without need to travel.
 - Will enhance the site and not interfere with other property.

Planning Policy

9. The Development Plan for Ashford Borough 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) the Egerton Neighbourhood Plan (2021 and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

10. 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

11. 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

Dark Skies SPD 2014

Government Advice

National Planning Policy Framework (NPPF) 2021

12. 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 NPPF. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
13. 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.
14. 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, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

National Planning Policy Guidance (NPPG)

15. Technical housing standards – nationally described space standards

Assessment

16. The key issues for consideration are as follows:

- Principle
- Impact on the AONB/visual amenity
- Residential amenity
- Highway safety and parking
- Ecology
- Stodmarsh

Principle

17. 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.
18. 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.
19. The application has been submitted as a rural workers dwelling, therefore the second section of policy HOU5 applies. In accordance with paragraph 79 of the NPPF the first part of this section of the policy states residential development elsewhere in the countryside will be permitted if the proposal is for 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;*

20. The applicant is seeking a temporary permission for the stationing of a log cabin while the existing agricultural enterprise is further established. Since the previous application, refused by the Planning Committee, the planning statement states that the applicant has continued to grow his business and increase livestock numbers and that sales from hay and pigs were not included in the forward projections to justify the refusal for a permanent dwelling.
21. The key issue is thus whether a dwelling on this site is essential. The previous application, reference 19/01540/AS, for a permanent dwelling was refused. It is now sought to erect a temporary dwelling. There is no new guidance, following the repeal of Planning Policy Statement 7 and Annex A of the guidance note, which then advised that where it is essential to support a new agricultural enterprise accommodation should normally be provided for the first three years by a caravan or similar structure which could be dismantled easily and removed off site or by other temporary accommodation.
22. The applicant has ownership of 2.84ha of land in close proximity to the application site, as marked green in Figure 5. In addition 16.57ha of land is farmed nearby, as marked in red, and a further 4.86ha parcel of land off the east side of the B2086ha, about 3 miles from the site is also farmed. The applicant has stated that 80% of these parcels of land are occupied by gentleman's agreements with landowners who are offered farm produce instead of direct financial payments. The land is used primarily for the production of lamb meat with some lesser pork production.

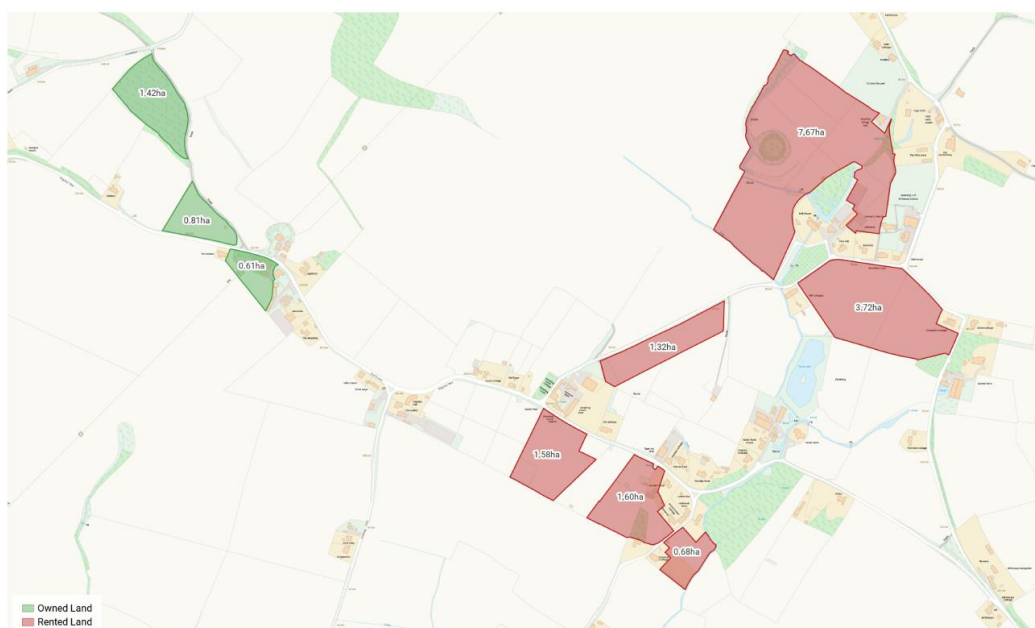


Figure 5 – Owned/Rented Land (not inc the additional 4.86ha parcel)

23. The applicant confirms that the lamb meat is sold to local restaurants including Rocksalt (Folkestone), The Wife of Bath (Wye), The Five Bells (East Brabourne), The Radnor Arms (Folkestone), The Marquis of Granby (Alkham), The Tiger Inn (Stowting) and the Lobster Shack (Whitstable). Sausages are sold to the Five Bells and Woolpack in Smeeth. Lamb, pork and sausages are also sold to private customers in the local area.
24. The applicant contends that there is a need to be on site to attend to the livestock as he is currently living off site and has to make several daily trips back and forth which is not sustainable. It is nevertheless noted that the applicant has kept sheep for a period of some 8 years without the need for a dwelling on site, albeit there has been an expansion of the business.
25. The Council has sought the view of a specialist rural planning consultant to assess the scale of the agricultural holding to see if there is a functional and financial need for the applicant to reside on site. The consultant has assessed the initial supporting documentation and further subsequent supporting information received from the applicant. The consultant does not consider an essential case for the temporary dwelling has been demonstrated, either in terms of the functional need for a responsible full-time farm worker to be resident at the site at most times, or in terms of there being a sound and viable business plan particularly given there has been a significant reduction in projected sales and profit for the 2021/2022 financial period.
26. 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, albeit on an initial temporary basis.

Impact on the AONB/Visual Amenity

27. The site is located in the AONB, which is afforded the highest status of protection by paragraph 172 of the NPPF. The erection of any dwelling, temporary or permanent, 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.
28. The Planning Statement advises that the new log cabin would visually enhance the site as the barn being demolished is in a poor state of repair, with a somewhat unsightly and unkempt appearance, and detracts from the character of the area and that the sedum roof will help to the log cabin into the surrounding green environment and significantly improve the biodiversity

value of the site. However, this is not a reason to justify a new house in the AONB and, in terms of the character of the barn to be demolished, 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

29. The proposed internal living accommodation would comply with the National Technical Standard, which are set out under Policy HOU12, were the accommodation be retained on a permanent basis. An area of private amenity space would be provided to the rear offering 68m² of amenity space. This is considered to be sufficient for the application site.
30. 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

31. 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 together with parking provision, therefore no highways safety objections are raised given the minimal impact of any additional traffic frequenting the site.

Ecology

32. 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(s) had the scheme been acceptable overall.

Stodmarsh

33. The application site is within the Stodmarsh catchment area thus information is required to demonstrate that the proposal would not affect the integrity of the integrity of the Stodmarsh European Designated site, in accordance with the requirements of the Habitats Regulations. The applicant has submitted a Nutrient Neutrality Assessment which concludes that the scheme would result in a deficit of total nitrogen and a negligible increase in phosphorous being introduced into the catchment, and that consequently the development is considered to be 'nutrient neutral'. This assessment has not been independently verified given that the proposal is considered to be contrary to Policy HOU5, and thus unacceptable in principle.

Human Rights Issues

34. 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

35. 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

36. 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.
37. Given the nature and 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 at this site.
38. 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.
39. 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.
40. The economic and social benefits of one additional house on this site is not considered to outweigh the demonstrable harm identified above.
41. Therefore, for these reasons it is recommended that the application is refused.

Recommendation

Refuse

On the following grounds

1. The proposal is contrary to policies SP1, SP2, SP6, HOU5 and 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.

Note to Applicant

1. 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 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 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 21/01440/AS)

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