



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 5th July, 2023 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Blanford (Chair)
Councillor Heyes (Vice-Chair)

Cllrs. Betty, Brunger-Randall, Chilton, Forest, Gathern, Harman (ex-officio, non-voting), Iliffe, Ledger, McGeever, Mulholland, Nilsson, Spain 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

This is a public meeting and 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**

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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**

7 - 8

To be informed of arrangements made for public participation in the Meeting.

See Agenda Item 3 for details.

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

5. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 7th June 2023.

[\(Public Pack\)Minutes Document for Planning Committee, 07/06/2023 19:00 \(moderngov.co.uk\)](#)

6. **Schedule of Applications**

Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm. However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:
"To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee".

(a) **PA/2023/0888 - Willow Trees, Pluckley Road, Smarden, TN27 8ND**

9 - 20

Proposed demolition of existing porch and erection of front and side extension with dormers to form rooms in the roof.

(b) **15/00856/AS - Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Kent**

21 - 392

Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure. Provision of local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, waste water facilities, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks.

****SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT****

- | | | |
|-----|---|-----------|
| (c) | PA/2022/2851 - Land East of Ashford Road, Kingsnorth | 393 - 444 |
| | Outline application for up to 15 dwellings, a replacement Medical Centre and Pharmacy, together with all necessary infrastructure to consider access. | |
| (d) | PA/2022/2544 - Field to West of National Grid Converter Station, Church Lane, Aldington, Kent, TN25 6AF | 445 - 466 |
| | The laying out of a battery storage facility, intermediate substation, water storage tank, cabling, fencing, access tracks and associated drainage infrastructure on field to west of National Grid Sellindge Converter Substation. | |
| (e) | PA/2022/2950 - Land to the west of Sellindge Substation, Sellindge, Ashford, Kent TN25 6AF | 467 - 496 |
| | Erection of a synchronous condenser plant with ancillary infrastructure, access, landscaping and other incidental works. | |
| (f) | 21/1890/AS - Garages south west of 1, Harper Road, Ashford, Kent | 497 - 514 |
| | Erection of 3 dwellings including associated parking and landscaping and the demolition of existing garages. | |
| (g) | PA/2023/0218 - 15 Warwick Road, Kennington, Ashford, Kent, TN24 9EH | 515 - 526 |
| | Proposed conversion of a 3-bedroomed house to No.2 self-contained 1-bedroomed flats | |
| (h) | PA/2023/0714 - Court Wurtin, Beaver Lane, Ashford, Kent, TN23 5NH | 527 - 536 |
| | Provision of 1 no. residential/commercial waste and storage compounds; refurbishment of the stairwell to include new roof structure, render, and cladding, provided gated residential area. Proposed works to residential properties 24-30 to include PV panels, rendering, and changes to fenestration | |

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

26 June 2023

Queries concerning this agenda? Please contact Member Services 01233 330564 Email: membersservices@ashford.gov.uk

Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

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.

Agenda Item 3

Summary of the Scheme of Public Participation for Planning Committee Meetings

1. **Written notice of a wish to speak at the meeting** (by means of either 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 either make a speech in **person or submit a speech to be read on your behalf by a Council Officer, as follows:**

- (i) on a first-come, first-served basis, **one speech in support of**, and **one speech against**, an item for decision, or
- (ii) as a duly-authorized representative of the Parish Council¹ or Community Forum affected by an item for decision.

3. Those who have registered to speak and wish a Council Officer to read their speech on their behalf must submit a copy of the speech to membersservices@ashford.gov.uk by 10.00 hours on the day of the meeting. The speech must be no longer than 400 words, and must be in English and in a 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. Late or incorrectly-presented copies of speeches cannot be accepted, but any registered speakers who do not submit their speeches as above may speak in person at the meeting as set out below

4. At the meeting:-

(i) Speakers who are **present in person** may speak to the meeting for a **maximum of 3 minutes** when called to do so. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address. Please note there is no ability to present any material such as photographs or diagrams at the meeting.

(ii) If speakers are **not present in person**, but had previously submitted speeches as above, their submitted speeches will be read to the meeting by a competent

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

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.

Application Number	PA/2023/0888
Location	Willow Trees, Pluckley Road, Smarden, TN27 8ND
Grid Reference	Easting (x) 588432 / Northing (y) 142533
Parish Council	Smarden
Ward	Weald Central
Application Description	Proposed demolition of existing porch and erection of front and side extension with dormers to form rooms in the roof.
Applicant	Mr & Mrs A & H Arlott
Agent	Mr Simon Hoyle
Site Area	0.064 Hectares

Introduction

1. This application is reported to the Planning Committee because the agent's spouse is an employee of the Council.

Site and Surroundings

2. The application site is located at the end of an access way which leads off the northern side of Pluckley Road, within the built confines of Smarden. The site forms part of the Beult Valley Farmlands landscape character area and abuts the Smarden Conservation Area which is to the west and north of the site. A Public Right of Way (number AW191) also runs along the entire western boundary of the application site and forms an important connection between a large public recreation area and the rest of Smarden.
3. The site comprises a detached one and a half storey / two storey high dwelling, with associated amenity space provision and parking at the front. To the south east of the site there is 'Little Jubilee' which is a one and a half / two storey dwelling. The two properties have adjoining garaging. Both the application site and 'Little Jubilee' are accessed via the access way off Pluckley Road which runs alongside and also provides access to Magnolia Cottage to the south of the application site.

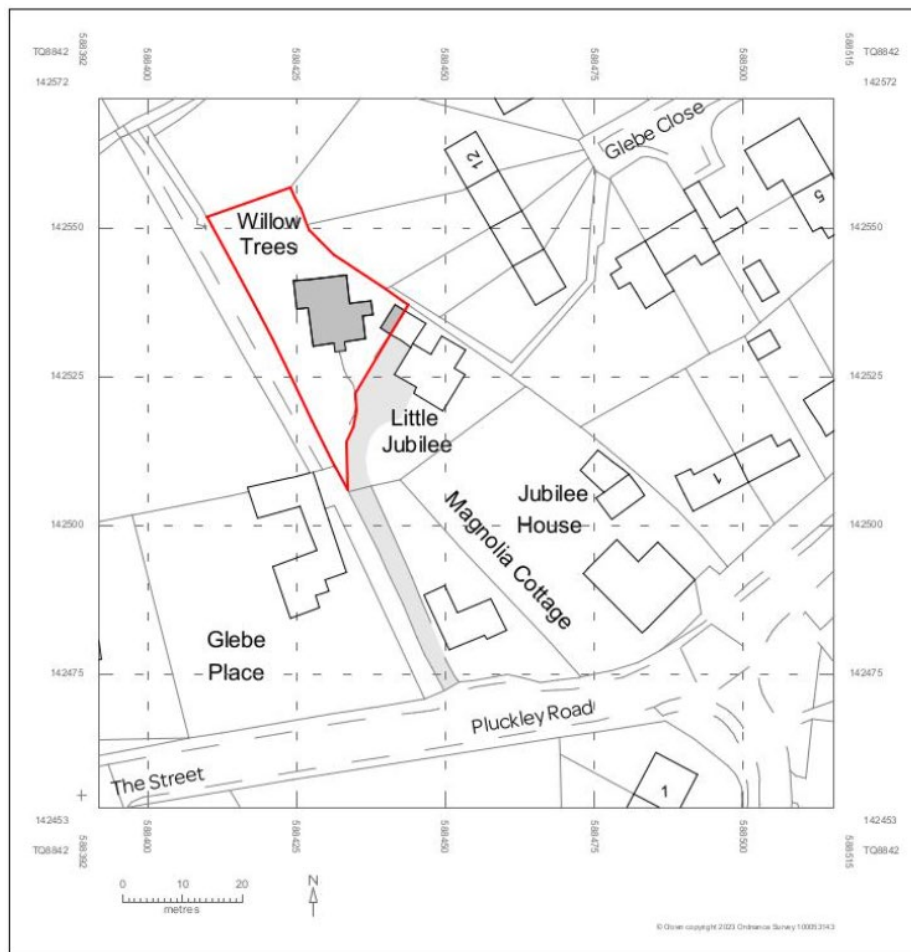


Figure 1: Site Location Plan

Proposal

4. This application seeks planning permission for the demolition of the existing porch and the erection of a front and side extension with dormers to form rooms in the roof. The proposed front extension would be approximately 4m deep with a sizable new roof, and would contain dormer window extensions within the flank roofslopes of the front extension. The proposal would also include the addition of a 2.7m wide gable roofed side extension, with additional dormer window extensions in the front and rear roofslopes of the said side extension. In addition to this the scheme would add another dormer window extension in the existing front roof slope to the east of the proposed front extension.



Figure 2: Existing and Proposed East & West Elevations



Figure 3: Existing and Proposed North & South Elevations



Figure 4: Existing Floor Plans

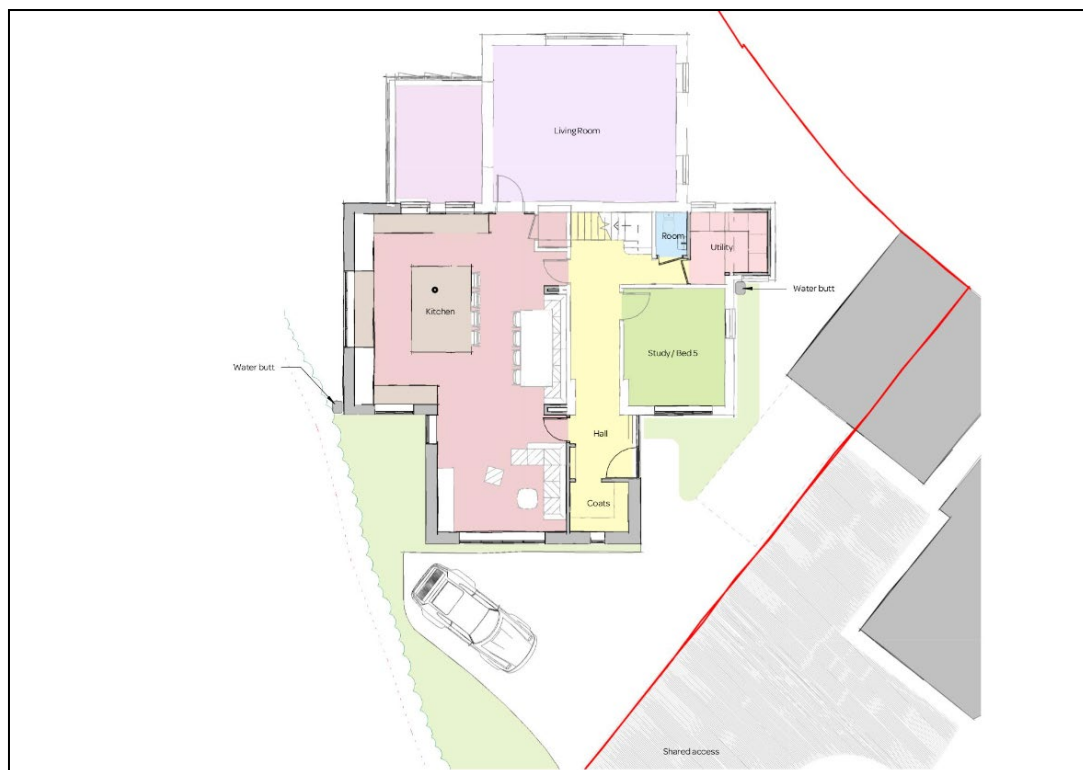


Figure 5: Proposed Ground Floor Plan



Figure 6: Proposed First Floor Plan

Relevant Planning History

5. Planning permission was granted on the 2nd January 2013 for a two storey rear extension with dormer windows, porch and alterations to existing fenestration (application reference 12/01282/AS).
6. On the 17th April 2013 an application for a non-material amendment to application 12/01282/AS to bring the front dormer roof to the ridge line and introduce hips to each end of existing / approved front elevation was granted (application reference 12/01282/AMND/AS).

Consultations

7. The application has been subject to formal statutory and non-statutory consultation.
8. **Ward Member** - Is a member of the Planning Committee.
9. **Smarden Parish Council** - No letter of representation received.

10. **Kent County Council - Public Rights of Way** - No objections subject to the imposition of informatives on any permission ensuring that the scheme would not impact upon the adjacent Public Right of Way.
11. **Ramblers Kent Area** - No letter of representation received.
12. **Neighbours** - 9 neighbours were consulted in relation to this application and no letters of representation have been received.

Planning Policy

13. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
14. 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).
15. The relevant policies from the Development Plan relating to this application are as follows:-

SP6 – Promoting High Quality Design
ENV3a - Landscape Character and Design
HOU8 - Residential Extensions
TRA3a - Parking Standards for Residential Development
16. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Domestic Extensions in Urban & Rural Areas SPG10
Landscape Character Assessment SPD 2011
Residential Parking and Design SPD 2010
Climate Change Guidance for Development Management

Village Design Statements

Smarden Village Design Statement

Government Advice

National Planning Policy Framework (NPPF) 2021

17. The NPPF reflects the statutory provision at section 38(6) of the Planning and Compensation Act 2004 that mandates the determination of all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47). The NPPF was published on 27 March 2012 but has been amended on several occasions, with the most recent in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision-making
- 12. Achieving well-designed places

18. Planning Policy Guidance: In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

Assessment

19. The main issues for consideration are:
- Design, Character and Appearance
 - Residential amenity
 - Highway safety

Design, Character and Appearance

20. The above related policies and SPG / SPD guidance relate to the need for the highest quality of design. It is a requirement that proposed extensions are designed in a manner which are sensitive to the size, scale and materials of the main dwelling, and do not cause harm to the character and appearance of the host dwelling or the surrounding built form and the wider landscape.
21. Policy HOU8 states that proposed extensions should be designed to ensure they do not result in significant harm to the overall character and appearance of the existing dwelling and the area, taking into account the surrounding built form and/or street scene. The guidance in SPG Note 10 states that extensions to existing dwellings can be accommodated as a matter of principle providing that the visual impact of the resultant enlarged dwelling is one that does not result in a poorly proportioned or intrusive building within the street scene and expresses a coherent design. In regards to this, paragraph 130 of the NPPF requires that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture; and are sympathetic to local character, including the surrounding built environment and setting.
22. The proposed front and side extensions with dormer windows within the proposed roof slopes will result in the introduction of visually intrusive additions to the existing property which will overwhelm and dominate the existing dwelling, due to the proposed size, scale, mass, bulk, design and appearance of the proposed works. The proposed large front extension (including the dormer windows proposed in both the flank roof slopes) will appear as a domineering, poorly proportioned and intrusive addition to the existing dwelling and will create a negative relationship between the existing and proposed building, to the detriment of the character and appearance of the property and wider locality.
23. The excessive amount of dormer windows proposed overall in the front roof slope of the property (including in the roof slope of the side extension), as well as in the roof slopes of the proposed large front extension, combined with the large amount of glazing at first floor level in the proposed large gable front extension, would result in the property appearing 'top heavy' and visually unbalanced. Thereby failing to maintain a sense of cohesion within the dwelling. As a result the proposals would not be visually sympathetic or subordinate to the existing property, to the detriment of the character and appearance of the existing property and the wider locality.
24. The visually unsympathetic extensions to the property and the resultant unbalanced and awkward looking property would also appear aesthetically intrusive from Pluckley Road and also from the immediately adjacent public footpath AW191 that runs along the Western side of the site. The scale, siting and intrusive design of the proposed works, combined with close proximity of the adjacent public footpath, would mean that the unacceptable extensions would be obvious within the public realm, especially during the winter months when existing vegetation along the public right of way would

allow for even greater views of the visually incongruous extensions to the property, to the detriment of the character of the locality.

25. As a result of the above, the proposed works would be contrary to Policy HOU8 and Policy SP6 of the Local Plan and SPG10, as well as guidance within the NPPF paragraph 130 which states that developments should be visually attractive and sympathetic to local character.

Residential Amenity

26. Due to the detached nature of both the existing dwelling at the application site and the adjoining dwelling known as 'Little Jubilee' and the separation of the proposed works from the 'Little Jubilee', it is not considered that the proposal would detrimentally impact the amenities of the occupiers of 'Little Jubilee' in terms of loss of light or overbearing impact.
27. However, the proposed dormer windows in the eastern roofslope of the proposed front extension would only be located approximately 9.3m away from habitable room windows in the flank elevation of 'Little Jubilee'. In particular a bedroom window at first floor level and a kitchen / dining room window at ground floor level. It is considered that this limited degree of separation between habitable room windows would lead to an invasion of privacy and unacceptable degree of overlooking from the proposal into the said adjoining habitable rooms of 'Little Jubilee', to the detriment of the amenities and quality of life of the adjoining occupiers of 'Little Jubilee'. The development would not affect the amenities of any other properties further afield.
28. It is therefore concluded that as the proposal would harm the residential amenity of adjoining occupiers at 'Little Jubilee', which is unacceptable and the development would conflict with Policy HOU8 of the local plan, SPG Note 10 'Domestic Extensions in Urban and Rural Areas' and the NPPF (2021).

Highway Safety

29. The proposed works will add an additional bedroom changing the existing dwelling to a five-bed property and so, in accordance with Policy TRA3a, no additional parking space is required for the enlarged dwelling, beyond its current situation. The site would be able to continue to provide the three required parking spaces, and on balance, I am satisfied that the proposed works will not cause significant harm to the highway safety of surrounding streets.

Human Rights Issues

30. 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).

Conclusion

31. The proposed extensions to the property would appear as poorly proportioned and intrusive additions to the host building rather than as subservient and sympathetic additions to the existing dwelling. Consequently, the proposed works would create an incongruous looking development, to the detriment of the character and appearance of the host property and the wider locality. The proposal would also result in overlooking and an invasion of privacy of the adjoining property, to the detriment of the amenities and quality of life of the occupiers of 'Little Jubilee'. In light of the above the proposal does not accord with the Development Plan and the NPPF, and as such it is recommended that planning permission is refused.

Recommendation

Refuse

on the following grounds:

1. The proposed extensions to the property by virtue of their size, scale, mass, bulk, design and appearance, would appear as unsympathetic, intrusive and incongruous additions which would fail to respect the character and appearance of the existing dwelling and surrounding locality and, therefore, would cause detriment to the visual amenity. The development is contrary to policies SP6 and HOU8 of the Local Plan, SPG Note 10 'Domestic Extensions in Urban and Rural Areas' and the aims and objectives set out in the National Planning Policy Framework 2021.
2. By virtue of its siting and design, the development has a harmful impact upon the residential amenity of adjacent residential occupiers at Little Jubilee, causing overlooking and an invasion of privacy. Therefore, it does prejudice the quality of the living environment enjoyed by the existing occupants at Little Jubilee. The development is contrary to policy HOU8 of the Local Plan, SPG Note 10 'Domestic Extensions in Urban and Rural Areas' and the aims and objectives set out in the National Planning Policy Framework 2021.

Note to Applicant

1. Working with the Applicant

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: Charlotte Giles
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Telephone: (01233) 330256

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Application Number	15/00856/AS
PINS Appeal Reference	APP/E2205/W/23/3320146
Location	Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Kent
Grid Reference	Easting: 600153 Northing: 139125
Parish Council	Kingsnorth
Ward	Kingsnorth Village & Bridgefield
Application Description	Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure. Provision of local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, waste water facilities, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks. **SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT**
Applicant	Pentland Homes Ltd & Jarvis Homes Ltd
Agent	Ian Bull Consultancy Ltd
Site Area	51 Hectares

(a) 837/32R	(b) PC – no comment	(c) Shad PC – +; GCS PC – +; Bils PC – R; MWS PC – +; KCC Highways – R; NH – X; KCC SuDs – X; EA – X; KCC Prow – R; KCC Her – X; Hist Eng – X; KCC Bio – X; Nat Eng – R; SE – X; ABC EP – X; SE Rail – +; HSE – +; WKPS – +; BHS – R; SWS – X; CPRE – +; KCC M&W – X; ABC SS – X; KFR – X; KP – X; KMG – +; KWT – +; NHS – +; RA – R; RSIDB – R;
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Introduction

Overview

1. This application is reported to the Planning Committee because it is classed as a major application and therefore, under the Council's scheme of delegation, normally would require determination by the Planning Committee. However, in this instance, the application is now the subject of an **appeal against non-determination** following the expiry of previously extended time period for decision. The Committee is asked to agree the Recommendation that is set out in the report: this will then form the Council's case for a Planning Inquiry that the Planning Inspectorate will hold in October 2023.

Previous Council Resolution to grant outline permission

2. The application was previously presented to Planning Committee on 14 November 2018 with a recommendation to grant outline planning permission subject to planning conditions and the following:
 - a. the withdrawal of the objection from Highways England, and
 - b. the expiry of the site notice for the amended plans and subject to the expiry of the necessary notices to landowners and in the opinion of the Head of Development Management and Strategic Sites and the Joint Development Control Manager no further issues of significance being raised, and
 - c. the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations.

3. At this meeting the Planning Committee resolved to grant outline planning permission subject to the following:
 - a. the expiry of the site notice and no further representation of any significance being made, and no further representations being received from those with an interest in the land raising any new issues not covered in this report, and
 - b. the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations.
4. Since that Committee, the planning permission has not been able to be issued. This was initially due to the necessity for further consultations with residents and consultees and an independent review of the applicant's Environmental Statement (ES). More recent issues halting progress towards issuing a decision flow from the requirement for the application to demonstrate nutrient neutrality following the advice that was issued by Natural England in July 2020.
5. In summary, in March 2019, April 2020, and October 2022, amendments to the application were submitted along with further supporting information and addendums to the original ES. Full re-consultations were undertaken on all three re-submissions.
6. I set out further detail about the addendums to the ES, the outcome of re-consultations, and issues of nutrient neutrality later in this report.

Non-determination appeal

7. On 6 April 2023, the applicants submitted an appeal to the Planning Inspectorate (PINS) against the non-determination of the application within the appropriate time period. The appeal Inquiry is scheduled to run for eight days from 17 October 2023. That date has been imposed on the Council by PINS. The pre-Inquiry timetable, with which the Council must comply, raises a number of resource and time constraint difficulties. It has required this report to be made to the July Committee in order to comply with the tight timescales involved in presenting the Council's Statement of Case for the Inspector.
8. This report sets out the Recommendation that I would have made to Members in reporting the application back to the Committee in order to deal with issues of:
 - a. nutrient neutrality (and the acceptability of the applicant's approach thereto), and,

- b. the applicant's viability assessment and the implications of that on the ability to secure policy compliant s.106 mitigation, and
 - c. whether, as a result of the above, the planning balance still remains in favour of a grant of outline permission.
9. The Council cannot now determine the application: that task falls to PINS given the appeal that has been made. This Report will form the basis of the Council's Statement of Case, assist with a required 'Statement of Common Ground' with the applicants and Proofs of Evidence for those representing the Council at the Inquiry. It will also inform negotiations on any draft s.106 agreement (or a unilateral undertaking) to be put before the Inspector at the Inquiry as well as draft planning conditions for the Inspector's consideration.

Updates

10. This report provides an update to the previous report ("the 2018 report") and associated Committee Update Report ("the 2018 Update report") presented to the Committee in November 2018 and I also provide an assessment of the planning issues that have changed since 2018.
11. This report should be read alongside the 2018 Report, the 2018 Update Report, and the minutes from the November 2018 meeting. As a matter of record given the time that has elapsed since that previous meeting, these three documents are provided as Annex A, B & C respectively.
12. I set out below the following:
- a. Proposal & Supporting Documents Update
 - b. Planning History Update
 - c. Summary of responses to re-consultations undertaken since 2018
 - d. Planning Policy Update
 - e. An assessment of the matters that have changed
 - f. Conclusion and Recommendation
13. The following section of the 2018 Report remains unaltered (please refer to Annex A)
- a. Site and Surroundings

Proposal & Supporting Documents Update

Proposal Update

14. The application includes a series of parameter plans. The parameter plans for density and building heights are unchanged. The plans for land use and connectivity have been amended since the 2018 Report, most recently in October 2022. The changes made to the plans are set out below. The illustrative masterplan has been amended to reflect the changes to the land use and connectivity plans. A description of the plans previously considered by the Committee can be found in paragraphs 17-23 of the 2018 Report.
15. The updated land use and connectivity parameter plans are provided in **Figures 1 & 2** below.
 - a. Area 1 - now includes a proposal for a waste water treatment works (WwTW) and the provision of larger and repositioned SuDS/attenuation features. This has resulted in an alteration to the northern residential built edge in this area. In addition, the possible future link to the adjacent Court Lodge development has been removed and the primary road within the site re-aligned.
 - b. Area 2 – no change.
 - c. Areas 3 - the 2018 Report identified a new area of woodland to the rear of properties fronting Stumble Lane. This has been removed.
 - d. Area 4 - no change.
16. I note that the building heights parameter plan does not include a height parameter for the proposed WwTW. The landscape and visual effects of the WwTW identified in the ES 2022 are based on the maximum heights of the structures set out in the application. I therefore consider it important that a maximum height is agreed on the parameter plans. I therefore recommend to the Committee that the Inspector be requested to seek that amendment to the building heights parameter plan.
17. To note, there are a couple of typographical errors in the 2018 Report in respect of the parameter plans. Paragraph 20 of the 2018 Report contains an error in respect of the development density range proposed. The proposed density range is 10 to 25 dwellings per hectare (not 15 to 24 dwellings per hectare as stated). Paragraph 21 of the 2018 Report contains an error in respect of the height of the 3 storey buildings. The maximum height should state 14 metres (not 14 stories).

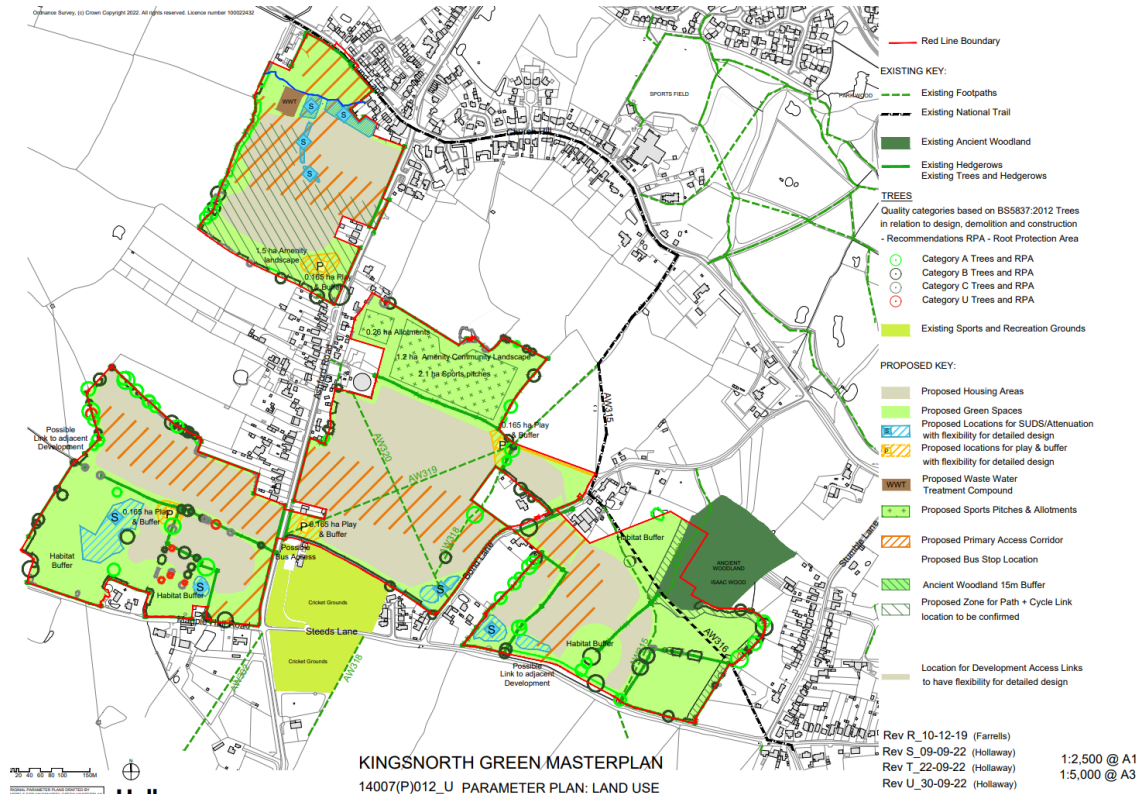


Figure 1 – Land Use Parameter Plan

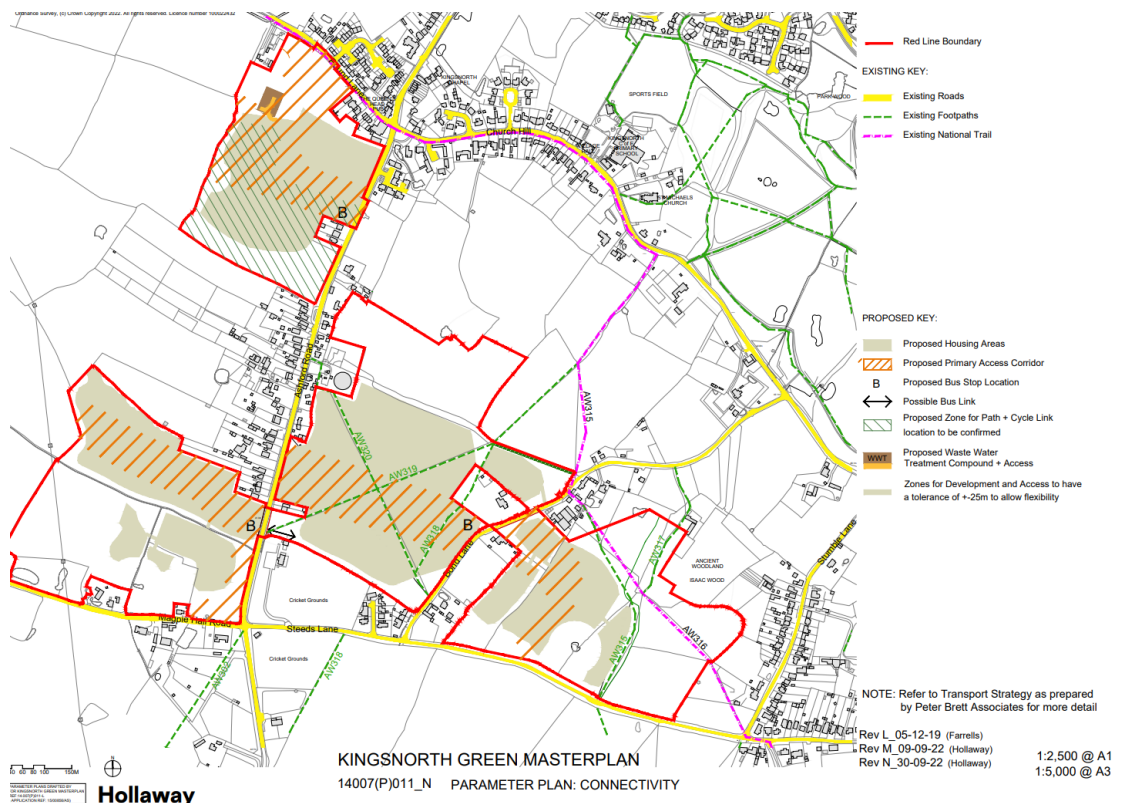


Figure 2 – Connectivity Parameter Plan

Supporting Documents Update: The Environmental Statement & subsequent addendums

18. The proposed development is Environmental Impact Assessment (EIA) development as defined by the Town and Country Planning (EIA) Regulations 2011, due to its scale and nature. Therefore an Environmental Statement was submitted with the application in 2015 (“2015 ES”).
19. The 2015 ES was prepared in accordance with the Town and Country Planning (EIA) Regulations 2011. The new Town and Country Planning (EIA) Regulations 2017 came into force on the 16th of May 2017. However, under Regulation 76 of the 2017 Regulations, the 2011 Regulations continue to apply to this application as an ES was submitted prior to the 16th of May 2017. Therefore, the 2017 Regulations are not relevant to this application.
20. An Environment Statement Addendum was submitted in 2017 (“2017 ES Addendum”) to assess whether proposed amendments gave rise to materially new or different environmental effects. The 2017 ES Addendum also considered the length of time that had passed since the 2015 application was submitted.
21. In 2019, the Council commissioned Temple Group to undertake an independent review of the 2015 ES and 2017 ES Addendum. Subsequently, a further ES Addendum (“2019 ES Addendum”) was submitted by the applicants to address the matters raised within the Temple Group Review.
22. The 2019 ES Addendum also included an assessment of the cumulative effects of developments which had come forward since submission of the 2015 ES and 2017 ES Addendum, following the adoption of the Ashford Local Plan 2030 (Court Lodge, ref 18/01822/AS and Waterbrook, ref 18/00098/AS).
23. A further ES Addendum was submitted in April 2020 (“2020 ES Addendum”) in response to a review of the 2019 ES Addendum by Temple Group.
24. In October 2022 an ES addendum (“2022 ES Addendum”) was submitted to assess whether the proposed addition of the WwTW would give rise to materially new or different environmental effects. This Addendum sits alongside the previous documents and does not supersede them.

25. The application subject of the appeal against non-determination is therefore supported by the 2015 ES and the subsequent addendums of 2017, 2020 and 2022.
26. As is normal practice, the review of an ES by Temple Group, is funded by the applicant as this cost is not covered by the planning application fee. The applicants were asked to fund Temple Group to review the 2022 ES Addendum, however they have refused to do so.
27. The 2022 ES Addendum considers the following:
 - a. Ground Conditions;
 - b. Landscape and Visual Impact;
 - c. Ecology;
 - d. Archaeology and Cultural Heritage;
 - e. Water Resources;
 - f. Noise and Vibration;
 - g. Air Quality; and
 - h. Climate Change
28. The 2020 ES Addendum remains valid in relation to land use and soils and transport. No further ES updates on these aspects of the development are necessary.

Planning History Update

29. The following application and subsequent appeal relate to a site identified as part of the 'green buffer' within site allocation S4. The full extent of the green buffer within the site allocation is shown on **Figure 3** below.
30. Application 21/00126/AS - planning permission refused (Outline application) on 16 April 2021 for up to 15 dwellings, a medical centre and pharmacy, associated landscaping and infrastructure with all matters reserved except for access on land south-east of, Ashford Road, Kingsnorth, Kent.
31. Appeal decision APP/E2205/W/21/3284706 - this was dismissed by the Inspector on 10 August 2022. The Inspector found that the development

would adversely affect the integrity of Stodmarsh habitats sites but did not otherwise find any other aspect of the proposal to objectionable.

32. Following the appeal, application PA/2022/2851 was received on 30 November 2022 for outline permission for up to 15 dwellings, a replacement Medical Centre and Pharmacy, together with all necessary infrastructure to consider access on land south-east of, Ashford Road, Kingsnorth, Kent. The proposed development is substantially the same as that proposed in the previous application, dismissed at appeal, the only difference being the proposed mitigation to address nutrient neutrality.
33. On 22 May 2023 the applicant submitted an appeal against the non-determination of this application within the appropriate time period. The Planning Inspectorate have confirmed that this appeal will be heard at a Hearing on 10 October 2023. This application is also reported on this agenda.

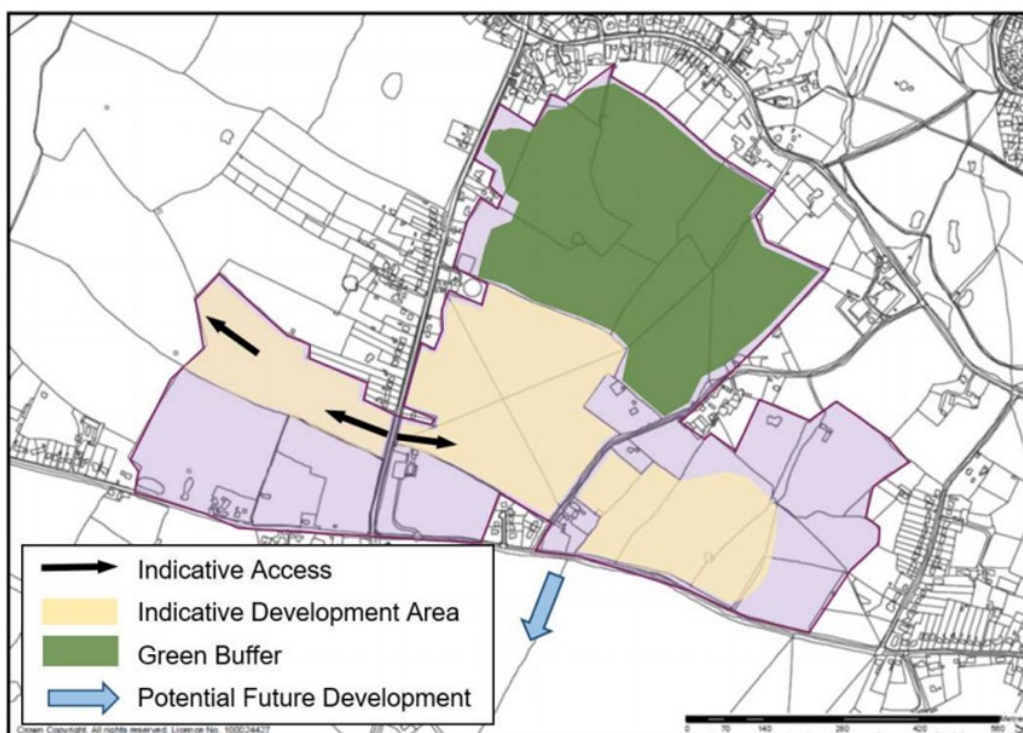


Figure 3 – Site Allocation S4

Consultations Update

Parish Councils

34. As set out in the 2018 Report, the Parish Councils of Bilsington; Kingsnorth; Mersham with Sevington; and Shadoxhurst all raised objection to the

application. Great Chart with Singleton Parish Council did not object but made a number of comments.

35. Following the 2018 Planning Committee meeting, Kingsnorth Parish Council made further comments which are summarised below:
- a. Object to the name 'Kingsnorth Green' and suggest it should be changed.
 - b. The site's former use as farmland should be reflected in the design and landscaping.
 - c. The siting of the open spaces should be clearer and given protected status in order to prevent further development.
 - d. Connectivity with the existing village needs to be 'built in' and all weather surface paths should be provided on key routes.
 - e. There should be engagement with key stakeholders about how the highways, water management systems and green spaces all link together and discussion about how the green spaces can be protected and key infrastructure can be funded.
 - f. The Parish Council would wish to be involved in how (and by whom) open spaces in the development would be managed.
 - g. The development should make a contribution to the Parish Council's sports facility in the Entrance Park.
36. In response to the March 2019 re-consultation, Kingsnorth Parish Council made further comments which are summarised below.
- a. The applicant's ES does not comply with the EIA Regulations as it does not consider the cumulative impacts with other committed development in the Local Plan.
 - b. The red line should include the whole of the site allocation and new pedestrian links to Kingsnorth village should be provided.
 - c. Development is proposed beyond the area defined by the Local Plan, with development closer to the village, eroding the buffer area.
 - d. Traffic impacts, and the transport assessment, traffic modelling, the design of the Ashford Road/Pound Lane/Church Hill junction were questioned.

- e. Concerns raised about flood risk, the layout of the development; sustainability; heritage and landscape; air quality.
37. In response to the April 2020 re-consultation, Kingsnorth Parish Council requested a meeting to discuss the developer contributions to be secured as part of the development and re-iterated its concerns about the design of the Ashford Road/Pound Lane/Church Hill junction. Great Chart with Singleton Parish Council raised no objection but requested that the application should not be considered in isolation to other potential developments, particularly Chilmington Green and identified that there should be coherence about transport links for the whole of Ashford.
38. In response to the December 2022 re-consultation, Bilsington Parish Council objected on the grounds of lack of infrastructure and the impact on roads in the adjoining parish and lack of public transport. Kingsnorth Parish Council advised that they had no comments to make.

National Consultees

39. **Environment Agency** - as set out in the 2018 Report, the Environment Agency advised that the application has a low environmental risk and they therefore had no comments to make. In response to the April 2020 re-consultation, the Environmental Agency stated that they have no objection subject to conditions.
40. In response to the December 2022 re-consultation the Environmental Agency initially raised an objection in respect of water quality and nutrient neutrality due to insufficient evidence being provided. In response, in April 2023, the applicant submitted an updated nutrient neutrality assessment and mitigation strategy.
41. The Environment Agency subsequently confirmed that they have no objection subject to conditions to require the submission of a strategy to deal with foul water drainage and to require that there shall be no infiltration of surface water drainage into the ground. With respect to foul drainage they noted that:-

“foul drainage is proposed to be treated on-site by a new treatment works, with treated effluent discharged to the Stour via its tributaries. However, it is unclear whether these tributaries flow year round, and as such whether the proposed discharge would actually be to ground for parts of the year. The above point should be clarified and, if necessary, enquiries made for an appropriate permit.”

The Environment Agency also recommend a condition relating to land contamination and an informative relating to the re-use of materials.

42. **Historic England** - as set out in the 2018 Report, Historic England advised that they do not wish to offer any comments, suggesting the Council seek the views of its conservation and archaeological advisers. In response to the April 2020 and December 2022 re-consultations, Historic England stated that they had no further comments.
43. **National Highways (previously Highways England)** - as set out in the 2018 Update Report, Highways England raised no objection subject to a Grampian style (i.e. 'negative') planning condition to require no more than 200 dwelling occupations until the Bellamy Gurner improvement to the A2070, Waterbrook Avenue/The Boulevard roundabout (a scheme proposed as part of a Crest Nicholson development at Finberry) is complete and open to traffic. They also recommended the development provide a proportionate financial contribution to the delivery of new Junction 10a on the M20.
44. In response to the 2020 re-consultation, Highways England re-iterated their previous 2018 comments. However, they noted that Junction M20 J10a was nearing completion and therefore advised that it was for the Council to determine whether it would be appropriate to seek a financial contribution.
45. In response to the December 2022 re-consultation, National Highways raise no objection subject to planning conditions in respect of a Construction Management Plan and Travel Plan. They note that the Bellamy Gurner Scheme should be completed shortly, therefore it is no longer necessary to recommend a Grampian condition. They are satisfied that, subject to their recommended conditions, the development would not have a material impact on the safe and efficient operation of the Strategic Road Network.
46. **Natural England** - as set out in the 2018 Report, Natural England raised no objection and advised that the development is unlikely to affect any statutorily protected sites or landscapes. In response to the April 2020 re-consultation, Natural England advised that their previous responses remain applicable and they raise no objection.
47. In response to the December 2022 consultation, Natural England advised that the development could have potential significant effects on Stodmarsh Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and National Nature Reserve (NNR) due to the impact of nutrients. They requested further information to determine the significance of these impacts and the scope for mitigation.
48. In March 2023, the applicants submitted a Technical Note to deal with nutrient neutrality and the proposed mitigation in the form of the aforementioned WwTW. Natural England consequently advised, in May 2023, that it would be necessary for the Council to update its Habitats Regulations Assessment of

the proposal in order to demonstrate that the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered in the assessment of the application.

Kent County Council

Kent County Council Development Investment - as set out in the 2018 Report, KCC sought financial contributions from the development towards primary and secondary education, community learning, youth services, libraries and social care. In response to the April 2020 re-consultation, KCC sought contributions to the same infrastructure and services as set out in 2018, in addition to a contribution to the provision of a materials recovery facility. No comments have been received from KCC in response to the 2022 re-consultation.

49. **Kent County Council Ecological Advice Service** - as set out in the 2018 Report, KCC advised that the ecological information provided was sufficient and suggested conditions be attached to the permission if granted.
50. In response to the April 2020 re-consultation, KCC raised concerns that the Preliminary Ecological Appraisal had not been updated, noting that much of the survey data considered in 2018 was now at least three years old. In response, updated surveys were submitted by the applicant. KCC subsequently advised that they were largely satisfied with the submitted surveys and generally agreed that further updated surveys were not required. However, KCC highlighted that, if planning permission is granted, there would be a requirement for a full suite of surveys to be carried out to inform detailed mitigation strategies and any necessary ESP licences.
51. In respect of the submitted mitigation strategy, KCC accepted that this provided an overview of the mitigation required, although noted that an up to date outline mitigation strategy would have been preferable. KCC noted that the intention to mitigate for the majority of species on site and is supportive of this approach but advise that appropriate management and monitoring would be required for the lifetime of the development. KCC suggested a number of conditions be attached to any grant of planning permission.
52. In response to the December 2022 re-consultation, KCC advised that the 2020 comments remain valid for the following reasons:
 - a. The site continues to be actively managed arable fields and it is unlikely that the conclusions of the ecological surveys will have significantly changed

- b. The proposed amendment is for an updated WwTW which has a small development footprint in the context of the wider site. Therefore, the creation of the WwTW would not significantly impact the conclusions of the survey or the implementation of the mitigation proposed.
53. However, KCC advised that due to the age of the survey data there would need to be a full suite of ecological surveys carried out to inform any detailed mitigation strategy if planning permission is granted.
54. **Kent County Council Flood and Water Management** - as set out in the 2018 Report, KCC raised no objection to the application subject to conditions. No further comments were received in response to the April 2020 re-consultation.
55. In response to the December 2022 re-consultation, KCC accepted the principles proposed for dealing with surface water and as such had no objection. KCC did, however, raise concerns about the methodology used within the hydraulic analysis, specifically relating to the greenfield runoff calculations; the proposed discharge rate from the WwTW which had not been given; and that more detailed analysis of the risk of flooding from an unnamed watercourse identified in the Flood Risk Assessment is required. KCC advised that these points would need to be addressed as part of future reserved matters applications. KCC also recommended that a number of conditions be attached to any grant of planning permission.
56. **Kent County Council Heritage** - as set out in the 2018 Report, KCC commented that no further assessment of the historic environment is essential at this stage, although it would be preferable to have the results of the targeted field trial trenching; and an assessment of military heritage.
57. In response to the 2020 re-consultation, KCC welcomed the submitted Archaeological Evaluation Report, but noted that no additional assessment of the historic environment had been undertaken. KCC advised that their comments remain mostly the same as reported in 2018. They reiterated that no further assessment of the historic environment was essential at this stage although it would be preferable to have an assessment of military heritage. Conditions were recommend as per the 2018 report, in addition to the S106 planning obligation previously recommended. No further heritage comments have been received in response to December 2022 re-consultation.
58. **Kent County Council (KCC) Highways and Transportation** - as set out in the 2018 Report, KCC raised no objection subject to conditions and obligations to be secured via a s.106 agreement. In response to the April 2020 re-consultation, KCC confirmed that these previous comments remained valid and that they continued to raise no objection to the application.

59. In response to the December 2022 re-consultation, KCC noted that a vehicular connection to the neighbouring Court Lodge site was not proposed and in accordance with Policy S5 it was suggested that the illustrative masterplan and parameter plan should be updated to provide such connection.
60. **Kent County Council Minerals and Waste** - KCC Minerals and Waste team did not comment on the application prior to it being presented to the Committee in 2018. In response to the December 2022 re-consultation, KCC it had no minerals or waste management capacity safeguarding objections or comments to make.
61. **Kent County Council Public Rights of Way (PROW)** - as set out in the 2018 Report, KCC raised a number of concerns, but advised that these could be overcome and recommended planning conditions if the Council were minded to grant planning permission.
62. In response to the April 2020 re-consultation, KCC noted the intention to address the PROW at Reserved Matters application stage. They found this disappointing given the issues previously raised which were considered to have been only partially addressed. They consider that to leave PROW until this stage is too late and can potentially lead to unnecessary delay and unexpected responses. KCC PROW requested a PROW scheme of management is submitted.
63. In response to the December 2022 re-consultation, KCC advised that the previous comments remained applicable and that it disagreed with some of the findings in the 2022 ES Addendum.

Ashford Borough Consultees

64. **ABC Drainage Engineer** - as set out in the 2018 Report, the Council's (then) drainage engineer recommended a planning condition to secure details of a sustainable drainage system for the site.. Surface water drainage matters are now exclusively dealt with by KCC Flood and Water Management as per further above.
65. **ABC Environmental Protection** - as set out in the 2018 Report, the Council's Environmental Protection team recommended conditions to be attached to the planning permission, if granted. In response to the April 2020 and December 2022 re-consultations, Environmental Protection advised that their previous comments remain valid.
66. **ABC Street Scene** - the Council's Street Scene team did not comment on the application prior to it being presented to the Planning Committee in 2018. In

response to the December 2022 re-consultation, the Street Scene team comment that, prior to commencement of a waste collection service, a refuse strategy would need to be submitted and approved.

Other Consultees

67. **British Horse Society** - as set out in the 2018 Report, the British Horse Society identified that the proposed development does not affect any bridleways. However, it raised concerns that development around Ashford is having a detrimental impact on leisure activities and many of the access routes are being enveloped by housing estates.
68. In response to the December 2022 re-consultation, the British Horse Society raised an objection to the application. They advise that there are almost 7,000 horses owned by people within the Borough. Horse riders have access to 16.7% of the Kent public rights of way network. Many of these routes are inaccessible or disconnected as a result of increased traffic and/or development. Substantially less is considered available to carriage drivers. The Society request that, if planning permission is granted, a condition is attached to require footpaths AW319, AW320, AW318, AW315, AW316 to be upgraded to at least bridleway, if not restricted byway, status.
69. **Council for the Protection of Rural England (CPRE)** - as set out in the 2018 Report, the CPRE objected to the application. No further comments have been received since the 2018 Report.
70. **Health and Safety Executive (HSE)** - as set out in the 2018 Report, the HSE did not advise on safety grounds against the granting of planning permission. No further comments have been received.
71. **Kent Fire & Rescue** - did not previously provide comments about the application. In response to the December 2022 re-consultation, Kent Fire and Rescue advised that, if planning permission is granted, the Fire and Rescue Service will require emergency access (a requirement under B5 of the Building Regulations).
72. **Kent Police** - as set out in the 2018 report, Kent Police advised that the application had not demonstrated that crime prevention and the seven attributes of CPTED had been considered. In response to the April 2020 re-consultation, Kent Police re-iterated concerns and advised that a report to confirm how the development would reduce the opportunity for crime, fear of crime, anti-social behaviour, nuisance and conflict would be required.
73. In response to the December 2022 re-consultation, Kent Police (i) advised that design and access statements should address crime prevention and

- demonstrate the seven attributes of CPTED and (ii) recommended the applicant bases the design on the SBD Homes 2019 guide and (iii) suggested the applicant attains SBD certification to show commitment to crime prevention and community safety. If planning permission is granted, Kent Police request a condition to ensure that crime prevention is addressed effectively and opportunities to design out crime are not missed.
74. **Kent Mammal Group** - as set out in the 2018 Report, the Kent Mammal Group raised concerns about the level of information submitted with the application. No further comments have been received since the 2018 Report.
75. **Kent Wildlife Trust** – as set out in the 2018 Report, the Kent Wildlife Trust submitted a ‘holding objection’, raising concerns about the level of information submitted. In response to the April 2020 re-consultation, the Trust re-iterated its holding objection. No further comments have been received in response to the December 2022 re-consultation.
76. **NHS** - as set out in the 2018 Report, the NHS requested a financial contribution to support the provision of healthcare services in the locality (via an extension to the existing Kingsnorth Surgery). No further comments have been received in response to the April 2020 and December 2022 re-consultations.
77. **Ramblers’ Association** - as set out in the 2018 Report, the Ramblers’ Association commented that they could see no indication on the plans for proposals to accommodate PROWs within the proposed development. No comments were received in response to the April 2020 re-consultation. In response to the December 2022 re-consultation, the Association raise a holding objection due to the lack of a PROW Management Scheme.
78. **River Stour (Kent) Internal Drainage Board (IDB)** - did not previously provide comments about the application. In response to the December 2022 re-consultation, the IDB noted that although the site lies predominantly outside of the IDB’s ‘Drainage District’, the majority of the surface water from the development would be discharged to ordinary watercourses and ditches, which would drain into the wider drainage network that discharges into the Board’s District.
79. The IDB’s request that the applicant demonstrate that the proposed point of discharge does indeed outfall into a wider, contiguous drainage system (rather than to a blind-ditch that may exacerbate the local flood risk), and suggest a condition is attached to any permission granted to this end. The additional rates/volumes being discharged from the foul water treatment plant, should also be fully quantified.

80. **Southern Water** - as set out in the 2018 Report, Southern Water made a number of comments, in particular, about the capacity of and connection into the public sewer system in the vicinity of the site and SUDS. In response to the April 2020 and December 2022 re-consultations, Southern Water confirmed that their previous comments remain valid.
81. **South Eastern Railway** – as set out in the 2018 Report, South Eastern Railway requested funding to address congestion issues on the forecourt of Ashford Station. No further comments have been received in response to the April 2020 and December 2022 re-consultations.
82. **Sport England** – as set out in the 2018 Report, Sport England considered the application as a non-statutory consultation and raised an objection. In response to the 2020 re-consultation, Sport England advised that they no longer objected to the application. They requested a financial contribution towards indoor sports facilities and suggested a number of conditions. No further comments have been received in response to the 2022 re-consultation.
83. **Weald of Kent Protection Society** – as set out in the 2018 Report, the Weald of Kent Protection Society objected to the application, stating that the development would put a significant strain on the local infrastructure. No further comments have been received in response to the April 2020 and December 2022 re-consultations.

Residents

84. Following the November 2018 Planning Committee meeting; objections were received from 19 residents and Kingsnorth Residents' Association. Comments were received from two residents. Since the 2018 Planning Committee meeting the application has undergone three re-consultations.
85. In response to the March 2019 re-consultation, objections were received from 21 residents and Kingsnorth Residents' Association. Comments were received from two residents.
86. In response to the April 2020 re-consultation, objections were received from 45 residents and comments were received from two residents.
87. In response to the December 2022 re-consultation, objections were received from 35 residents. The concerns raised in response to the 2022 re-consultation are summarised below.

Principle of Development

- a. There is already enough new housing in the area. The need for large-scale housing development in south Ashford needs to be reassessed. Ashford has exceeded its housing targets set by Government. The application is overdevelopment. The application is premature and unnecessary.
- b. Greenfield land should be left for food production. Development should be on brownfield land closer to the town centre.
- c. No consideration has been given to the cumulative impact of the development alongside other developments proposed nearby.
- d. The Environmental Impact Statement and other core documents should be updated.

Highways

- e. Impact on highways from additional traffic generated by the development. This will cause more congestion in the local area. Local roads are unable to cope with existing traffic. Local junctions are not safe. Local highway infrastructure needs upgrading.
- f. Steeds Lane, Stumble Lane and Bond Lane are narrow country lanes, they are in poor condition and not suitable for increased traffic from construction or new houses. These lanes have no pavements for pedestrians and no space to provide them.
- g. Blocking off Bond Lane will push more traffic down Steeds Lane and Stumble Lane.
- h. There is inadequate footpath provision proposed. Improvements to PROW are required.

Amenity

- i. Vibration, pollution and noise from construction traffic. Noise, air and light pollution from the new housing.
- j. Impact on Kingsnorth Village, an ancient village, including listed buildings and their settings. The village will lose its identity. Development is not in proportion and in-keeping with the character of the village.
- k. Impact on existing residents' quality of life. The health and wellbeing of existing residents should be safeguarded. Loss of greenspace enjoyed by existing residents.

- l. Odours from the waste water treatment works would have a detrimental effect on existing residents.

Design

- m. Development is not in keeping with the rural landscape. Three storey properties are not in keeping with existing housing which is predominately two-storey. The high density development is not in-keeping with the village.
- n. There should be a 750m exclusion zone between Pound Lane and the development.
- o. The detailed design and layout of the development should be provided now so that residents can see exactly what will be built.

Landscape / Ecology

- p. Why has the woodland area proposed to mitigate the loss of wildlife habitats been removed and replaced with greenspace? The woodland should be reinstated.
- q. Disruption to wildlife, flora and fauna, loss of habitats/hedgerows. The submitted reports are out of date and need re-assessing to accurately reflect the current situation. Since the surveys were undertaken, the ecosystem and biodiversity of the site has changed. The mitigation strategies are inadequate.
- r. Concerns that large trees in the area would be felled.
- s. 10% biodiversity net gain should be mandatory
- t. The location of the proposed allotments is not appropriate, the land is heavy clay and does not drain after rain. There is no road access to the allotments. This area should be a community orchard.

Flood Risk & Drainage (incl. nutrient neutrality)

- u. Surface water flooding around Bond Lane and Pound Lane is already an issue and would be exacerbated. The flood management scheme seems inadequate.
- v. How will the proposed new SuDS be maintained?

- w. Development would put additional pressure on local drainage and water pressure.
- x. The application fails to demonstrate that the Government guidance criteria to obtain an EA permit to discharge treated waste water into the Whitewater Dyke are met. There is a lack of information/minimum essential data about the proposed WwTW.
- y. The development is in proximity to a public main sewer and therefore it should connect. The waste water connection to Ashford WwTW has recently been upgraded to serve local development. The applicant is pursuing an unsustainable and non-compliant alternative route to circumvent the nutrient neutrality issue that has arisen.
- z. No consideration is given to the overall suitability of the Whitewater Dyke as an Environmental Receptor for the treated wastewater, no assessments have been made of water flow, quality, etc in the watercourse, nor of potential ecological and/or biological impacts. No risk assessment addressing the potential impact of 'off-specification' release to the watercourse has been submitted.
- aa. The drainage strategy assumes that foul water drainage will be gravity flow. This assumption is flawed. Foul water pumping will be required, in part, as a minimum.

Other

- bb. The red line site boundary is not correct, it includes land owned by a resident who has not given permission to the applicant to develop on their land.
- cc. Lack of infrastructure to support the new housing - GP surgeries, hospitals, dentists, schools, emergency services. Existing telephone and broadband infrastructure is inadequate. Utilities to support EV charging and heat pumps will need upgrading.
- dd. The development should be carbon neutral both in construction and operation.
- ee. Concerns raised about the applicants viability appraisal.

Planning Policy

- 88. At the time of writing the 2018, report the Development Plan comprised the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted

LDF Core Strategy 2008 and other Area Action Plans, DPD's and Neighbourhood Plans. The Ashford Local Plan 2030 had been submitted for examination and the Council had commenced consultation on the main modifications to the draft plan.

89. The Development Plan for Ashford Borough now 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), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
90. The application site is allocated for development in the Ashford Local Plan 2030 under site allocations S4 and S5. These site allocations are located to the east of another allocated site known as Court Lodge (S3) which is located to the east of the Chilmington Green development that is under construction. Together, the developments comprise the 'South Ashford Garden Community'.
91. The relevant policies from the Ashford Local Plan 2030 are as follows:-
- | | |
|-------|---|
| SP1 | Strategic Objectives |
| SP2 | The Strategic Approach to Housing Delivery |
| SP6 | Promoting High Quality Design |
| S4 | Land north of Steeds Lane and Magpie Hall Road |
| S5 | Land south of Pound Lane |
| HOU1 | Affordable Housing |
| HOU6 | Self and Custom Build Development |
| HOU18 | Providing a range and mix of dwelling types and sizes |
| HOU14 | Accessibility Standards |
| TRA4 | Promoting the Local Bus Network |
| TRA5 | Planning for Pedestrians |
| TRA6 | Provision for Cycling |

TRA7	The Road Network and Development
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV2	The Ashford Green Corridor
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting Important Rural Features
ENV6	Flood Risk
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV12	Air Quality
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology
COM1	Meeting the Community's Needs
COM2	Recreation, Sport, Play and Open Space
COM4	Allotments
IMP1	Infrastructure Provision
IMP2	Deferred Contributions
IMP4	Governance of Public Community Space and Facilities

92. The site-specific policies, S4 and S5 are set out in full below.

Policy S4 - Land North of Steeds Lane and Magpie Hall Road

Land north of Steeds Lane and Magpie Hall Road is proposed for residential development, with an indicative capacity of 400 dwellings. Development proposals for this site shall be designed and implemented in accordance with an agreed masterplan for the general layout and delivery of development and related infrastructure on the site. The masterplan shall include details of the following elements:-

- a) Design and layout principles – a series of models or codes that set out the prevailing scale and form of the urban environment to be created in each of the three separate areas of the site (north of the cricket ground; east of Bond Lane and west of Ashford Road). This will include the mean net residential densities to be created in each area as well as road hierarchies, streetscape treatments and building height to street width ratios;*
- b) Highway access proposals – details of junction arrangements on Ashford Road, Steeds Lane and Bond Lane;*
- c) Traffic management – details of any traffic / speed management measures proposed on any adopted highway within the site;*
- d) Ecology – Appropriate species and habitat surveys will be carried out. Results will inform ecological mitigation measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with policy ENV1. Particular attention to the conservation and enhancement of Isaacs Wood (Ancient woodland) will be required;*
- e) Landscaping and open space – details showing where strategic areas of landscaping and open space will be provided, including the retention of a significant open buffer area between the northern extent of the built part of the development and Kingsnorth village as shown on the policies map, and between the eastern extent of the built part of the development and the site boundary;*
- f) Drainage – the layout and treatment of surface water drainage through the use of SuDS should be provided as an integral part of the landscape design and open space strategy along with acceptable maintenance arrangements and, west of Ashford Road, be compatible with drainage proposals serving the proposed Court Lodge development. The development should provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider and provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes;*
- g) Pedestrian / cycleway routes - provide a network of pedestrian and cycle routes throughout the development with connections to existing rural*

routes and public rights of way and to the new development at Court Lodge; and,

- h) Community facilities – Public open space and suitably equipped play areas needed to serve the development, taking the opportunity to create a sense of the heart of the community being based around the cricket field at the main traffic corridor – Ashford Road. A local convenience store should be located here in a way that can take advantage of passing trade. A specific set of projects related to the scale of needs arising from the development will be identified in consultation with the local community and the cricket club. It is expected that the cricket club will be retained for community use.*

In addition, the development shall also:-

- i. Provide a proportionate financial contribution to the delivery of Highways England's scheme for a new Junction 10a and any other off-site highway improvements measures identified through agreed transport modelling in accordance with policy TRA8.*
- ii. Provide a link road from the Ashford Road to the boundary with the adjoining Court Lodge Farm development.*

Policy S5 - Land South of Pound Lane

Land south of Pound Lane is proposed for residential development. The capacity of the site will be determined following a comprehensive masterplan exercise, but is proposed with an indicative capacity of 150 dwellings. Development proposals for this site shall:-

- a) Retain the southern part of the site free from built development, with the creation of pedestrian and cycleway links across the land from Ashford Road to the western site boundary;*
- b) Provide primary vehicular access from Ashford Road and a secondary access to Pound Lane. Proposals to close Pound Lane to through traffic, providing access to this development only, and the signalisation of the Pound Lane / Ashford Road / Church Hill junction shall be considered as part of the traffic mitigation proposals for the development. Proposals shall also enable the ability to provide a direct vehicular connection to the boundary with the adjoining Court Lodge development;*
- c) In addition to the pedestrian and cycleway connection in (a) above, provide a network of pedestrian and cycleway links throughout the built part of the site, including a connection to the site boundary with the adjoining Court Lodge development;*

- d) *Provide a landscaping plan for the site to create a visual separation with the adjoining Court Lodge development and to screen the houses and gardens of any adjoining residential properties;*
- e) *Be subject to a full Flood Risk Assessment, to be prepared in consultation with the Environment Agency; and,*
- f) *The layout and treatment of surface water drainage through the use of SuDS should be compatible with drainage proposals serving adjacent development. The development should provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider, and provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes. The layout and treatment of surface water drainage will need to ensure that there is no adverse flooding or drainage effects to any neighbouring properties.*

In addition the development shall also:

- i. *Provide a proportionate financial contribution to the delivery of Highways England's scheme for a new Junction 10a and any other off-site highway improvements measures identified through agreed transport modelling in accordance with policy TRA8.*
 - ii. *Provide proportionate financial contributions to deliver, improve, extend or refurbish existing or planned local recreational, educational and community facilities, as appropriate, in accordance with Policies COM1 and COM2.*
93. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Affordable Housing SPD, 2009

Climate Change Guidance for Development Management, 2022

Dark Skies SPD, 2014

Fibre to the Premises SPD, 2020

Landscape Character SPD, 2011

Public Green Spaces & Water Environment SPD, 2012

Sustainable Design and Construction SPD, 2012

Sustainable Drainage SPD, 2010

Government Advice

National Planning Policy Framework (NPPF) 2021

National Planning Practice Guidance

94. 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:-

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 10 - Supporting High Quality Communications

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Assessment

95. The following sections of the assessment in the 2018 Report remains unchanged and consequently forms part of this current recommendation. I have not repeated these sections here. Instead, Members should refer to the relevant sections of the 2018 Report **attached as Annex A**. The relevant paragraphs of the 2018 Report are provided in brackets below for ease of reference.

- Location and Sustainability (paras 54-55 in Annex A 2018 Report)
- Visual Amenity (paras 73-83 in Annex A 2018 Report)
- Residential Amenity (paras 84-93 in Annex A 2018 Report)
- Heritage and Archaeology (paras 94-100 in Annex A 2018 Report)
- Ecology and Biodiversity (paras 101-102 in Annex A 2018 Report)
- Trees and Landscaping (paras 103-106 in Annex A 2018 Report)
- Self-build/Custom-build (para 109 in Annex A 2018 Report)
- Have impacts identified in the ES (up to 2018) been satisfactorily addressed (paras 118-132 in Annex A 2018 Report)

96. The following elements of the proposed development have been amended and/or planning policy has changed since the 2018 Report. An assessment of these elements of the development is therefore provided below.

- Principle of the Development
- 5 Year Housing Land Supply
- Nutrient Neutrality
- Waste Water Treatment Works
- Flood Risk and Surface Water Drainage
- Highway Issues
- Planning Obligations Update

- Have impacts identified in the ES (post 2018) been satisfactorily addressed
- Other Matters

Principle of Development

97. At the time of the 2018 Report the submission Ashford Local Plan included the allocation of the application site for housing, via site allocation policies S4 and S5. The Ashford Local Plan 2030 was adopted in February 2019 and, included allocations S4 and S5. The adopted version of these policies is the same as the submission Local Plan version presented in the 2018 Report.
98. The proposal presented in the 2018 Report - agreed by the Planning Committee - is one that complies with allocations S4 and S5. The amendments made to the proposed development since 2018 do not alter that previously reached planning conclusion. Consequently, in my opinion the previous conclusion in respect of the principle of the development (Annex A 2018 Report para 51) remains valid and the principle of the development remains acceptable.
99. An important point that must be considered here is that the NPPF states that where development proposals accord with an up-to-date development plan then the presumption in favour of sustainable development should apply and proposals that are in accordance with the plan should be approved without delay.
100. As I identified elsewhere in this report, the delays in moving the application forward to the issue of a decision since the 2018 Committee resolution primarily relate to matters of addressing nutrient neutrality, associated amendments to the ES and the applicant's viability assessment submission.

5 Year Housing Land Supply

101. The Council is currently unable to demonstrate a five year supply of deliverable housing sites.
102. The Council's last published supply position was the Five Year Housing Land Supply Update July 2021 ('5YHLSU') covering the period 2021 - 2026 which states that the Council are able to demonstrate a housing land supply position of 4.54 years. However, in a decision on an appeal in Tenterden dated March 2022 (the 'Wates' appeal reference APP/E2205/W/21/3284479), the Inspector suggested that the Council is only able to demonstrate a 5YHLS position of 3.5 years. The Council therefore accept that the figure of 3.5 years is relevant,

and therefore material to the determination of planning applications and appeals.

103. The Council's housing land supply position of between 3.5 years and 4.54 years has been upheld in several more recent appeal decisions including:

- a. Appeal Ref: APP/E2205/W/21/3289039 - Land off Front Road, Woodchurch, Kent, dated 3 November 2022
- b. Appeal Ref: APP/E2205/W/22/3302116 - Land North East of 74 North Street, Biddenden, Kent, dated 30 November 2022
- c. Appeal Ref: APP/E2205/W/22/3300798 - Land to South of Hookstead Green, Ashford Road, High Halden, Ashford, Kent dated 2 December 2022
- d. Appeal Ref: APP/E2205/W/22/3298686 - Land rear of 7 to 14 Harmers Way, Egerton, dated 4 April 2023

104. The inability to demonstrate a 5 year supply of deliverable housing sites means that, paragraph 11(d) of the NPPF (referred to as the 'titled balance') is engaged. Paragraph 11(d) states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

105. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise.

106. In the case of the proposed development, the application site is allocated under Policies S4 and S5 of the Ashford Local Plan 2030. The Local Plan specifies that site S4 is proposed for residential development, with an indicative capacity of 400 dwellings. Site S5 is also proposed for residential development with an indicative capacity of 150 dwellings, so 550 dwellings in total across the site allocations.

107. As the site is an allocated site, dwellings are already assumed to come forward as part of the Council's five year housing land supply calculations (Table A4 of the Council's Five Year Housing Land Supply Update July 2021 applies).
108. The tilted balance is engaged unless either of the criteria (i) or (ii) of paragraph 11(d) are met. Criterion (i) refers to policies in the Framework that protect areas or assets of particular importance, examples of these types of environments are listed in Footnote 7 of the NPPF. Among those listed are habitats sites. The site is located within the Stour catchment and as a result the new housing could have an impact on the protected Stodmarsh Lakes, which are located in Canterbury. As the development could have an impact on the Stodmarsh designated sites, this would engage part (i) of paragraph 11(d).
109. In the case of appeals, the Inspector is the competent authority under Regulation 7 of the Conservation of Habitats and Species Regulations (England and Wales) 2017 (as amended) and is therefore responsible for carrying out an Appropriate Assessment to determine whether or not the proposed mitigation is effective, i.e. that there will be no adverse effect arising from the development on the integrity of the Stodmarsh protected sites. The Inspector will also need to be satisfied that the mitigation measures necessary to achieve nutrient neutrality can be fully implemented and secured in perpetuity.
110. With the above in mind, paragraph 182 of the NPPF is also relevant, as it sets out that the presumption in favour of sustainable development will not apply for sites where the Appropriate Assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site (e.g. Stodmarsh). In summary, if the Inspector is unable to conclude that the mitigation is sufficient, then criterion (i) will apply, and this would provide a clear reason for refusing the development proposed.
111. Finally, with regard to part (ii), for the reasons set out in this report I do not consider there to be any adverse impacts that would reach the required bar so as to recommend a refusal of planning permission. Therefore it is concluded that this exemption would not apply.

Nutrient Neutrality

112. The Council is committed to development only taking place if it is sustainable and respects the relevant environmental protections. Part of this consideration is whether there would be a detrimental impact on any European Designated Nature Conservation Sites.

113. The site is located within the Stour River Catchment. The River Stour feeds into Stodmarsh Lakes to the east of Canterbury. Stodmarsh Lakes are a set of lakes that are afforded a range of protection including, a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI). Parts are also designated a National Nature Reserve (NNR).
114. In July 2020, Natural England (NE) issued an Advice Note to Ashford Borough Council titled 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'. This Advice was then updated in November 2020 and again on 16 March 2022. The Advice note sets out that there are excessive nitrogen and phosphorus levels in the Stodmarsh Lakes, and so the water within the Lakes is in an unfavourable condition and has the potential to further deteriorate.
115. In line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development proposing overnight accommodation (including housing) within the Stour River catchment, and/or which would discharge to particular Waste Water Treatment Works within the catchment, should be the subject of an Appropriate Assessment (AA) under the Habitat Regulations.
116. The AA is required to determine the effect on the integrity of Stodmarsh Lakes. In order for an AA to conclude that there is no significant effect, the decision maker must be satisfied that the development can achieve nutrient neutrality.
117. Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended) provides that: "In the light of the conclusions of the assessment, and subject to regulation 64 [which does not apply], the competent authority may agree to the plan or project [i.e. grant planning permission] only after having ascertained that it will not adversely affect the integrity of the European site"
118. In the case of planning appeals, the Inspector is the decision maker and the competent authority under Regulation 7 of the Conservation of Habitats and Species Regulations 2017 (as amended) and is therefore responsible for carrying out the AA of the appeal proposal, with the assistance of staff at the Inspectorate.
119. Therefore, the Inspector - having taken Natural England's advice into account – will need to be satisfied that there is no adverse effect on the integrity of the designated sites. The Inspector will also need to be satisfied that the

mitigation measures necessary to achieve nutrient neutrality can be fully implemented and secured in perpetuity.

120. The applicant's submitted a preliminary nutrient impact assessment and mitigation technical note in February 2021. This was followed by a nutrient neutrality assessment and mitigation strategy in August 2022. This was updated in October 2022. A further update was submitted in April 2023, alongside a nutrient neutrality technical note.
121. The applicant's nutrient neutrality assessment and mitigation strategy calculates the development's 'nutrient budget' based on the Natural England Generic Methodology (March 2022) using the Natural England Nutrient Neutral Calculator – a catchment specific calculator for the River Stour (v2). To mitigate the potential increase in nitrogen and phosphorus generated by the development, the applicant's now propose to construct a wastewater treatment works on the application site to treat waste water prior to discharge to a tributary of the Whitewater Dyke. Sustainable drainage systems (SuDS) are also proposed across the four areas of the site to (i) reduce surface water run-off and the (ii) reduce the nutrient loading in surface water from the development. The proposed 0.42ha 'bio-retention' SuDS would include swales, open basins and ponds, with constructed reed beds. The applicant states that the combination of these two measures will ensure that the proposed development will be nutrient neutral.
122. The applicant's identify that the Works will be designed, operated and maintained by Severn Trent Connect, an Ofwat-licenced water company. A licence will be required from the Environment Agency in order to discharge to the Dyke.
123. The applicant's nutrient neutrality assessment and mitigation strategy (submitted in August and subsequently revised in October 2022) has been reviewed by the Council's consultants, AECOM Ltd, who produced a technical report and Appropriate Assessment, dated January 2023, to inform the Council's Habitat Regulations Assessment (HRA). AECOM advised that the applicant's mitigation proposal appeared to be robust and that there was a high level of confidence that the development would not add to nutrient burdens in the Stour catchment area, subject to further details being secured via either planning conditions / a s.106 Agreement. AECOM advised that adverse effects from the development on the integrity of the Stodmarsh designated sites would not occur either alone or in combination with other plans or projects.
124. Following AECOM's advice, the Council consulted Natural England and the Environment Agency. Both consultees initially requested further information from the applicants. This was provided by the applicants in April 2023 and

Natural England and the Environment Agency were consulted again. However, prior to the Council receiving a response the applicant submitted the appeal against non-determination.

125. The submission of the appeal means that the Council is no longer the competent authority under Regulation 7 of the Conservation of Habitats and Species Regulations (England and Wales). The role of Competent Authority passes, instead, to the Inspector who is therefore now responsible for carrying out the AA.
126. In response to the most recent consultation, (A) Natural England asked that the Council update its Habitats Regulations Assessment to demonstrate that the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered and (B) the Environment Agency advised that it had no objection subject to planning conditions.
127. The Inspector will, having taken Natural England's advice into account, need to be satisfied that there is no adverse effect on the integrity of the designated sites, and that the mitigation measures necessary to achieve that outcome have been robustly and fully secured. Accordingly, the Council makes no further comment on this issue. Any further consultation with Natural England and the Environment Agency from this point on should be carried out by the Inspectorate.

Waste Water Treatment Works

128. As identified above, the applicants propose to provide a waste water treatment works (WwTW) on site to deal with waste water generated by the development. The applicants have advised that the WwTW would be owned, operated and maintained by Severn Trent Connect in its capacity as the local waste water undertaker. The WwTW would therefore be considered "public" assets by the Environment Agency, and Severn Trent Connect would have a duty to maintain and operate the WwTW effectively in perpetuity in line with its licence obligations.
129. The WwTW are to be sited in the north-west corner of Area 1 of the site, immediately to the south of an existing gas pressure reducing station located adjacent to Pound Lane as shown in **Figure 4** below. The application is submitted in outline, with all matters reserved except for access, and therefore full details of the design and layout of the WwTW have not yet been provided and would need to be submitted at reserved matters stage. However, Severn Trent Connect have advised that the compound would be 34m wide x 45m long with an area of 1530sq/m. The maximum height of structures/buildings (excluding access gantries) would be 6.4m and the maximum height including

access gantries would be 7.5m. In addition, the applicant's 2022 ES Addendum advises that the specification will include an on-site Balance Tank, Reactors, Attenuation Tank, Aerated Sludge Thickening Tank and Aerated Sludge Holding.

130. The applicant has advised that the proposed waste water treatment system is based on an advanced form of activated sludge treatment to remove nitrates and phosphates and which would not require chemical dosing for effective treatment. Organic sludges generated during the treatment process which cannot be treated onsite would be removed by tanker for further processing at a nearby sludge treatment centre to generate sustainable energy in the form of biogas.
131. Severn Trent Connect have advised that the treatment system would be designed to have both planned and reactive operations and maintenance arrangements in place to ensure the upkeep of assets and effective wastewater treatment. In addition, the facility would be linked to remote telemetry and sensors to monitor site condition and treatment processes effectiveness. An environmental permit from the Environment Agency will ultimately be required in order to operate the WwTW.
132. The 2022 ES addendum has been submitted to assess the potential impacts of the WwTW. This review has been undertaken in the context of the environmental assessments previously undertaken, to assess whether the amendments give rise to materially new or materially different environmental effects. An updated flood risk assessment, arboricultural survey and arboricultural impact assessment have also been submitted.

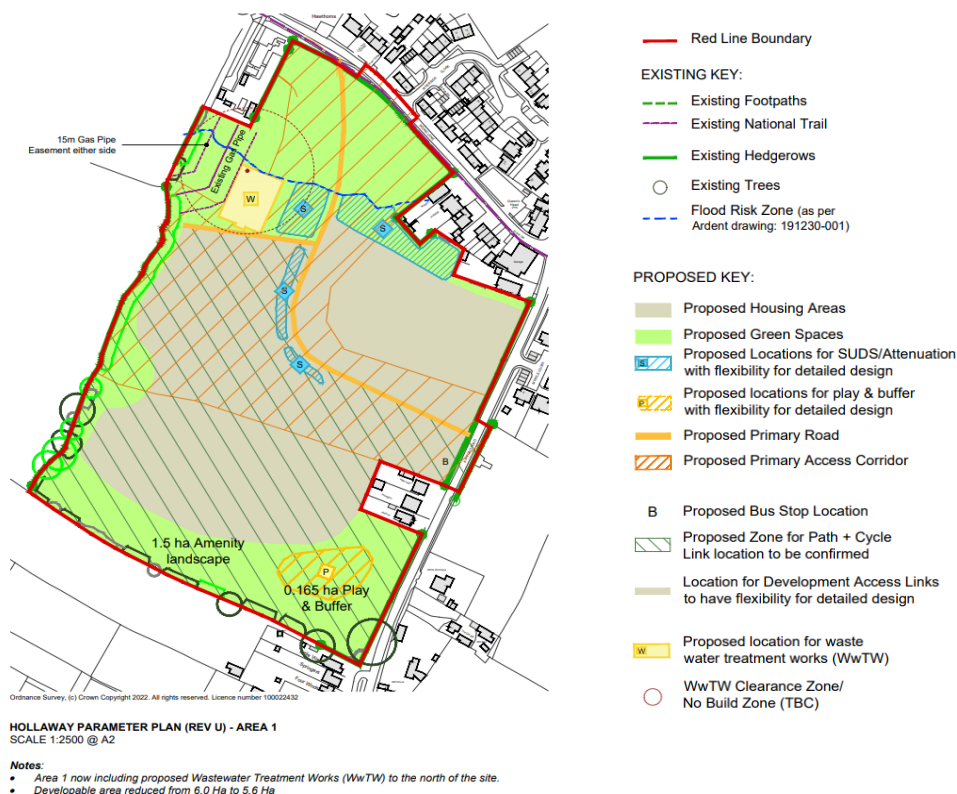


Figure 4: location of WwTW in Area 1

133. **Ground Conditions** – The 2022 ES Addendum concludes that the level of residual effect on ground conditions during the construction stage would be negligible and minor. This conclusion is reached on the basis that further assessments and intrusive ground investigation works are undertaken as part of the detailed design stages of the development in order to determine the contaminative status of the site and identify any mitigation measures required. In addition, a construction environmental management plan (CEMP) to be agreed should be secured and adhered to during the construction phase of the development. At post completion stage the 2022 ES Addendum concludes that the residual effects would remain negligible and minor provided the WwTW is maintained in accordance with WwTW specific guidelines. The 2022 ES Addendum also recommends a regime of post works assessment to review the impact of construction activity. It is recommended that this assessment and the CEMP should be secured by planning conditions.

134. **Landscape and Visual** – The previous 2015 ES and subsequent addendums identified that the landscape effect of the proposed development as a whole would be ‘moderate-substantial adverse’. The 2022 ES Addendum identifies that “the WwTW would introduce additional built form, however this would not alter the distribution of open space / proposed landscape, and the northern extent of built form within Area 1 would remain comparable. SuDs features

are already proposed as part of the scheme in the north of Area 1, and the altered size / location of these would therefore not result in greater impacts upon the landscape at this scale". The 2022 ES Addendum identifies that the introduction of the WwTW would result in an increase in residual effects upon views into the site from nearby public rights of way and along Pound Lane, albeit this would be localised.

135. The 2022 ES Addendum does not recommend any measures to mitigate such visual impacts. The maximum height of the dwellings to be located adjacent to the WwTW would be 6 metres to eaves height and 11 metres to ridgeline. The WwTW would therefore be of comparable height to the proposed adjacent housing. However, the visual appearance of the WwTW, being infrastructure, is likely to be intrusive and impact on the visual appearance of the local area as identified in the 2022 ES Addendum. I therefore would recommend that a comprehensive landscape plan for the WwTW should be secured via planning condition to mitigate these visual impacts through strong tree and other planting helping visually soften this functionally necessary component to the development.
136. **Ecology** – the 2022 ES Addendum concludes that the impacts on ecological habitats, following inclusion of mitigation, would be negligible, stating that "with environmental measures in place, no likely significant effects are considered to arise from the impacts associated with the proposals. As stated in the 2017 ES Addendum, environmental measures will likely lead to an overall slight increase in the ecological value and diversity of habitats within the site". Accordingly, I recommend that the mitigation measures identified in the 2022 ES Addendum are secured via planning condition, to include:
- a. Retention of ecological valuable habitats during site design and creation of open green spaces and associated planting.
 - b. Retention of woodland habitat with a permanent 15m buffer forms part of the scheme. As mitigation, this will not be managed but will be allowed to establish into semi-natural habitat. Localised works to the footpath in the woodland to manage increased foot fall during the operational phase.
 - c. Buffer zones around known badger setts, planting of open green spaces and signs along roadways. Mitigation to adhere to relevant legislation.
 - d. Capture and exclusion of Great Crested Newts from the site. Creation of receptor sites. Enhancement of open green spaces for foraging and hibernating newts. SuDS to establish naturally to become suitable for newts. Retention of all known breeding ponds.

- e. Retention of known water vole habitats with suitable buffers. Displacement of water vole at existing culvert. Enhancement of less optimal existing habitats where water vole has not been recorded. Use of box culverts with ledges and planting. Creation of SuDS, designed with water vole in mind. Management of suitable habitats to favour water voles and reduce predation.
 - f. Retention of foraging and commuting routes for bats. Sensitive lighting scheme. Planting of open green spaces to enhance foraging and commuting within the site.
 - g. Retention of nesting and foraging habitats for birds. Planting of open green spaces to encourage farmland bird species.
 - h. Reptiles will be trapped and relocated during mitigation for GCN. Inclusion of a site-specific reptile mitigation strategy for areas not covered under GCN mitigation. Retention of commuting and foraging habitats within the site. Planting of open green space, SuDS and plantation woodland to encourage dispersal and provide additional habitat for reptiles.
 - i. Buffer zones surrounding hedgerow habitats to protect dormouse. Timing and ecological supervision for hedgerow removal with use of hand tools. Artificial connectivity measures implemented for road crossings. Sensitive management of hedgerows. Planting of a woodland block and enhancement of open green spaces.
137. **Archaeology and Heritage** – the 2022 ES Addendum identifies that there would be no additional residual impacts from the proposed WwTW on archaeology. As recommended in the 2018 Report, further archaeological fieldwork, if required, can be secured via planning condition.
138. No listed buildings are located within the immediate vicinity of the WwTW. The nearest listed buildings comprise the Queens Head Public House, Pound Green and Pound Farmhouse, which are clustered approximately, 215m, 265m and 290m east of the WwTW. The 2022 ES Addendum assesses the potential additional impacts to the significance of these listed buildings through potential noise and odour effects. The report concludes that, subject to appropriate noise mitigation, the WwTW would result in no harm to the significance of the listed buildings. The proposed mitigation is outlined under the assessment of ‘noise and vibration’ below.
139. **Water Resources** – an assessment of the impacts of foul water and surface water associated with the development in respect of nutrient neutrality and the proposed mitigation is set out above under ‘nutrient neutrality’.

140. **Noise and Vibration** – the 2022 ES Addendum identifies that the WwTW has the potential to result in noise impacts on existing neighbouring residents. Therefore an industrial noise impact assessment has been carried out in accordance with BS4142. The WwTW would operate uniformly throughout a 24-hour period, therefore, the noise assessment has been carried out over the night-time period, to represent the most sensitive period. The Addendum identifies that, without specific mitigation measures, the WwTW would generate a significant adverse impact on existing residents closest to the WwTW during the night time. A noise enclosure would be required around air blowers on the WwTW site. The report concludes that with an enclosure in place the noise levels would be reduced and noise would not be likely to be audible inside the homes of existing neighbouring residents. I therefore recommend that a planning condition to ensure delivery of an enclosure in accordance with details and design (including acoustic design) prior to the first operation of the WwTW.
141. The 2022 ES Addendum has not assessed the impacts of the WwTW in operation on future residents of the proposed development as it is assumed that these properties would include the appropriate level of sound insulation to mitigate any impact. Again, this is a matter that I recommend is addressed through a planning condition requiring details to be submitted for approval prior to the first operation of the WwTW. Through such condition, the applicant would be required to identify the detailed mitigation measures to be provided in order reduce noise to acceptable levels and clarify the geographical extent of such measures relative to distance from the WwTW.
142. **Air Quality** – the applicant has undertaken odour dispersion modelling to assess the potential odour impact of the WwTW on existing and future neighbouring residents. This modelling has been undertaken using AERMOD (Lakes Environmental, Version 10.2.1) and in accordance with Environment Agency (EA) modelling guidance and the EA Technical Guidance Note ‘H4 – Odour Management’ (March 2011). This modelling has taken account of metrological conditions (over 5 years), surface characteristics, terrain and location of buildings surrounding the WwTW site.
143. The report quotes Institute of Air Quality Management (IAQM) guidance which states that “odours from sewage treatment works plant operating normally, i.e., non-septic conditions, would not be expected to be at the ‘most offensive’ end of the spectrum” and “can be considered on par with ‘moderately offensive’ odours”. Therefore, in accordance with the benchmark criteria outline in EA guidance, a moderately offensive odour source should apply the C98, 1-hour 3ouE/m³ odour benchmark criterion. The different levels of odour impacts are set out in the table below.

Odour Exposure Level C ₉₈ , 1-hour ouE/m ³	Receptor Sensitivity		
	Low	Medium	High
≥10	Moderate	Substantial	Substantial
5 - < 10	Slight	Moderate	Moderate
3 - < 5	Negligible	Slight	Moderate
1.5 - < 3	Negligible	Negligible	Slight
0.5 - < 1.5	Negligible	Negligible	Negligible
<0.5	Negligible	Negligible	Negligible

144. The report states that, in accordance with IAQM guidance, for highly sensitive receptors (such as residential dwellings) odour concentrations that exceed C₉₈, 1-hour 3 ouE/m³ are considered to correlate to a ‘Moderate Adverse’ impact which is a ‘significant’ impact in accordance with guidance. Odour concentrations below this level are considered to be either slight adverse or negligible, which is ‘not significant’ in accordance with the guidance.
145. With regard to existing residents, the closest residential properties are located to the north and north-east of the proposed WwTW, along Pound Lane. In all five years that have been assessed, no existing sensitive receptor is predicted to be affected by odours above the C₉₈, 1-hour 3 ouE/m³ benchmark criterion. 12 existing residential properties to the north, north-east and east are predicted to be affected by the C₉₈, 1-hour 1.5 - 3 ouE/m³ odour contour. However, all existing receptors are not predicted to experience odour concentrations above C₉₈, 1-hour 2 ouE/m³. In accordance with IAQM and EA H4 guidance, the proximity of residential development to the WwTW is considered suitable within this contour as it correlates to a ‘not significant’ odour impact. The report concludes that, overall, the effect of odour from the proposed WwTW on existing residential properties is considered to be negligible. In accordance with IAQM guidance, this correlates to an overall ‘not significant’ effect.
146. The results of the modelling assessment predict that in all of the 5 years assessed, the majority of the proposed development is predicted to experience odour concentrations below the C₉₈, 1-hour 3 ouE/m³ benchmark criteria and so would not experience any adverse odour impact. However, an area to the south of the proposed WwTW is predicted to experience an odour

impact within the C98, 1-hour 3 - 5 ouE/m³ odour contours, which extends approximately 20m from the southern boundary of the WwTW into the proposed residential area. This contour also extends approximately 20m from the western boundary of the WwTW where no new housing is proposed (to note, this does not extend into the neighbouring Court Lodge site allocation S3).

147. In accordance with IAQM guidance, all residential development should be built outside of the C98, 1-hour 3 ouE/m³ benchmark criterion composite contour that is shown. I recommend that this be addressed at reserved matters application stage when the exact locations of dwellings relative to the contour will be determined with this relationship forming a planning condition. The report concludes that the effect of odour from the WwTW on future residents of the development site is considered to be negligible and this correlates to an overall 'not significant' effect.
148. Whilst the report concludes that no mitigation is required, it acknowledges that tree planting/landscaping is proposed surrounding the WwTW. This would help mitigate any odour impacts beyond the WwTW site by further by increasing the dilution of odours through increased vertical mixing as well as the reducing the dispersion of odours. The 2022 ES Addendum concludes that landscaping would reduce any odour impact further and that any residual impact should be 'not significant'.
149. As I identified in the Landscape and Visual Impacts section of this report above, I would recommend that a comprehensive landscape plan for the WwTW should be secured via planning condition. I recommend, also, that this landscape plan be designed to minimise any odour impacts and the condition should be worded to include this requirement.
150. **Climate Change** – the 2022 ES Addendum states that the WwTW would have a negligible impact on climate change resilience. With regard to climate impact the report concludes that the WwTW is not considered to alter the current assessment of significance attributed to the whole development. The report advises that, at the reserved matters stage, this may need to be reviewed after a more detailed assessment of GHG emissions arising from the WwTW has been calculated and referenced against the baseline assumptions. If there is a net negative difference between the baseline and absolute emissions, the assessment of emissions arising from the WwTW would need to change from not significant to significant and suitable emissions mitigation measures would be required.
151. **Highways Impact** – the 2022 ES Addendum did not assess highway impacts. However, I understand that traffic movements associated with the WwTW would be negligible. KCC Highways have advised that the number of tanker

deliveries expected would not warrant any traffic modelling. In addition, KCC advise that the proposed road layout of the link from Ashford Road to Pound Lane is of a sufficient standard to cater for tanker deliveries at 6.75 metres in width. The detailed design of the WwTW would need to accommodate tankers and vehicle tracking would need to be submitted with the reserved matters application to show that these movements can be made from the highway.

152. **Conclusion** – the 2022 ES Addendum concludes that the amended scheme would not result in any new or materially different significant effects. Mitigation measures are proposed to reduce or avoid potentially significant adverse effects on the environment. Therefore, the previous conclusions of the 2015 ES and 2017, 2019 and 2020 Addendums remain valid.

Flood Risk and Surface Water Drainage

153. The majority of the site is located within Flood Zone 1, with a small area of land along the northern boundary of Area 1, in the north-west of the site, located within Flood Zone 2. The Sequential Test, set out in the National Planning Practice Guidance, aims to steer developments to areas with the lowest risk of flooding (i.e. Flood Zone 1 where possible). The proposed development is classified as 'More Vulnerable' development in the NPPG. 'More Vulnerable' development is considered to be appropriate in Flood Zones 1 and 2.
154. The applicants have submitted an update to the flood risk assessment submitted in 2017. The updated assessment concludes that the level of flood risk posed to the site from rivers, the sea, sewers and artificial sources is low or very low, and therefore flood risk mitigation measures for these sources are not necessary.
155. Mitigation measures are, however, required to reduce the risk of flooding from surface water, increased surface water runoff and the predicted effects of climate change. The risk of flooding from groundwater is assessed as being medium to high in areas of the site. The report advises that this can be mitigated with the management of overland flow pathways to be addressed as part of the mitigation of surface water flooding.
156. The area within the north-western land parcel (Area 1) shown to be at "medium" to "high" risk of surface water flooding (also within Flood Zone 2 of Whitewater Dyke) would not be developed and instead would be provided as public open space. The areas within the south-western land parcel (Area 2) shown to be at "medium" to "high" risk of surface water flooding would also be provided as public open space. This approach to site layout would ensure that surface water runoff and any emerging groundwater would have a pathway through the site. I recommend that how proposed surface water drainage

(using appropriate SuDS techniques with a clear preference for above ground solutions due to biodiversity benefits) is designed into proposed phases of development and the detailed design and layout coming forward for approval through reserved matters submission in relation to defined phases be addressed by a planning condition.

157. The 2018 Report stated that runoff would be restricted to pre-development greenfield rates and on-site attenuation would be provided for all events up to and including the 1 in 100 year event, including an allowance for climate change. The updated assessment proposes that, as a minimum, the attenuation facilities and drainage systems are designed to accommodate the 1 in 30 year event +40% climate change. Any flows in excess of this would flow overland and be temporarily stored at ground level within the site. Overland flow routes and safe areas of storage for surface water can be designed into the development in the form of SuDS features.
158. As set out in the consultation section above, KCC, as Lead Local Flood Authority, raise no objection to the principle of the proposal to deal with surface water. However, they have raised concerns about some of the information submitted. KCC advised that these detailed issues will need to be addressed at reserved matters stage.

Highways Issues

159. Paragraphs 56-72 of the 2018 Report provide an assessment of the proposed accesses into the four areas of the site and the impact of the development on existing local road junctions, and the strategic highway. A further update on the strategic highway was included in the 2018 Update Report. This previous assessment remains applicable, except for the further update below.
160. The masterplan approved by planning committee in 2018 identified two links to be provided between the application site and the neighbouring site allocation S3 (Court Lodge), one connection from Area 1 and the second from Area 2 (refer to masterplan extract in **Figure 5** below). These connections were to be secured via the s106 agreement. The amended masterplan and parameter plan only shows the connection from Area 2, with the connection from Area 1 removed (refer to masterplan extract **Figure 6** below).
161. It is a requirement of site allocation S5 to enable the ability to provide a direct vehicle/pedestrian/.cycle connection to the site boundary with the Court Lodge development. This is particularly important to provide access for residents to the new local centre that is proposed as part of the Court Lodge development. The applicants have removed the potential for this connection stating that this is not necessary or appropriate, submitting a Technical Note in August 2020 to support their view. The Note assesses the wider traffic impact on the local

highway network of a connection between allocations S3 and S5. However, it does not assess the need to sustainably connect the two sites and the potential impact on Pound Lane if this required link is not provided. Pound Lane is not suitable for significant amounts of increased traffic. The Technical Note has been reviewed by KCC Highways who confirm that the link between S3 and S5 is still required. I further note that the applicants for the Court Lodge development have no objection to the link between the two sites. In the light of the above, I do not agree with the applicant's position and in the interests of the proper planning of the local area I recommend that the requirement to secure this vehicle / footway / cycle connection remains a requirement for an agreement under s.106.



Figure 5: the masterplan presented in 2018 with two links between the application site and the Court Lodge site



Figure 6: the amended masterplan showing one link between the application site and the Court Lodge site

162. Since 2018, as identified in the consultation section of this report, National Highways advise that it is no longer necessary to include a Grampian condition in respect of the Bellamy Gurner Scheme. They state in their

consultation response that this is because this scheme should be finally completed shortly. This scheme is now open to traffic and for all intents and purposes 'complete'.

163. As stated in para 69 of the 2018 Report, allocations S4 and S5 are required to provide a proportionate financial contribution to the delivery of Highway England's scheme for a new M20 Junction 10a. In 2018 the amount to be secured was £1,917,916.00 index linked. Since 2018 the way in which this obligation is calculated has changed and consequently the obligation required is now reduced to £191,791.60 index linked.

Planning Obligations Update & Viability Assessment

164. Regulation 122 of the Community Infrastructure Regulations 2010 states 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.
165. The Table 1 included in the 2018 report set out a series of planning obligations that were considered necessary at the time to mitigate the impacts of the development.

Updated Table 1: stakeholder requests as in 2023

166. The majority of the obligations that are sought from key stakeholders remain the same as they were in 2018, with obligations updated in line with current policy requirements and increased to take into account rising costs. Financial obligations would always be index-linked to the point of future payment.

The applicant's viability case

167. In November 2022 the applicants submitted a financial viability assessment (further updated in January 2023) setting out that the scheme, with the provision of affordable housing at any level would be unviable. The applicants, however, stated that they would be prepared to deliver 10% affordable housing on site, (with a 40% affordable rent / 60% shared ownership tenure split) despite the stated viability deficit in order to acknowledge the importance of this important planning policy area seeking to address a variety of housing needs.

168. The recommendation in the 2018 Report included the provision of 30% affordable housing on site in accordance with the then emerging Ashford Local Plan policy HOU1: that Policy was subsequently taken forward in the adopted Ashford Local Plan 2030.
169. The applicant's viability assessment has been reviewed by the Council's expert viability consultants who conclude that the development would not be viable if the provision of policy compliant 30% affordable housing is required, agreeing also that the provision of 10% would not be viable although capable of being offered by an applicant and a level of provision that would impact on the typical profit level that would be expected by a house builder in order to take a development forward.
170. The Council's consultants set out that, in comparison to the position assessed in 2017 when the viability assessment of the emerging Local Plan (as a whole) was undertaken, the following factors have significantly impacted the viability of the development allocated in the ALP 2030 and applied for:
- a. Base Construction costs have risen by c.33%
 - b. The Infrastructure Cost per dwelling has risen from approx. £31,000 to £45,600 (+47%).
 - c. The s106 requirements on a per dwelling basis have increased from c.£14,900 to £30,500 (+105%)
171. In the light of the above, a key decision for both the decision maker (in this instance, PINS) and the Council (in presenting its evidence to the Inquiry) is whether the planning benefits of the scheme would outweigh any planning harms in order to conclude that outline permission should, indeed, be granted.
172. Clearly, the inability to meet policy compliant affordable housing is disappointing and would represent a sub-optimal approach to mitigating known needs. Nevertheless, the applicant's evidence in relation to the cost increases is considered robust and the cost of the on-site WwTW, as an additional previously unforeseen element of essential site infrastructure, further introduces a financial burden on the scheme alongside other escalating costs.
173. Nevertheless, Policy IMP1 of the ALP 2030 identifies that where the policy compliant infrastructure that is necessary to support a development cannot be delivered (either completely or only in part) - and an applicant can fully justify why this is the case - then a flexible approach to provision can be taken. This necessarily includes affordable housing provision.

174. Related Policy IMP2 further sets out the Council's approach to flexibility in this area, identifies that analysis of the planning benefits of a sub-optimal approach to policy compliance will be required and identifies that an approach will be taken seeking to deal with deficits over time should market conditions significantly improve. In this regard, Policy IMP2 adopts two slightly different approaches.
175. First, a deferred contributions approach which might include 'pay regardless' items but typically defers any 'claw-back' to the completion of the development and the final outturn costs and sale/rental values realised compared with those costs and values as originally forecast. Any deferred contributions that are captured in this manner would then be paid to the Council together with a decision being made as to how best to re-allocate these funds given the competing mitigation requests originally made.
176. Second, for larger schemes that are typically phased over time (or simply where opportunity exists to do so) then Policy IMP2 identifies that it is open for the Council to seek to take an approach that seeks to re-evaluate the viability of the scheme at certain points as it progresses in order to capture changes in circumstances and re-evaluate viability. This second approach is capable of securing greater levels of affordable housing provision than originally forecast could be provided. It enables the detail of on-site delivery to help evolve greater levels of affordable housing provision beyond the 10% offered by the applicant.

Planning Harms vs Planning Benefits

177. The planning benefits of the scheme are set out comprehensively in the 2018 Report with further updates provided in this report.
178. The Council is required by statute to prepare a Development Plan and determine proposals in accordance with the provisions of that Plan unless material considerations dictate otherwise.
179. In this case, the two sites covered by the application have been allocated by the Council for residential development and the Council has previously considered the impacts arising on the wider locality and resolved to grant outline permission for the development. The Local Plan site allocation process sits alongside the Plan's approach to residential windfall applications in terms of how best, from a variety of perspectives, to spatially accommodate growth in the Borough.
180. The subsequent changes to the scheme, including seeking outline permission for a WwTW within the site, do not diminish the planning benefits that would arise. In summary, the layout, nature, development quantum, parameters of

built form, ecological, surface water / foul drainage proposals, heritage, landscape and green space, ecological impacts, connectivity and vehicle accessibility aspects of the scheme are all considered to be acceptable in planning terms.

181. As per the comment made at the start of the report, where proposals accord with the Development Plan then a grant of permission is the clear government expectation.
182. The planning harms arising from the scheme are also set out in the 2018 Report with updates as necessary in this report.
183. In order to deal with harm, a number of areas of important detail will need to be controlled through planning conditions requiring the submission and approval of fine details. Only the broad subject area of such planning conditions are set out further below: detailed conditions will need to be drafted by officers for discussion with the applicants and, ultimately, for consideration by the Inspector.
184. Putting to one side that the proposed on-site WwTW would ultimately need permitting from the relevant authorities and would need to be conditioned so as to be in place prior to the first occupation of a dwelling at the site, the issues of WwTW noise and odour when in operation have been considered as far as they are able in an outline application with updated information relating to this new addition to the scheme. Therefore, subject to detailed conditions, any planning harm arising from the WwTW in use is capable of mitigation.
185. The issue of future connectivity with the Court Lodge development to the west of the site is one where the applicant's 'deletion' proposal is one that I, and KCC Highways, consider would be harmful in terms of the proper planning of the local area. The connection would enable everyday journeys to be easily made between sites by a variety of means and reduce the otherwise need for avoidable more circuitous vehicle movements between neighbouring strategic development sites. For the reasons set out in this report, the applicant's proposition is therefore not agreed.
186. The provision of a reduced quantum of affordable housing at the site is a planning harm in terms of the requirement set out in Policy HOU1 of the ALP 2030 where 30% provision is the Plans requirement. Notwithstanding, Policy HOU1 identifies that where viability evidence is submitted and verified, flexibility will be considered by the Council on a case-by-case basis (with Policies IMP1 and IMP2 further confirming that flexibility and application of various techniques to capture contributions should be considered during and at the end of delivery change).

187. The applicant's offer of 10% affordable housing provision (with a tenure split of 40% affordable rent / 60% shared ownership) is one that, although sub-optimal, I would be prepared to accept as it would help with delivery to meet a known need. The planning harm of sub-optimal delivery is potentially lessened in the planning balance by the adoption of a viability review approach. Through this approach, the scheme can potentially be further shaped for the better in terms of levels of affordable housing provision during phased build-out due to changes in circumstances involving costs and sales/rentals. In effect, the scheme may be able to evolve as it moves through reserved matters approval and on-site delivery stages and have capacity to move closer to the 30% figure in Policy HOU1. As mentioned above, this is covered by Policy IMP2 of the ALP 2030 and, alongside Policy IMP2 and HOU1 identifies the Council's flexibility.
188. I therefore recommend that the required s.106 includes the requirement to submit an updated viability appraisal with each reserved matters application when the dwelling mix is fixed. This would establish an accurate view of viability of the development as the assumptions used in the applicant's appraisal would reflect the market at the time that a detailed design is agreed. I also recommend reviews are undertaken at later dates to be agreed once the development is under construction in order to reflect the true costs and sales values of the development and establish the ability for the scheme to evolve beyond the applicant's 10% affordable housing offer. Given the application is submitted in outline with all matters reserved expect access, the mix (size) of housing has not yet been agreed and would only happen at reserved matters stage. I note that the housing mix can have a significant impact on viability.
189. For the reasons set out above, the approach to affordable housing has been altered in the updated Table 1 with this report.
190. Returning to the issue of the planning balance, my view is that the planning benefits of the scheme outweigh planning harms which can be mitigated through detailed planning conditions and s.106 obligations and through retention of the requirement to provide vehicular connection with the nearby Court Lodge allocation as set out in the site allocation policies.
191. The delivery of development at the site would accord with the Council's spatial strategy, assist with the delivery of housing (including a level of affordable housing) within the Borough and help demonstrate that planned-for allocated development is being delivered through pragmatic local solutions being found to challenging issues such as nutrient neutrality and development viability. I consider that moving forward with the site has the ability to generally strengthen the Council's position on housing delivery when dealing with windfall development applications for unallocated sites.

192. I therefore recommend that the planning obligations set out in Table 1 should be sought through the Inquiry decision making process and s.106 agreement process. I have assessed them against Regulation 122 and consider that they all **are necessary** to make the outline development **acceptable in planning terms, are directly related to the development** and are **fairly and reasonably related in scale and kind** to the development.

Other Matters

193. My assessment of the amended plans submitted in October 2022 identified other issues that I considered should be addressed by the applicant. These relate to the parameter plans and illustrative masterplan, biodiversity net gain and climate change. I asked the applicants to respond to these points in March 2023, however, they failed to do so before lodging the appeal against non-determination.
194. Following the submission of the appeal, the applicants advised that they would be submitting documents in respect of Biodiversity Net Gain and Climate Change as part of their evidence to the Inquiry and that the issues raised about the parameter plans and illustrative masterplan could be addressed at reserved matter stage and/or by planning condition. I set out below the issues that I raised for Members' information.
195. Playspace - there is a Policy requirement to provide one play space, 0.63 Ha in size on-site in allocation S4 (areas 2, 3 & 4), however, the illustrative masterplan shows the playspace as being split into four sites of 0.165 Ha. The plans should be amended to provide one single play space and I consider that the most appropriate location for this is in Area 3. As set out in the Council's adopted Public Green Spaces and Water Environment SPD, the Council has found that small areas of equipped play areas tend to result in smaller facilities of a very basic standard that often do not positively engage children, tend to not be particularly well-used as a result and that are difficult and expensive to maintain over time when provided in a separated fashion. A smaller number of higher quality, more 'strategic' equipped play facilities that serve a wider catchment is more appropriate.
196. Outdoor Sports Provision – as set out in Table 1, there is a requirement to support the provision of sports provision off-site and not on-site. The provision of sports pitches on site is not in accordance with the Council's 'hub' approach to sports provision. I do not consider that piecemeal provision would be of value as the necessary infrastructure of changing facilities, access, parking, etc. cannot be provided. I asked the applicants to amend their plans to remove the proposed on-site sports pitch provision and instead provide this area (2.1 ha) for informal public open space and green buffer. The play space could also be located here.

197. Woodland – I noted that an area of new woodland proposed to the rear of properties fronting Stumble Lane shown on the parameter plan approved by the Planning Committee in 2018 has now been removed from the plans. This point has also been raised by neighbouring residents. The applicant has provided no explanation as to why this woodland has been removed.

Table 1 - Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's **committee** report are considered to be **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. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL compliance statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1	<p><u>Affordable Housing</u></p> <p>Provide not less than 10% of the residential units on site as affordable housing, comprising 40% affordable / social rent and 60% shared ownership.</p> <p>An Affordable Housing Scheme for each phase to be submitted to and approved in writing by the Council prior to the submission of a reserved matters application for the relevant phase.</p> <p>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.</p> <p>Shared ownership units to be leased in the terms specified.</p>	<p>Not fewer than 10% dwellings in each phase, comprising:</p> <p>40% dwellings for affordable / social rent</p> <p>60% dwellings for shared ownership</p>	<p>An affordable housing scheme for each phase to be submitted to and approved in writing by the Council before commencement of development of the relevant phase</p> <p>Affordable housing to be constructed and transferred to Registered Provider before occupation of 50% of the general market units in each phase] and in accordance</p>

	Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.		with the approved Affordable Housing Scheme
1a	<p><u>Financial Viability Review Mechanism</u></p> <p>An updated viability appraisal to be submitted with each reserved matters application to determine whether the development can deliver an increased level of affordable housing, up to the policy complaint level of 30%.</p> <p>An updated viability appraisal to be submitted during the course of construction and occupation (trigger point to be agreed) to determine whether the development can deliver an increased level of affordable housing, up to the policy complaint 30%.</p>	Up to 30% affordable housing provision.	To be delivered on site if the circumstances prevail.
2	<p><u>Accessible and Adaptable Dwellings</u></p> <p>Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% [total of 110 dwellings] of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	20% M4(2) across the whole site.	All accessible and adaptable homes to be constructed before the occupation of any dwellings.
3	<p><u>Allotments</u></p> <p>Project detail (on site):</p> <p>To provide the Allotment Facilities on site within Area 3 in accordance with the relevant reserved matters approval.</p>	<p>On site:</p> <p>A minimum of 0.26 hectares.</p> <p>+ £66.00 per</p>	<p>The Allotment Facilities to be provided before the occupation of 75% of the dwellings in Area 3.</p> <p>The maintenance</p>

	<p>The developer to ensure the Allotment Facilities land is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Stewardship Body to appoint an 'Appointed Professional', at the developers cost, to inspect and advise the Stewardship Body as to whether the Allotment Facilities have been satisfactorily completed.</p> <p>The Allotment Facilities to be transferred to the Stewardship Body to manage and maintain.</p> <p>The developer to repair any defects which occur within 12 months of the Allotment Facilities being transferred to the Stewardship Body</p>	<p>dwelling for maintenance.</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>contribution to be paid to the Council before the occupation of 75% of the dwellings in Area 3 (or upon completion of the allotment facilities, if earlier).</p> <p>The Council to transfer the maintenance contribution to the Stewardship Body.</p>
<p>4</p>	<p><u>Amenity Open Space Land</u> Project detail:</p> <p>To provide the Amenity Open Space Land in each phase in accordance with the relevant reserved matters approval.</p> <p>The developer to ensure the Amenity Open Space Land is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Stewardship Body to appoint an 'Appointed Professional', at the developers cost, to inspect and advise the Stewardship Body as to whether the Amenity Open Space Land has been satisfactorily completed.</p>	<p>On site:</p> <p>all those parts of the site comprising verges and all areas (not privately owned) in and around dwellings excluding public open space/play space</p>	<p>The Amenity Open Space Land to be provided before the occupation of 75% of the dwellings in the relevant phase.</p>

	<p>The Amenity Open Space Land to be transferred to the Stewardship Body to manage.</p> <p>The developer to repair any defects which occur within 12 months of the Amenity Open Space Land being transferred to the Stewardship Body</p>		
5	<p><u>Art and Creative Industries</u> Project detail:</p> <p>Contribution towards the provision of public art or the delivery/enhancement of a facility on or off site within the Kingsnorth Parish.</p>	<p>£338.40 per dwelling for capital costs</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Before the occupation of 75% of the dwellings.</p>
6	<p><u>Children and Young People’s Play Space</u> Project detail (on site):</p> <p>To provide the Children’s and Young People’s Play Space Facilities on site (Policy S4 site) in accordance with the relevant reserved matters approval.</p> <p>The developer to ensure the Children’s and Young People’s Play Space Facilities land is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Stewardship Body to appoint an ‘Appointed Professional’, at the developers cost, to inspect and advise the Stewardship Body as to</p>	<p>On site:</p> <p>a minimum of 0.46 hectares + £663.00 per dwelling for maintenance.</p> <p>Indexation: BCIS General Building Cost index 2012</p> <p>Off site:</p>	<p>On site:</p> <p>The play facilities to be provided before the occupation of 75% of the dwellings in Area (TBC).</p> <p>The maintenance contribution to be paid to the Council before the occupation of 75% of the dwellings in Area (TBC) (or upon completion of the facilities in the relevant</p>

	<p>whether the Children’s and Young People’s Play Space Facilities have been satisfactorily completed.</p> <p>The Children’s and Young People’s Play Space Facilities to be transferred to the Stewardship Body to manage.</p> <p>The developer to repair any defects which occur within 12 months of the Children’s and Young People’s Play Space Facilities being transferred to the Stewardship Body</p> <p>Project detail (off site):</p> <p>Contribution towards new play provision (Policy S5 site) within the Parish of Kingsnorth.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>phase, if earlier). The Council to transfer the maintenance contribution to the Stewardship Body.</p> <p>Off site:</p> <p>Payment of the total amount (Capital and Maintenance) to the Council before occupation of 75% of the dwellings in Area 1</p>
7	<p><u>Community Building</u></p> <p>Project detail (off site):</p> <p>Contribution towards an existing facility in the Parish of Kingsnorth</p>	<p>Off site:</p> <p>£1870.83 per dwelling for capital costs</p> <p>£528.33 per dwelling for maintenance</p> <p>Indexation: Indexation applied from the date of resolution to grant permission.</p>	<p>50% of the total amount due will be payable before the occupation of 50% of the dwellings, with the remainder being payable upon occupation of 75% of the dwellings</p>

<p>8</p>	<p><u>Indoor Sports Provision</u> Project detail (off site):</p> <p><i>Schemes in the Ashford Urban Area:</i></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>Off site:</p> <p>£83,08 per dwelling for capital costs (3G pitches)</p> <p>£527.32 per dwelling for capital costs (sports hall)</p> <p>(capital only – contributions are derived from the latest Sport England England Calculator).</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>50% of the total amount due will be payable before the occupation of 50% of the dwellings, with the remainder being payable upon occupation of 75% of the dwellings</p>
<p>9</p>	<p><u>Informal Natural Green Space</u> Project detail (on site):</p> <p>To provide the Informal Natural Green Space and habitat buffers in accordance with the relevant reserved matters approval</p> <p>The developer to ensure the Informal Natural Green Space and</p>	<p>On site:</p> <p>2.65 hectares to be provided on site +</p> <p>£325.00 per dwelling for maintenance</p>	<p>The Informal Natural Green Space to be provided before the occupation of 50% of the dwellings in Area 1, 2, 3 & 4.</p> <p>The maintenance</p>

	<p>habitat buffers is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Stewardship Body to appoint an 'Appointed Professional', at the developers cost, to inspect and advise the Stewardship Body as to whether the Informal Natural Green Space and habitat buffers has been satisfactorily completed.</p> <p>The Informal Natural Green Space and habitat buffers to be transferred to the Stewardship Body to manage.</p> <p>The developer to repair any defects which occur within 12 months of the Informal Natural Green Space and habitat buffers being transferred to the Stewardship Body</p>	<p>Indexation: BCIS General Building Cost index 2012</p>	<p>contribution to be paid to the Council before the occupation of 50% of the dwellings in Areas 1, 2, 3 and 4 (or upon completion of the informal natural greenspace and habitat buffers (if earlier). The Council to transfer the maintenance contribution to the Stewardship Body.</p>
<p>10</p>	<p><u>Outdoor Sports Provision</u></p> <p>Project detail (off site):</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>Off site:</p> <p>£404.70 per dwelling for capital costs (pitches)</p> <p>£582.47 per dwelling for maintenance (pitches)</p> <p>£570.28 per dwelling for</p> <p>(For capital</p>	<p>Before the occupation of 75% of the dwellings.</p> <p>(</p>

		<p>contributions - calculations are derived from the latest Sports England Calculator)</p> <p>Indexation: BCIS General Building Cost index 2019</p>	
11	<p><u>Quality Monitoring</u></p> <p>Contribution towards monitoring, to ensure that the approach to design quality is delivered on site in accordance with the details approved as part of the planning permission, including any subsequent details approved pursuant to any conditions related to the planning permission.</p>	<p>One off payment of the following:</p> <p>£90.00 per dwelling</p> <p>£45.00 per flat</p> <p>Total amount capped at £350,000 in relation to development provided for by any single outline/full planning permission.</p> <p>Indexation: Indexation applied</p>	<p>25% of the total amount due will be payable on commencement of the development, with the remainder being payable before the occupation of 50% of the total number of dwellings.</p>

		from the date of the resolution to grant permission.	
12	<p><u>Self/Custom Build Housing</u> Amount to be secured in accordance with Policy HOU6:</p> <p>Up to 28 serviced plots for use by custom/self-builders to be made available and marketed.</p> <p>Full details of the serviced custom / self-build plots, a Design Brief and marketing strategy to be submitted to and approved in writing by the Council prior to submission of the first reserved matters application.</p> <p>If, following a marketing period of no less than 12 calendar months, it is demonstrated that there is no interest from a Self-Build / Custom House Builder, the plots can be developed as open market housing.</p>	Up to 28 serviced plots (5% of total dwellings). To be provided across the site.	Each reserved matters application to be accompanied by a Self/Custom Build Housing proposal.
13	<p><u>Strategic Parks</u> Project detail:</p> <p>Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within 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>Indexation: BCIS General Building Cost index 2012</p>	50% of the total amount due will be payable before the occupation of 50% of the dwellings, with the remainder being payable upon occupation of 75% of the dwellings

14	<p><u>Voluntary Sector</u> Project detail: Project: off-site provision with the Kingsnorth Parish</p>	<p>£87 per dwelling</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Before the occupation of 75% of the dwellings.</p>
Kent County Council Planning Obligations			
15	<p><u>Adult Social Care</u> Project detail: Specialist Housing Provision in the District, adaptation of community facilities, technology to promote independence, multi-sensory facilities and changing place facilities in the vicinity of the development</p>	<p>£146.88 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings</p>
16	<p><u>Community Learning</u> Project detail: Contributions towards additional equipment and resources for Adult Education Centres locally</p>	<p>£16.42 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings</p>
17	<p><u>Education Land for Primary</u> Project detail: Contribution towards the delivery of the new 2FE Primary School at</p>	<p>£590.95 per flat</p> <p>£2363.93 per dwelling</p>	<p>Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of</p>

	the Court Lodge site (Local Plan Policy S3 site).	<p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	50% of the dwellings.
18	<p><u>Libraries</u> Project detail:</p> <p>Contribution towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area</p>	<p>£55.45 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings.
19	<p><u>Primary Schools</u> Project detail:</p> <p>Contribution towards the delivery of the new 2FE Primary School at the Court Lodge site (Local Plan Policy S3 site).</p>	<p>Per Flat £1134.00 (New Build)</p> <p>Per Dwelling £4535.00 (New Build)</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross</p>	Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings

		internal area. Indexation: BCIS General Building Cost Index from Oct 2016	
20	<p><u>Public Rights of Way (PROW)</u> Project detail:</p> <p>Project 'A' Financial contribution towards creation of a cycle link to Church Hill</p> <p>Project 'B' Financial contribution towards surfacing bridleway AW384, AW385 and AW207 which forms higher rights connectivity East to West across Kingsnorth. .</p>	<p>Project 'A' £26,000.00 total financial contribution</p> <p>Project 'B' £10,000 total financial contribution</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Project 'A' The total amount payable before the occupation of 100 dwellings</p> <p>Project 'B' The total amount payable before the occupation of 200 dwellings.</p>
21	<p><u>Secondary Schools</u> Project detail:</p> <p>Contribution towards new school provision at the Chilmington Green Secondary school or alternative new provision in the planning group</p>	<p>Per Flat £1172.00 (New Build)</p> <p>Per Dwelling £4687.00 (New Build)</p>	<p>Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings</p>

		<p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	
22	<p><u>Travel Plan Monitoring Fee</u> Project details: Contribution towards the cost of monitoring compliance with the Travel Plan.</p>	<p>£1000 per annum for a period of 5 years post completion of the development.</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment before the first occupation of the development and on the anniversary thereof in subsequent years.</p>
23	<p><u>Youth Services</u> Project detail: Contribution towards additional resources for the Ashford Youth Service to enable outreach work in the vicinity of the development</p>	<p>£65.50 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings.</p>

Other Obligations			
24	<p><u>Health Care (NHS)</u> Project detail:</p> <p>To develop capacity within the Ashford Stour Primary Care Network (PCN) either via new development, extension of current sites or land for new building</p>	<p>£769.10 per dwelling.</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings.</p>
25	<p><u>Strategic Highways</u></p> <p>Project 'A' Junction 10A* - Financial contribution towards construction of junction 10A of the M20</p> <p>And</p> <p>Road network improvements comprising:</p> <p>'Project 'B' The 'Flanders' Roundabout (A2042 Avenue Jacques Faucheux, A2042 Bad Munstereifel Road, Malcolm Sargent Road junction) - Financial contribution towards junction capacity improvements.</p>	<p>Project 'A' £191,791.60</p> <p>Indexation: ROADcon date TBC</p> <p>And</p> <p>Project 'B' £1,871,229.00</p> <p>Indexation: BCIS General Building Cost Index from October 2016</p>	<p>50% on commencement of construction, 25% before the occupation of 1/3 of the dwellings and 25% before the occupation of 3/4 of the dwellings.</p>
26	<p><u>Sustainable Travel</u></p>	<p>£400,000.00</p>	<p>£120,000 in year 1</p>

	A financial contribution towards improvements to bus services between the site and Ashford Town Centre	Indexation: BCIS General Building Cost Index from October 2016.	£100,000.00 in year 2 £80,000.00 in year 3 £60,000.00 in year 4 £40,000.00 in year 5
27	<p><u>Stodmarsh Mitigation - SuDS</u></p> <p>If the Inspector, as the competent authority, is satisfied that there is no adverse effect on the integrity of the designated sites, the Council requests that the mitigation measures necessary to achieve that outcome are robustly and fully secured. The following heads of terms are suggested.</p> <p>To provide SuDS on-site that will satisfy the objectives and requirements of the Appropriate Assessment in order to secure nitrogen and phosphorous neutrality for the Development and result in an absence of significant effects of the Development upon the integrity of the Stodmarsh Designated Sites taking account of the Natural England Nutrient Neutrality Guidance.</p> <p>To submit to the LPA for approval in writing the detailed design of the SuDS, including a monitoring, management and maintenance scheme (SuDS Proposal).</p> <p>The developer to appoint an Appointed Professional', at the developers cost, to inspect and advise the Council as to whether the</p>		<p>To submit the SuDS Proposal to the Council for approval before the commencement of development.</p> <p>To complete the SuDS on site before the occupation of any dwelling.</p> <p>The SuDS to be monitored, managed and maintained in accordance with the SuDS Proposal, as long as the development remains in use.</p>

	<p>SuDS have been satisfactorily completed</p> <p>The SuDS to be transferred to an approved body to monitor, manage and maintain in accordance with the SuDS Proposal, as long as the development remains in use.</p>		
28	<p><u>Stodmarsh Mitigation – Waste Water Treatment Works</u></p> <p>If the Inspector, as the competent authority, is satisfied that there is no adverse effect on the integrity of the designated sites, the Council requests that the mitigation measures necessary to achieve that outcome are robustly and fully secured. The following heads of terms are suggested.</p> <p>To provide a waste water treatment works (WwTW) on site that will satisfy the objectives and requirements of the Appropriate Assessment in order to secure nutrient neutrality for the Development and result in an absence of significant effects of the Development upon the integrity of the Stodmarsh Designated Sites taking account of the Natural England Nutrient Neutrality Guidance.</p> <p>To obtain the relevant environmental permits from the Environment Agency to allow the discharge of treated waste water from the on-site WwTW within the Whitewater Dyke water body prior to commencement development</p> <p>To transfer the WwTW to an appropriately regulated waste water operator who will manage and maintain the WwTW in perpetuity.</p>	<p>The WwTW to be delivered on site in accordance with the reserved matters approval</p>	<p>To obtain the relevant environmental permits from the Environment Agency before the commencement of development.</p> <p>To complete and bring into operation the WwTW on site before the occupation of any dwelling (or temporary arrangements to bridge the gap are in place before the occupation of the first dwelling whilst the WWTW is coming on-line, the temporary arrangements to be agreed with the LPA before the commencement of the development).</p>

Site Specific Obligations			
29	<p><u>Archaeology</u></p> <p>Financial contribution to provide heritage interpretation measures and funding for a part time community archaeologist for two years</p>	<p>£60,000 for heritage interpretation measures</p> <p>£40,000 for a part time community archaeologist</p>	<p>The triggers for the payments to be agreed with KCC.</p>
30	<p><u>Closure of Bond Lane</u></p> <p>Bond Lane to be closed in accordance with the Transport Assessment via a S278 Highway Agreement with Kent County Council</p>	<p>Bond Lane to be closed in the location shown on plan (to be provided)</p>	<p>Section 278 agreement to be completed before the grant of the first reserved matters)</p> <p>Timing of the road closure to be agreed with KCC</p>
31	<p><u>Link between Kingsnorth Green and Court Lodge sites</u></p> <p>To safeguard land 'without ransom strips' and facilitate the delivery of (if agreement is reached with neighbouring land owner(s) vehicle /cycle/pedestrian links between the application site and neighbouring allocated development sites - Local Plan Policy S3 area (Court Lodge) and Local Plan Policy S5 Area (Land South of Pound Lane) to ensure the land is not used for any other purpose</p> <p>To safeguard land 'without ransom strips' and facilitate the delivery of (if agreement is reached with neighbouring land owner(s) vehicle</p>	<p>In accordance with reserved matters approvals</p>	<p>The reserved matters application for Areas 1 & 2 shall identify land and provide a detailed design for safeguarding, up to the site's boundary, and the delivery of a vehicle / cycle / pedestrian connection to Local Plan Policy S3 area</p> <p>The site to be laid out in</p>

	<p>/cycle/pedestrian links between the application site and neighbouring allocated development sites - Local Plan Policy S3 area (Court Lodge) and Local Plan Policy S4 Area (Land North of Steeds Lane and Magpie Hall Road) to ensure the land is not used for any other purpose</p>		<p>accordance with the relevant reserved matters approval upon occupation of 75% of the dwellings in Areas 1 & 2 and to be maintained as such for as long as the development exists</p>
<p>32</p>	<p><u>Community Stewardship Body</u> A Community Stewardship model of governance to be established to manage and maintain the Allotments; Amenity Open Space Land; Children's' and Young People's Play Space; and Informal Natural Green Space. To be taken forward by either:</p> <p>Option 'A' : the Chilmington CMO, or</p> <p>Option 'B': the formation of a separate independent stewardship organisation that aligns with the long term stewardship arrangements for Chilmington Green and the wider South Ashford Garden Community. The developer to submit a strategy, business plan and governance structure for the stewardship body.</p> <p>In both options there will be an annual charge payable by each household</p>	<p>If Option A is taken forward then a Start-up contribution to be paid to the Council and transferred to the CMO - amount (with indexation) to be agreed.</p> <p>If Option B is taken forward, the developer to fund the start up of the stewardship organisation directly..</p>	<p>Prior to submission of the first reserved matters, a decision to be agreed between the Council, developer and CMO as to whether to proceed with Option 'A' or Option 'B'.</p> <p>For Option A & Option B The submission by the developer and approval by the Council of the strategy, business plan and governance structure for the stewardship body prior to commencement of development.</p> <p>For Option A The triggers of payment of the Start-up grant to be agreed in the business</p>

			<p>plan.</p> <p>The Stewardship arrangement to be in place prior to first marketing of the dwellings.</p>
Monitoring			
33	<p><u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring and reporting.</p>	<p>£500 per annum until development is completed</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment before the commencement of development and on the anniversary thereof in subsequent years.</p>
<p><u>Notices</u> 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 and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE:</p> <ul style="list-style-type: none"> • Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change 			

Human Rights Issues

198. I have also taken into account the human rights issues relevant to the approach to this application now the subject of appeal against non-determination. 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

199. 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 and this has been the case during the period from first submission up to the point of the appeal against non-determination being confirmed as valid.

Conclusion

200. The application site is designated for housing development through two separate site Policy allocations in the adopted Ashford Local Plan 2030. This is a material consideration in the assessment of the application.
201. The development of the sites was resolved to be granted by the Council in 2018: that is also a material consideration.
202. The other key material consideration is the benefits associated with the provision of new housing in a sustainable location which underpins the overarching approach to the site allocations in the adopted Ashford Local Plan 2030.
203. The applicant has subsequently provided further updates to the supporting material since that 2018 Planning Committee resolution and amended the application accordingly including seeking outline planning permission for an on-site WwTW as part of the site infrastructure in order to deal with the new issue affecting this area of the Borough in terms of the need to ensure nutrient neutrality. The applicant has also submitted a viability assessment in support of seeking agreement to a reduced quantum of affordable housing. Appropriate re-consultation has been carried out in accordance with these post 2018 Report changes.
204. The 2018 Committee resolution concluded that the development, subject to the approval of fine detail through subsequent applications for approval of

reserved matters and through other planning conditions, would not result in a scheme that would create material harm to landscape character and neighbour amenity. Furthermore, it was concluded that the development would be appropriate and would sit comfortably within its contextual setting, and, subject to planning conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk and that any planning harms could be mitigated through planning conditions. When balanced alongside the positive social and economic impacts arising from the proposal, the 2018 Committee conclusion was that the proposal would represent sustainable development and so should be permitted.

205. I concur with that 2018 conclusion. Save for the introduction of the WwTW and the proposed reduction of the amount of affordable housing to be provided, there has otherwise been no material change in planning circumstances and national planning guidance in the NPPF that might dictate an alternative conclusion being reached.
206. It should be remembered that save for affordable housing, other s.106 obligations to mitigate other impacts remain and the applicant's proposition is not for these to be reduced or deleted.
207. In terms of affordable housing, whilst a diminution in affordable housing from the ALP 2030 Policy HOU1 starting point of 30% is disappointing, the applicant's viability assessment has been carefully examined by the Council's expert advisors and found to be robust in terms of the offer of 10% affordable housing given the extra costs that would have to be absorbed in order to progress the scheme.
208. The need for delivery of new housing remains and I consider that a pragmatic position needs to be adopted to affordable housing. Policy HOU1 contains within it flexibility to consider a reduction if a well-evidenced case can be proven to be justified on a case-by-case basis and that is the position here. Policies IMP1 and IMP2 of the ALP 2030 similarly identify the approach that will be taken through deferred contributions and viability review. Viability review is the approach that I consider would be most appropriate here in order to ensure that if betterment of the 10% offer proves able to be achieved through the actual costs and revenue realised through phased build-out then that betterment can be actively worked into the development as it progresses and provide enhanced diversity in terms of meeting differing housing needs.
209. In respect of nutrient neutrality, this is a requirement if much needed new housing is to be developed in this part of the Borough in accordance with the adopted ALP 2030 and the spatial strategy to accommodate housing in sustainable locations. The applicant's introduction of a WwTW into site infrastructure deals with this new issue since the adoption of the Local Plan

and the site allocation policies within. It is a pragmatic solution, although one that comes with extra infrastructure costs to the scheme.

210. The Inspector is now the competent authority decision-maker in respect of the acceptability of the applicant's scheme and will be required to adopt an Appropriate Assessment when determining the appeal.
211. As set out in this report, I consider that as a matter of principle the WwTW can be accommodated within the scheme layout without amenity, visual and landscape harm. Planning conditions will be essential. In operation the available evidence suggest that the WwTW would not give rise to adverse noise or odour impacts. Conditions will be needed to deal with (a) WwTW provision and readiness for operation at the site prior to first occupation of any dwelling – a 'Grampian' style negatively worded condition will be needed - and (b) fine detail including any necessary mitigation approach to the layout and./or detailing of nearby new homes.
212. Outside of town and country planning legislation, the WwTW will need to be permitted by the relevant authorities. I have no certainty as to whether this will be forthcoming but, as stated above, it is a prerequisite to the granting of any outline permission and will need to be covered by planning condition.
213. My updated Recommendation below is cognisant that the application is subject of an appeal against non-determination. It forms the basis of the Council's case to the Planning Inquiry including:
- a. those matters where the Planning Inspector will need to satisfy him/herself that an Appropriate Assessment on nutrient neutrality can be adopted by him/herself as competent authority decision maker
 - b. those matters that should be secured through s.106 obligations, and,
 - c. those matters that should be secured through planning conditions.

Recommendation

(A)

That in the light of the appeal against non-determination the Planning Inspectorate be advised that, had the Borough Council been able to determine the application, it would have been minded to grant outline planning permission, subject to:-

- i. the applicant first entering into a section 106 agreement/undertaking in respect of the planning obligations detailed in Table 1 above, to reflect the viability of the scheme and to ensure that reasonable and**

proper contributions are made by the development bearing in mind the viability position and the requirement for further reviews of viability in the future to secure an increased affordable housing contribution up to the policy compliance 30% should viability improve in the future.

- ii. in terms agreeable to the Strategic Development & Delivery Manager or the Development Management Manager in consultation with the Director of Law and Governance (with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit),**
- iii. the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development identifying 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 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 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, and**
- iv. subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised and refined as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of agreement with the applicant.**

(B)

The Strategic Development & Delivery Manager or the Development Management Manager in consultation with the Solicitor to the Council and Monitoring Officer be authorised to present the Council's case to the Planning Inspectorate in accordance with (A) above with authority delegated to the Strategic Development & Delivery Manager or the Development Management Manager to add/amend/delete/approve obligations and/or planning conditions as he/she considers necessary.

Conditions

Standard Conditions

1. Standard outline condition A
2. Standard outline condition B
3. Development carried out in accordance with the approved plans
4. Development shall accord with ES as submitted, unless agreed in writing
5. Site shall be made available for enforcement inspection when required.

Reserved Matters

6. Phasing Plan to be submitted prior to first RM
7. Detailed Masterplan to be submitted prior to first RM
8. RM to accord with parameter plans
9. Delivery of and Connection to Waste Water Treatment Works
10. Submission of Contour Plan - Levels & Earthworks
11. Climate Change - WwTW emissions

Highways/Parking/PROW

12. Proposed roads between Areas 1 and 2 and the Court Lodge development
13. PROW Management Scheme
14. Parking Details
15. Highway Design
16. EV Charging Points
17. Pound Lane/Church Hill/Ashford Road signal junction to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.

18. Magpie Hall Road/Ashford Road/Steeds Lane junction realignment to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.
19. Bus stops, raised kerbs and shelter to be provided on Ashford Road prior to commencement of Area 2 or by occupation of 151st dwelling, whichever is earlier
20. Existing bus stop and shelter on Ashford Road to be moved north prior to commencement of Area 2 or by occupation of 151st dwelling whichever is earlier.
21. Ashford Road Site Area 1 Access Junction and Visibility splays to be provided prior to the occupation of any dwellings in Area 2 or 3.
22. Ashford Road Site Area 2 and 3 Access Junction and Visibility splays to be provided prior to the occupation of any dwellings in Area 2 or 3.
23. Visibility splays and Bond Lane widening to be provided prior to occupation of any dwellings in Area 3 served off Bond Lane or Area 4.
24. Steeds Lane access and visibility splays to be provided prior to occupation of any dwelling in Area 4.
25. Travel plan to be submitted prior to occupation of first dwelling
26. Completion of works between a dwelling and the adopted Highway
27. Bicycle storage

Landscape & Trees

28. Details of earthworks
29. Play space Strategy
30. WwTW Landscape Plan
31. Tree Root Protection
32. Soft landscaping (including advance planting)
33. Hard landscaping
34. Design and implementation of public amenity space and allotments.
35. Landscape management plan

36. Tree Protection

Ecology & Biodiversity

37. Site wide Ecological mitigation strategy (informed by updated surveys)

38. Detailed mitigation strategy for each phase (informed by updated surveys)

39. Habitat creation plan

40. Ecological Management and Monitoring Plan for the whole site

41. Ecological Management and Monitoring Plan for each phase

Foul and Surface Water Drainage

42. Detailed SUDs Scheme to be submitted

43. SuDS Operation and Maintenance

44. Details of foul drainage to be submitted.

45. Surface water Drainage Verification report to be submitted.

46. No infiltration to the ground permitted.

Archaeology

47. Archaeology – programme of building recording

48. Archaeological field evaluation

49. Historic landscape assessment

50. Fencing to protect heritage assets.

51. Heritage Conservation and Interpretation Strategy.

Environmental Protection

52. Construction Environment Management Plan

53. Dust Management Plan

54. Land Contamination

- 55. Internal sound levels – residential
- 56. WwTW Noise rating level – night
- 57. WwTW Noise rating level – day
- 58. WwTW Acoustic Enclosure
- 59. WwTW Lighting Scheme
- 60. WwTW Development in relation to odour contour

Visual Amenity & Detailed Design

- 61. High speed fibre optic broadband to be provided.
- 62. Site Levels
- 63. Services Plan
- 64. Details of Materials
- 65. Details of external appearance
- 66. Crime Prevention through Environmental Design
- 67. Level thresholds
- 68. Space standards
- 69. Refuse & Recycling
- 70. Lighting Strategy
- 71. Wate4r Usage Restriction
- 72. Fans, louvres, ducts, meter boxes

Note to Applicant

- 1. S106 Agreement
- 2. Environment Agency
- 3. National Highways

4. PROW

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 15/0856/AS)

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Ashford Borough Council - Report of Head of Development Management and Strategic Sites
Planning Committee 14 November 2018

Application Number	15/00856/AS
Location	Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Kent
Grid Reference	00255/38868
Parish Council	Kingsnorth
Ward	Weald East
Application Description	Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure. Provision of local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks.
Applicant	Pentland Homes Ltd and Jarvis Homes Ltd
Agent	Ian Bull Consultancy Ltd
Site Area	51ha

- | | | |
|-----------------------------------|-----------------------|--|
| (a) 807/112R
Amnds:
837/46R | (b) PC – R
Amnds R | (c) Shad PC – R; GCS PC – X;
Bils PC – R; MWS PC – R;
KCC Highways – R; HE – R;
KCC SuDs – S; ABC Proj –
S; EA – X; KCC Prow – R;
KCC Her – R; Hist Eng – X;
ECC Bio – R; Nat Eng – X;
SE – R; ABC ES – X; SE
Rail – R; HSE – X; WKPS –
R; BHS – X; SWS – X; KWS
– R; CPRE – R;

Amnds:
Bils PC – R; KCC Highways
– R; HE – R; KCC SuDs –
X; EA – X; KCC developer
contributions – X; KCC Her
– X; Hist Eng – X; KCC Bio
– R; Nat Eng – X; ABC ES –
X; WKPS – X; SWS – X;
KMG – R; RA – X; KP – X;

Amnds:
KCC Highways – X; KCC
Her – X; KCC Bio – X; NHA
– X; SWS - X |
|-----------------------------------|-----------------------|--|

Introduction

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

Site and Surroundings

2. The application site, which covers an area of 51 hectares is located in Kingsnorth Parish. It is comprised of four separate land parcels which straddle the main Ashford Road (C142), which runs through Kingsnorth north to south. The four parcels are illustrated below. The applicant has described them as Areas 1 – 4, and this description has therefore been used throughout the report, as shown in Figure 1 in the appendix to the report.

3. Area 1 (10.11ha) is the northernmost parcel and is bounded by Ashford Road to the east, Pound Lane to the north, open fields to the west and residential properties on Ashford Road to the south.
4. Area 2 (13.08ha) is the south western parcel, and is bounded by Ashford Road to the east, Magpie Hall Road to the south, open fields to the east and residential properties on Ashford Road to the north.
5. Area 3 (16.03ha) is at the centre of the application site and is bounded by Bond Lane to the east, Ashford Cricket Club and properties on Steeds Lane to the south, residential properties on Ashford Road and fields overlooked by Church Hill to the north.
6. Area 4 (11.7ha) is the most eastern parcel and is bound by Steeds Lane to the south, properties along Bond Lane to the west and to the east lie fields, Isaac Wood and properties in Stumble Lane.
7. Overall, the site has a varied topography. Kingsnorth village which generally lies to the north is situated on a local high point in the otherwise relatively flat area to the south of Ashford. There is a general slope from east to west, whilst the northern part of the site is generally steeper than the southern part. There is a ridge running east to west across the site with the highest point at the centre of Area 3.
8. Area 1 slopes down towards Pound Lane, and Area 2 slopes gently eastwards with a small valley running down the centre where there is a small stream. Area 3 slopes down in all directions with the steepest areas in the northern part of the site. Area 4 slopes south and east towards Steeds Lane.
9. Kingsnorth is situated within the “Low Weald” National Landscape Character Area, which is described as “Broad, low-lying gently undulating clay vales”. The land use is “predominantly agricultural but with urban influences”, whilst “small towns are scattered among areas of woodland”. Within the Landscape Assessment of Kent (2004) the site falls within the character area “Bethersden Farmlands”, which is characterised by the typical Wealden pattern of small fields and bushy hedgerows but towards Kingsnorth, this has “broken down with fields enlarged and hedgerows removed to allow mechanisation for arable farming”.
10. The sites are dominated by arable farming and semi-improved grassland and the surrounding landcover includes woodland and urban areas but is also dominated by farmland.
11. The Whitewater Dyke is located to the west and north of the site following in a northerly direction towards Ashford, where it joins the East Stour River. There

are a number of small watercourses and drainage ditches that feed into the Whitewater Dyke. A small stream located along the southern boundary of Areas 3 and 4 and through the centre of Area 2, flows in a north-westerly direction to join the Whitewater Dyke. Part of Area 1 at its northern end falls within Flood Zone 2.

12. There are a number of hedgerows which form field boundaries within the site as well as some areas of woodland. Isaac Wood is an area of Ancient Woodland and that stretches into part of Area 4. There are also some trees located within the site primarily in proximity to ponds or along field boundaries.
13. The Kingsnorth Conservation Area is some distance to the north of the site, centred along Church Hill and St Michael's Church. There are 9 listed buildings within 100m of the boundary, in Pound Lane, Ashford Road, Magpie Hall Road, Steeds Lane and Bond Lane.
14. There are several footpaths running across the fields within the application site boundary and alongside Ashford Road and Church Hill, connecting Kingsnorth to the settlements along Steeds Land and Magpie Hall Road and out into the surrounding countryside. A part of the North Downs Way National Trail runs through eastern areas of the site where it connects from Steeds Lane to Church Hill.
15. The sites are allocated for development in the emerging Local Plan 2030 as S4 and S5. They are located to the east of another allocated site known as Court Lodge (Policy S3), which is itself to the east of the Chilmington Green development, separated by the strategic Discovery Park.
16. A plan showing existing levels is in the Appendix to the report as Figure 2.

Proposal

17. Outline planning permission is sought for the erection of up to 550 dwellings (including 430 % affordable housing), in a mix of size, type and tenure: infrastructure including local recycling facilities; formal and informal open space; utilities including flood attenuation, surface water attenuation, water supply, gas supply and electricity supply; transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane junction; new junctions on Ashford Road, Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes; new planting and landscaping both within the proposed development and on its boundaries; ecological enhancement/mitigation works and associated ground works.

18. The application was originally submitted in 2015 whilst the emerging Local Plan was at the very early stages. The proposal was originally for a much larger scheme – up to 750 houses, a primary school and a greater amount of infrastructure. The applicant subsequently agreed to hold the application in abeyance until the Local Plan was in the late stages of adoption, adopted, and the application has been amended to take into account the changes made to the policies relevant to this site, as per the description in the preceding paragraph. This process is clarified in more detail in the Assessment section of my report.
19. The application includes a series of Parameter plans – Land Use Parameter Plan, Building Heights Plan, Density Plan and Connectivity Plan, which is a very similar approach to that which was used for the outline planning application at Chilmington Green. This allows the application to be determined within a certain set of parameters giving certainty to the wider masterplanning and the relationship of the proposed development with existing homes and the surrounding countryside.
20. The Land Use Parameter Plan proposes up to 550 homes on approximately 25 ha. The green infrastructure will take up 25.34 ha and the roads take up approximately 0.75 ha. The proposed density is an average of 22 dwellings per hectare with a range of densities from 15 to 24 dwellings per hectare. Higher densities are proposed closer to the transport infrastructure, with the lower densities towards the edge of the development or around SUDs and open space features. Medium density development is proposed in Areas 1, 2 and 3.
21. The Building Heights Parameter Plan reflects the Density Plan to a degree, with a range of between 1 storey (maximum height 9m), 1 to 2 stories (maximum height 11m) and up to 3 stories (maximum height 14 stories). The taller buildings are proposed in the centre of Areas 1, 2 and 3, with only 1 to 2 stories proposed in Area 4.
22. The Connectivity Parameter Plan includes several new and improved access arrangements, as follows:
 - **Access to Area 1** will be from Ashford Road to the east and Pound Lane to the north with a possible future linkage to Court Lodge to the west;
 - Downgrading the section of Pound Lane between the proposed secondary access and the Pound Lane/Ashford Road/Church Hill crossroads;
 - Realignment of the Ashford Road / Pound Lane /Church Hill junction to include signalisation of the crossroads with the right turn from Pound Lane prohibited;

- Pound Lane re-routed through Area 1 south of its current alignment to connect to Ashford Road via the proposed primary access;
- Primary access to Area 2 is proposed off Ashford Road and is proposed to be the start of a road link to the adjoining Court Lodge development with land reserved for this purpose. It will be a priority T junction with the site access giving way to Ashford Road;
- The proposed secondary **access to Area 2** is in the southwest corner of Area 2 at the Magpie hall Road/Ashford Road/Steeds Lane crossroads. Magpie Hall Road will be realigned through Area 2 to connect to Ashford Road further north from the existing crossroad;
- A proposed footway will connect the site access to the existing footway on Ashford Road;
- **Access to Area 3** to be from Ashford Road as a priority T junction with Area 3 access road giving way to Ashford Road.
- There are two access only routes into area 3 from Bond Lane. Both are T junctions with the access roads giving way to Bond Lane. The southernmost access junction provides **a route to Area 4** across Bond Lane but traffic will be prevented from accessing Steeds Land and Church Hill directly from this access. The access route to the north is to serve a small proportion of the 225 dwellings proposed in Area 3.
- Bond Lane will be closed to through traffic with the closure positioned to prevent development traffic from Area 3 and Area 4 travelling along Bond Lane to Steeds Lane and Church Hill;
- **Access to Area 4** will be from Bond Lane for the north and west part of Area 4 and from Steeds Lane for the south;
- Physical barriers on Bond Lane mean that Steeds Lane and Church Hill cannot be accessed directly from the proposed Area 4 Bond Lane access, meaning that traffic would travel through Area 3 to its primary access off Ashford Road to access the wider local road network;
- Existing footpaths to be retained and new footpaths/cycleway routes to be provided from Area 1 to provide linkage to Court Lodge to the west.
- Flexibility for new footpaths and cycleways to be provided.

23. The indicative Masterplan submitted, and appended to this report as Figure 3, illustrates how the Parameter Plans come together to provide a comprehensive development.
24. In support of the application, a number of documents have been submitted by the applicant which are summarised as follows:

Design and Access Statement (DAS)

DAS1 The proposed development will follow the recommendations outlined in the Ashford Local Plan Submission Version, December 2017, relating to policies S4 and S5.

DAS2 The vision is to develop a traditional, sustainable, high quality community that people will be proud to live in.

DAS3 The development will take into account the nature of the surrounding landscape and include "green" streets, footpath and cycle routes and keep a strong rural identity along country lanes. A strong framework for the green infrastructure will be provided using the existing topography, water courses and habitats.

DAS4 It will create much needed housing for Ashford in a carefully landscaped environment, enhancing and protecting the existing ecology and biodiversity.

DAS5 The masterplan provides approximately 50% of the development site area as green infrastructure and will respect and enhance the setting of existing heritage assets and the character of the area.

DAS6 The existing hedgerows and trees would be retained and integrated where possible, into proposed green spaces for habitats and amenity space.

DAS7 Various characters within the new development will be created through a hierarchy of streets and green spaces.

DAS8 Integrated transport links will be provided throughout the development and connecting to the existing transport networks and the majority of the site will be within 400m walking distance from a regular bus route.

DAS9 A full evaluation of opportunities and constraints has been carried out and has informed the development proposals. This includes creating a village green at the high point of the site, which will enhance and create a green space between the proposed Kingsnorth Green development and St Michaels Church, Church Hill and the current centre of Kingsnorth.

- DAS10 Existing character areas were assessed in order to assimilate the new development with the existing.
- DAS11 The Masterplan has responded to public consultation and the evolution of the Ashford Local Plan through consultation with stakeholders during 2016 and 2017.
- DAS12 The total provision for green space is above the minimum requirement defined in the Ashford SPD. There is allowance for up to 0.66ha play space; 2.1ha sports playing fields; 0.26ha allotments; 2.64ha amenity green space; 12.99ha habitat protection and creation; 1.83ha SUDS; and 3.54ha woodland.
- DAS13 Each of the four Parameter Plans are explained in detail.
- DAS14 Illustrative examples are given of a variety of locations eg housing fronting green spaces; housing fronting perimeter landscape; houses fronting inner streets and routes; and housing in home zones.

The Development Specification (DS)

- DS1 The purpose of the Development Specification (DS) is to define and describe the principal components of the proposed development.
- DS2 The application is accompanied by a number of supporting documents, including an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, in order to assess its likely significant environmental effects. The DS and Parameter Plans form the basis for the EIA although the Environmental Statement does not form part of the application but is submitted to meet statutory requirements.
- DS3 Whilst not forming part of the application, the supporting documents are submitted with the aim of assisting the Local Planning Authority, stakeholders and local residents to understand and evaluate the proposals. If appropriate, parts of these documents can be linked via planning condition to any permission granted.
- DS4 The development will be subject to a phasing plan to be agreed with the Local Planning Authority.
- DS5 The development will be controlled by planning conditions attached to the planning permission and an agreement under Section 106 of the Town and Country Planning Act 1990. Together these will ensure that the development of Kingsnorth Green proceeds in accordance with the Parameter Plans and

Development Specification and the phased provision of all necessary social and physical infrastructure.

The Planning Statement (PS)

- PS1 The parameter plan approach provides a robust framework compliant with current planning and environmental legislation for the application and the basis for the assessment of the likely significant effects of the proposed development on the environment to be reported in the Environmental Statement.
- PS2 Such an approach, whilst providing sufficient certainty at the outline application stage, will also allow for some flexibility (through Limits of Deviation) for the future reserved matters. The detailed design will be controlled through planning conditions which will require the scale and layout of the development to be in accordance with the approved Parameter Plans. Such conditions would secure and deliver any proposed mitigation arising from the EIA process.
- PS3 Kingsnorth Green is in a sustainable location, and the masterplan illustrates how the disposition of uses will develop a sustainable urban extension incorporating “Garden City” principles.
- PS4 The application was originally submitted in September 2015 and was for a much larger scheme: 750 dwellings, 210 m sq Classes A1 – A5 uses, 180 m sq Classes D1 and D2, 1 form Primary School, local recycling facilities, areas of formal and informal open space, utilities infrastructure, transport infrastructure, new planting and landscaping and associated groundworks.
- PS5 In June 2016, the Local Authority published its Regulation 19 Local Plan to 2030. Draft Policy S4 proposed part of the application site, land to the north of Steeds Lane and Magpie Hall Road, for residential development for up to 320 dwellings. Draft Policy S5 proposed that the remainder of the application sit, land south of Pound Lane, for residential development for up to 100 dwellings.
- PS6 Following public consultation, the Local Authority published the “Main Changes” to the emerging Local Plan in July 2017. The “Main Changes” increased the indicative capacity of the Policy S4 site to 400 dwellings and of the Policy S5 site to 150 dwellings.
- PS7 In light of the emerging Local Plan, the outline application has been amended to reduce the capacity of the site to accord with the emerging Local Plan.

- PS8 The amended scheme not only reflects the emerging Local Plan to 2030, but also responds to a number of consultation responses, particularly in respect of transportation and environmental issues.
- PS9 In terms of Planning Policy, the adopted Development Plan remains as it was when the original application was submitted. Since then, the emerging Local Plan to 2030 proposes the application site be allocated for residential development with an indicative capacity of up to 550 dwellings.
- PS10 Furthermore, the overall requirement for housing has increased to 16,120 dwellings and the Local Authority remains unable to demonstrate a Five Year Housing Land Supply. Consequently, the presumption in favour of sustainable development, embodied in the NPPF, remains paramount and it is respectfully requested that planning permission be granted “without delay”.

The Transport Assessment (TA)

- TA1 The TA submitted with the application as it was originally submitted in **September 2015**, for the larger development, concluded that the key to the movement of people is to arrive at a sensible series of transport and infrastructure solutions that drives travel demand for car and non-car modes to a balanced point. This is where sustainability is maximised, whilst recognising that some car use is a social and economic reality. This can be achieved at Kingsnorth by laying out the site and facilities, such as high quality walk and cycle access around and through the site that are connected to existing network; providing a high quality and high frequency bus service connecting to the town centre and stations; internal road layout and facilities provided, such as bus routes and high quality connections to the strategic road network; provision of a Travel Plan to coordinate and frame these travel strategy approaches and facilitate a more sustainable approach to travel that reduces the use of the private car.
- TA2 Furthermore, it stated that some consented and committed development in Ashford was unlikely to be provided in the way it was initially envisaged, the likely result of which is that more capacity would exist on the strategic network than anticipated. This would allow a deliverable site such as Kingsnorth Green particularly as it meets housing need, to come forward under planned conditions with strategic infrastructure improvements already in place or committed to accommodate it. Capacity assessment results at critical junctions with development at Kingsnorth Green fully built out, occupied and operations shows them to be operation within capacity in the AM and PM peak periods and with enough spare capacity to accommodate daily variations in traffic flows.

- TA3 The Supplementary Transport Assessment submitted with the amended application in **December 2017** concluded the same position in respect of the impact on the strategic network.
- TA4 In the intervening time however, capacity assessments had been carried out for critical junctions identified by KCC. The results showed that some capacity improvements at the roundabouts may be needed between now and 2030 to comfortably accommodate planned development in Ashford. The nature of these improvements is identified in the report and all identified improvements can be delivered within the highway boundary.
- TA5 Work led by ABC and KCC is planned to provide Highways England with the requested evidence and comfort and is expected to be completed in December 2017. The work will look at site allocations in the emerging Local Plan which at the time of this report were yet to be fixed. HE has been issued with a Technical Note comparing the traffic flows used for the junction 10a assessments with traffic flows generated by committed development on the said approved list with Kingsnorth and Court Lodge developments included. The purpose of the note is to provide HE with evidence and comfort that the Strategic Road Network can accommodate planned development in the emerging Local Plan and beyond.
- TA6 Since then the applicant has submitted a Technical Note dated **June 2018**, in order to address the response by KCC Highways. This included the crash data for a wider area specified by KCC and stated that the proposed realignment of Magpie Hall Road and signalisation of Pound Lane / Church Hill junction will improve safety at these junctions.
- TA7 The Technical Note also addressed vehicle tracking, and the Stage 1 Road Safety Audit.
- TA8 It also referred to KCC's request for the access to Area 1 (south of Pound Lane) to be modelled to include the Court Lodge development proposals to establish the exact nature of the access with both developments. The Technical Note stated that the access they are showing to the site has been confirmed by KCC as being acceptable. The access to Pound Lane was also amended.
- TA9 The visibility splays to Area 2 were amended, as was the realignment of the Magpie Hall / Ashford Road junction. The visibility splays required by KCC at the Steeds Lane north junction could not be provided and it stated that this was acceptable to KCC on the basis that the proposals were already providing a betterment over the existing position.

- TA10 The access to Area 3 was amended in accordance with KCC's request, as was the access to Area 4. Several issues raised by KCC in respect of the signalisation of Pound Lane / Church Hill were also addressed. In response to KCC's questions about bus provision, the TN stated that the applicant will contact KCC's public transport team to discuss local bus enhancement strategy. The results of sensitivity testing of the Court Lodge development was also included.
- TA11 In respect of the impact of the development on the Orbital Park Roundabout, the Note stated that a Statement of Common Ground on the Strategic Road Network had been agreed between Ashford Borough Council and Highways England, for the Local Plan Examination. This states "The Borough Council and HE agree that the assessment of the impacts of Local Plan development in 2030 contained within the studies by Amey satisfactorily demonstrate that the residual cumulative traffic impacts of the Local Plan proposals over the Plan period do not require any further mitigation works on the Strategic Road Network over and above those required in connection with existing planning permission. The Local Plan proposals will not materially affect the safety, reliability and / or operation of the SRN".
- TA12 In respect of the impact on the Romney Marsh Road / Norman Road / Kimberley Way roundabout, the Note states that KCC has since informed them that a scheme connected to the Designer Outlet planning application is to be implemented. PBA has carried out a capacity assessment of this scheme that confirms the scheme can accommodate Kingsnorth Green and Court Lodge development proposals.
- TA13 Regarding the A2070 Bad Munstereifel Road / Romney Marsh Road / Malcolm Sargent Road roundabout, the Note confirms that the applicant agrees to pay a contribution through the S106 Agreement towards the scheme, which is to be implemented as part of the Waterbrook scheme.
- TA14 The TA confirms agreement to the imposition of a condition requiring the installation of an electric charging point at each dwelling and to pay a contribution of £5,000 to KCC for the monitoring of the Travel Plan.
- TA15 Finally, the TA comments on the views of Highways England dated 11.1.18, and confirms that the Crash Data has been assessed as being acceptable by KCC, and that evidence that the proposed development can be accommodated by the Bellamy Gurner scheme is addressed in the Statement of Common Ground between Ashford Borough Council and Highways England.
- TA16 A further Technical Note was submitted dated **2 October 2018** which was a response to KCC's consultation response to the previous Technical Note,

specifically in relation to the requirement for a full right hand turn into Area 1 from Ashford Road rather than a simple priority junction. The Note states that the junction modelling produced at the Local Plan Examination has not been appropriately used and there is no requirement for a full right hand turn into Area 1.

TA17 The Note concludes by asking for a breakdown of the request to provide £1,871,058 (30%) of the cost of the Romney Marsh Road / Malcolm Sargent roundabout.

The Environmental Statement (ES)

- ES1 Two ESs have been submitted – one to cover the original application and the second to cover the amended scheme. The initial ES covered soil and land use; ground conditions; water resources; noise; air quality; landscape and visual impact; archaeology and cultural heritage; and climate change. In addition, a Flood Risk Assessment (FRA) and Drainage Strategy, an Arboricultural Report, a Utilities Report and Sustainability Statement were prepared and submitted.
- ES2 The ES stated that it is a requirement of the EIA process to identify “significant” effects, and where significant impacts have been identified, measures have been recommended to avoid or reduce such impacts (mitigation measures). These have involved alterations to the masterplan of the scheme, or the introduction of specific measures to reduce potential effects.
- ES3 The ES went through the local engagement that has taken place, the mitigation proposals and to explain that where there are residual impacts, assessment and mitigation has been used to reduce impacts to the lowest possible level. Remaining (residual) effects are identified where they exist.
- ES4 The ES also covered the alternatives as is required by the legislation. It concludes that the proposed development is the most sustainable option to meet the housing needs of the area, whilst minimising negative impacts on the environment.
- ES5 The amended ES reported the findings of a review of the original ES, to assess whether the proposed amendments gave rise to materially new or materially different environmental effects that had been previously assessed and reported. In addition to the amendments to the scheme, it also covered the length of time that had passed since the 2015 application was submitted, and consultee comments received in relation to the 2015 application.

- ES6 The ES states that by reducing the size of the scheme, the amended scheme provides a number of advantages over the 2015 scheme including reducing the overall extent of development and therefore reducing environmental impacts, in particular landscape and visual impacts, flood risk and loss of agricultural land and ecological habitats; increasing the buffer between the proposed development and Kingsnorth reduces impacts on the character of the village and the Kingsnorth Conservation Area; increased green space has been provide adjacent to listed buildings, reducing impacts on these assets and their setting; and proposed woodland will enhance Isaac Wood, and provide ecological, landscape and visual benefits.
- ES7 The amended ES concludes that no significant adverse impacts will result from the proposed development. Mitigation and enhancement measures will be undertaken which are likely to lead to an overall slight increase in the ecological value and diversity of habitats within the site. As a consequence, the assessment has established that the development of the site will comply with planning policies, including the NPPF, as well as relevant species and habitat legislation.

Flood Risk Assessment and Drainage Strategy (FRA)

- FRA1 This report gives details of the Flood Risk Assessment, which has been carried out in accordance with the NPPF.
- FRA2 The majority of the site is located within Flood Zone 1 according the Environment Agency's Flood Map. A minor area of the site in the north-western corner is shown to be located within Flood Zone 2.
- FRA3 The proposals are for a residential development incorporating Public Open Space, and new link roads. The proposed residential use is classified as 'More Vulnerable' development in the NNPG, which is considered to be an appropriated development type within Flood Zones 1 and 2.
- FRA4 The risk of flooding from rivers, groundwater, overland flow, sewers and artificial sources is considered to be low. The site is considered not to be at risk of flooding from the sea.
- FRA5 The risk of flooding posed by the development, from increased surface water runoff is considered to be low with the recommended measures (surface water management) in place.
- FRA6 Surface water runoff will either be discharged to ground by infiltration SuDS, or discharged at a restricted rate to nearby local watercourses or the public sewerage network. Flows in excess of this will be attenuated on site for

events up to and including the 1 in 100 year event including an appropriate allowance for climate change.

FRA7 Attenuation will be provided throughout the site in a range of SuDS features, designed as part of a suitable SuDS management train. The choice of SuDS features will be determined at the detailed design stage and following an assessment of the ground conditions to determine the feasibility of infiltration methods.

FRA8 Foul water flows from the development cannot be accommodated within the current public sewerage system due to existing capacity constraints. Cost estimates provided SWS to connect the new development via a new foul sewer requisition are considered to be excessively uneconomical at circa £15m. The applicant is therefore investigating an alternative option to provide a new on-site Wastewater Treatment Works, under an Inset Agreement, which would be operated by a fully licenced Sewerage Undertaker regulated by Ofwat.

FRA9 It is concluded that the site is suitable for the type of development proposed.

Arboricultural Impact Assessment (AIA)

AIA1 The report states that the site is not within a Conservation Area, however, there is a Tree Preservation Order in place which protects trees within an ancient woodland.

AIA2 The tree population is comprised of predominantly mature and early mature trees located within hedgerows on site. There is an ancient woodland called Isaac Wood and identified as W1 on the accompanying 'Tree Location and Constraints Plan'. This woodland is to be retained and a buffer zone of a minimum of 15m put in place.

AIA3 The report states that the arboricultural impacts are minimal, with the vast majority of trees on site being retained. There are minimal impacts on hedgerows, primarily as a result of having to put in the primary road network into and through the site. Where trees and sections of hedgerows have to be removed, mitigation measures are proposed.

AIA4 The remaining trees and hedgerows on and adjacent to the site will be retained and subsequently protected during the construction phase of the development. Tree Protection Fencing will be used to protect retained trees and hedgerows and root protection areas will also be protected.

AIA5 An Arboricultural Method Statement may be required prior to the construction of the development but this can be covered by condition.

Sustainability Statement (SS)

- SS1 The report states that the proposed development constitutes sustainable development, responding positively to the three pillars of sustainable development as follows:
- SS2 Economic role – The scheme will provide employment during its construction and will support the wider growth agenda, alongside supporting local employment growth. It will help sustain the vitality and viability of both Kingsnorth and Ashford.
- SS3 Social role – The scheme will provide a wide variety of high quality homes to cater for a variety of local housing needs. The need for housing in the Borough is well documented. The proposal also encompasses facilities for leisure and recreation and also proposes retaining the existing pathways, as these are an inherent element of the design to help facilitate non-motorised connectivity within the development and across it. The site is therefore considered to be consistent with the social role.
- SS4 Environmental role – The scheme has taken into consideration various environmental considerations in order for it to lessen the impact on the existing environment. The development design has been informed by physical constraints and by the need to safeguard existing environmental assets, such as Isaac wood and GCN ponds. Approximately one third of the site will encompass green space for recreation, leisure, flood management and ecological enhancement. The location of the development is sustainable, in close proximity to existing goods and services in Kingsnorth and Ashford. The development is located where it can be accessed by public transport. The proposal is therefore considered to be environmentally sustainable.
- SS5 With regards to the appraisal against the 13 topic headings in the NPPF it is considered that the proposed development complies with the relevant topic area and is therefore sustainable development in accordance with paragraph 14 of the NPPF.

Statement of Community Involvement (SCI)

- SCI1 This report sets out the activity that was undertaken to communicate the plans for the proposed mixed use development. The report also contains the feedback that has been received in response to the consultation (on the application as originally submitted). The feedback was received via questionnaire, telephone, post and e mail.
- SCI2 The plans and public exhibition were widely publicised through an advert in the local paper (the Kentish Express, circulation 12,764), a press release to

local media, individual leaflets delivered to 251 residents neighbouring the site, a letter sent to 38 stakeholders, and through the website.

SCI3 The exhibition was attended by 200 people and 56 feedback forms were completed.

SCI4 The document lists all of the feedback received during the consultation and the appendices include copies of the consultation materials produced, including; the leaflet, press advert, press release, exhibition boards, consultation questionnaire and invitation letter, as well as an example of press coverage published ahead of the exhibition

Ashford Five Year housing Land Supply Assessment (HLS)

HLS1 This was submitted with the application as originally submitted and in advance of the emerging requirement being tested at examination. The report stated that from the applicants' analysis, the total deliverable housing provision for Ashford Borough Council for the next 5 year period (2014 to 2019) is 3,382 net additional dwellings. This amounts to a shortfall of 11,188 dwellings (Scenario 1) or 7,713 dwellings (Scenario 2) against the 5 year requirement of 14,570 dwellings (Scenario 1) and 11,095 dwelling (Scenario 2). The requirements include and account for the accumulated historic undersupply of housing. Based on the annual requirement of 2,914 dwellings (Scenario 1) and 2,219 dwellings (Scenario 2), Ashford has a supply of either 1.16 years or 1.52 years, contrary to the requirements of the NPPF. Y

HLS2 The report concluded that Scenario 1, referring to the adopted Core Strategy, should be adhered to. Irrespective of this, under both scenarios, Ashford has a significant shortfall in its five year housing land supply. An appeal decision from March 2015, relating to a site in Charing, confirms that Ashford Borough Council cannot identify a five year housing land supply

Affordable Housing Statement (AHS)

AHS1 This related to the proposal as originally submitted and stated that the development would provide 135 Affordable Rented units and 90 intermediate homes all prioritised to those households in need of accommodation who cannot actively compete for similar properties in the open market. The detailed planning applications for the proposed development scheme will inform the specific mix of house-types and will reflect a detailed market research and analysis at that time.

Surface Water Drainage Assessment (SWD)

SWD1 Surface water runoff from the development will be restricted to the predevelopment greenfield runoff rates. Any flows in excess of the greenfield runoff rates will be attenuated on site for all storm events up to and including the 1 in 100 year event, including an allowance for climate change.

SWD2 Attenuation will be provided throughout the site in a range of SuDS features. SuDS will be incorporated into the development to provide attenuation and water quality treatment. A suitable SuDS treatment train will be provided for each development 'type' within the site.

SWD3 Surface water will either infiltrate to the ground or be discharged to adjacent watercourses, whichever is most appropriate following detailed design.

Foul Sewerage Assessment (FS)

FS1 The report concluded that the public sewers in the vicinity of the site do not have sufficient capacity to accommodate the anticipated foul flows from the proposed development.

FS2 Following a capacity study by Southern Water, two options to provide new sewers and upgrade existing drainage infrastructure have been provided. In addition to these two options, a third option of requisitioning a new sewer is also available.

FS3 It is considered that a foul drainage solution is ultimately available for the proposed development site.

Heritage Assessment (HS)

HS1 This assessed the potential impact of the proposed development on assets of a built heritage nature within the vicinity of the site. The assessment concluded that the designated assets of Kingsnorth Conservation Area, Mumford House, Bond Farmhouse and Taylor Farmhouse would experience harmful changes. However, all identified impacts would cause less than substantial harm to the asset.

Historic Landscape Assessment (HLA)

HLA1 This established that the historic landscape character of the application site is constituted from elements of the post-medieval agricultural use of the site. There are no known landscape elements within the site which represent earlier landscape uses. It concluded that the proposed development would seek to retain the characteristic elements of the landscape, in particular the

historic hedges and waterbodies and would enhance Isaac Wood with the provision of a buffer and further woodland planting.

Ecological Assessment (EA)

- EA1 This stated that there are no sites of international importance within a 10km radius of the development area excepting Wye and Crundale Downs SAC, which is situated just over 9.25km from the northeastern corner of Parcel B5, which is the part of the development which lies closest to the SAC. Given the distance between the sites, and the fact that public open space would be created within the development, impact upon the SAC is unlikely, however Habitats Regulations Assessment should be undertaken to verify this.
- EA2 Habitats of higher ecological value include the woodlands, the wet ditches and ponds, hedges, and the semi-improved grassland of the road verges and as found in B3. It is recommended that these are retained, and incorporated into the development as part of the site's green infrastructure. Habitats of lower value include the defunct hedges, arable land and improved grassland and small areas of young scrub. It is recommended that these are retained where possible and ecological enhancements considered. The features of highest ecological value are the semi-natural broadleaved woodland in B6 and B7 and species rich, ancient hedgerows in B1, B3, B6 and B7, which exhibit botanical interest as well as providing opportunity for rare/scarce or protected species. These habitats are provisionally assessed as being of Medium value at the County scale. Hedgerow survey and a Phase II survey of the woodland is recommended.
- EA3 A number of protected species have been recorded from the site and a series of surveys are proposed to establish presence or absence.

Hedgerow Assessment (HA)

- HA1 Over one third of the hedgerows within the site were species-rich and comprised of an aggregate of five or more woody species. Under a half (17 out of 42) of the hedgerows were classed as 'important' under either Paragraph 6 or 7. All hedgerows are listed as UKBAP and LBAP priority habitats.
- HA2 Hedgerows are wildlife habitats in their own right, but also form vital corridors for the movement of wildlife and are important in the maintenance of landscape-scale habitat linkages through both the countryside and urban areas. As such, and in accordance with the NPPF and the provisions of the NERC Act, any development proposals for the site should seek to retain and enhance such corridors for the future benefit of wildlife. In this context, all hedgerows (particularly those identified as 'important' under The Hedgerow

Regs criteria) have an intrinsic value and should, where possible, be retained and enhanced within development proposals.

HA3 Breaks within hedgerows are shown on the Illustrative Masterplan in order to facilitate the proposed development. To offset any losses, defunct hedgerows within the site will be gapped up. Gaps will be planted with at least six native shrub species of local provenance, based upon existing content of the hedgerows on the site.

Planning History

No planning history related to this site

Consultations

On the application as originally submitted in 2015:

Ward Members: No representation received.

Kingsnorth Parish Council: Kingsnorth Parish Council objects to this application as premature, seeking to deliberately pre-empt the proper strategic planning being undertaken in the Local Plan process.

The Parish Council believes that Ashford should remain committed to the approved strategy of compact development of Ashford so that the setting of the town in the Kent countryside is maintained as a key asset. The urban extensions of Chilmington Green and Cheeseman's Green were approved in the Core Strategy in 2008 because at that time Ashford was designated as a "growth Area". The designation has since been withdrawn and there is now no basis for further large development in open countryside. Not only is this development entirely inappropriate it is also unsustainable and non-viable.

The current adopted plan, known as the Core Strategy runs to 2021, this site is not included in this document. The core strategy is now being reviewed, now called the Local Plan, and this application seeks to pre-empt any suggestions that may result from ideas for future development from the planners in consultation with the residents. The Localism Bill 2011 is said to allow local people to have more say in development in their local area.

The applicants in their documents justify the development by relying extensively on the fact that in 2008 Kingsnorth was suggested by the planners for a third urban extension south of the urban area of Ashford, the other areas being Chilmington Green and Cheeseman's green. At the time the inspector in his report said " To meet the housing target(at that time 31,000 houses) in the most appropriate manner a third urban extension will be needed, but the information base does not allow the most appropriate location for such a third extension to be identified. He also said "To

include “south Ashford “as a housing area would be very unpopular. It would sit uncomfortably against the concepts of local democracy and accountability”. The inspector took into consideration the considerable amount of opposition to the development at Kingsnorth from the residents. The Inspector also stated that “within the Kingsnorth area other alternatives appear to exist. South Ashford seems no better and arguably worse than other options nearby such as Court Lodge and further east over the railway line”.

Since then the growth area status of Ashford has been removed. Ashford is no longer required to build 31,000 houses by 2030. Hence the need for a third urban extension has gone. Kingsnorth has already taken a large number of new houses. In 2001 the population was 6709, by 2011 the population had risen to 11,245, a 70% increase. These are census figures and there have been several hundred more houses built since then. Kingsnorth has already taken its share of new housing, it needs time to assimilate these existing houses into a thriving community.

Landscape

The area proposed for development is quiet open countryside, while it does not have any specific designation the NPPF states that the countryside has an intrinsic value and must be respected.

This plan shows no respect for the countryside but aims to cover a large area of good grade farmland which has been used for agriculture for centuries. In 1987 Ashford Borough Council vowed to protect the rural status of Kingsnorth and its hamlets. Hence its support for the buffer zone between the village and Park Farm.

The plans would completely destroy the rural setting of the existing settlements of Kingsnorth village, Stubbs Cross and Steeds Lane Hamlets. Dwellings in these settlements would lose their rural amenity. This is admitted in the Landscape Assessment, which describes the change as “arable and semi improved grassland to residential and landscaped green space”. The impact is described as “medium to high adverse”. The proposal to build a new village centre almost on top of the existing one is extraordinary and non-viable

Policy TR17 of the Tenterden and Rural Sites SPD specifies 8 criteria to which the Council must have regard to ensure that the Landscape character is protected and enhanced. This proposal does not have regard to the pattern and distribution of the settlements, roads and footpaths. It has no regard for the historic settlement pattern. The sprawling nature of the proposal has a significant and disproportionate impact on the character of the area. The protection of rural lanes is a key theme of Policy TRS18.

The Heritage assessment states that there are 30 listed buildings which will be directly affected by this development. A grade 1 church, 6 grade 2 farmsteads and 23

other grade 2 listed buildings. The Parish Council believes that the proposed changes to the agricultural setting of these listed buildings would be harmful to their special interest and does not agree with the Applicant that lack of ownership of their former farmland renders the setting irrelevant. Heritage England in its letter as a statutory consultee, also agrees that the setting of a listed building is important and should be protected.

The application is very close to the Kingsnorth Conservation area, at present being reviewed. Proposals should be sensitive to the context of the area and this has not been demonstrated in the design and access statement.

Sustainability

The Parish Council considers this application to be unsustainable. The land parcels are discrete and not related to each other. The effects of the development would reach much further than the boundaries of the application. The transport strategy assumes road capacity exists because other developments have not yet come forward. However these developments have been approved and are committed. It is essential that the cumulative impact of development is considered including the impact on regional and national routes. Highways England have requested further modelling work and state that in their opinion "the development may result in severe harm to the M20 and the A2070 trunk road".

The road layout within the development and which purports to link the sites is totally unsustainable.

The suggested roundabout at Smithfield Crossroads leads in the first instant into Area 2, as a long cul-de-sac with no other exit. All the other areas have connections to existing rural roads. These roads are narrow lanes and could not possibly take the extra traffic which such a development would generate.

Finally, all the roads proposed on the site would lead eventually to the crossroads in the centre of Kingsnorth. This Crossroads is already very dangerous. It couldn't take the volume of traffic which this development would create. The Chilmington Green development will also add to the volume of traffic on these crossroads. Development in South Ashford, especially at Cheeseman's Green, is severely, constrained by the lack of a new junction onto the M20, known as J10A. This junction has been on the cards for over a decade, its funding is uncertain and the will of Government to fund it is problematical. It is not due to start construction until 2019.

Ecology

The development proposes to remove hedges and replace them in other places. It is assumed that the habitats and biodiversity that hedges provide can be replicated almost instantly by replacement planting. This is not so, it takes years for hedges to

grow to a size that becomes useful to wildlife. In addition the wildlife disturbed by the development may never return to the site. This is almost certainly true of dormice.

Other highly protected species on this site are water voles and Great Crested Newts. This is acknowledged, but the ditches which the water voles depend on for dispersal and foraging are not being protected, the ponds have only a protected zone of 50m . Whether this is sufficient depends on the expected use of the green areas and whether these areas would be used for agriculture or public recreation.

Flooding

Kingsnorth is on heavy clay, this is not mentioned in the assessment of surface runoff and in the effectiveness of SUDS. Flooding in this area occurs every winter and in other seasons after heavy rain. The White Water dyke and the water courses feeding into it are of particular concern. Many of the listed buildings are built with floating foundations which if the water table fell would be severely damaged.

Public consultation

The Parish Council, with the assistance of ABC planners, has held three public workshops. The subject of general development in Kingsnorth and consideration of this application has been the subject of these workshops. Attendance has been high and opposition to this application was unanimous.

The suggested timetable for the building of this development is totally unrealistic.

The Parish Council consider that this application is unsustainable, inappropriate and unnecessary and unviable. It should be withdrawn.

Shadoxhurst Parish Council: Shadoxhurst Parish Council objects on the following grounds:-

Pressure on the infrastructure, local schools, local doctors, hospitals and other local facilities

The increase in traffic that will generated by this development

Noise Pollution

Light Pollution

Effect on the Environment

Loss of identity of local communities

Great Chart with Singleton Parish Council: Great Chart with Singleton Parish Council does not object or support at this stage of the outline application, but does request that any application is not considered in isolation to other potential developments, particularly Chilmington Green, and that further consideration should be given to bring coherence to any future transport links for the whole of Ashford. It was noted that a roundabout had previously been proposed at Magpie Hall Road, which had not been developed.

Bilsington Parish Council: Object to the application on the grounds that the road infrastructure in the adjoining Parishes would be unable to cope with the increased traffic.

Mersham with Sevington Parish Council: Mersham with Sevington Parish Council consider this application to be inappropriate over-development of the area and have concerns about a lack of evidence of need for these properties. The roads infrastructure is ill-equipped to deal with the high-volume of traffic that is already using these roads. Without a commitment to Junction 10A this development cannot be justified, if Highways England cannot make a viable argument for expenditure on Junction 10A now, this development should not be permitted.

Kent County Council Highways and Transportation: The applicant is required to undertake further work, to include traffic surveys and transport modelling, as per the scoping discussions had with the applicants' transport consultants in July 2014. The corresponding output from this exercise is needed for the local highway authority to be able to take a robust position on the findings from the assessment process. As such the local highway authority's current position is one whereby further information is required to be provided by the applicant. Should the applicant elect to not provide the further information requested by the local highway authority then an objection shall be forthcoming on the basis of insufficient information being presented within the application material.

i) Traffic survey requirements

The Transport Assessment has been prepared without the commissioning and collation of traffic survey data. This data is required in order to provide a robust assessment of key local junctions. The local highway authority did scope what junctions would be required to be surveyed with the applicant, but the decision was made to ignore this advice. It is crucial that Transport Assessments are undertaken in accordance with the scope of assessment agreed with the local highway authority.

The PBA scoping note made reference to the following junctions to be the subject of traffic surveys:

- M20 Junction 10 A2070 / Orbital Park access
- A2070 Bad Munstereifel Rd / A2042 Romney Marsh Road

- Romney Marsh Road / Forestall Meadow
- Romney Marsh Road / Malcolm Sargent Road
- Romney Marsh Road / Norman Road

The applicant's transport consultant has previously identified that an assessment of the following junctions was undertaken prior to the TA scope having been agreed with the local highway authority:

- Steeds Lane/Ashford Road/Magpie Hall Road
- Pound Lane/Church Hill/Ashford Road

Traffic data for the junction of Steeds Lane/Ashford Road/Magpie Hall Road and Pound Lane/Church Hill/Ashford Road has not been presented within the Transport Assessment, and this data is required to be made available to the local highway authority for analysis. The traffic survey should also include the placement of ATCs at two locations on Ashford Road. The precise location of the ATCs is to be confirmed through discussion with the local highway authority.

ii) Baseline highway network performance

The applicant is required to undertake traffic surveys explained under point i) above in order to collect and collate data baseline traffic data to inform an assessment of the baseline performance of key local junctions on the local highway network as bulleted above. This modelling will provide a measure of how the network is performing today in the year the planning application was submitted, that being 2015.

Section 5.3 of the Transport Assessment asserts that Highway England's SATURN model has been used to derive traffic data for inclusion within the Transport Assessment. The TA states:

"This has been advised as a preferred approach by both KCC and HA officers."

The above statement is factually incorrect. The true series of events in that the local highway authority spent effort at the pre-application stage having been engaged by the applicant's transport consultant to define what junctions on the local highway network would need to be assessed to derive baseline highway data for inclusion within the Transport Assessment.

The Transport Assessment makes direct reference to '2014 observed flows' but there is no explanation as to the source behind the 2014 observed flow data, and no data is appended to the Transport Assessment.

iii) Committed development

The local highway authority has not agreed the committed development with the applicant. As such there cannot be complete confidence in the relevant baseline position. The standard approach is for the applicant to seek to agree what represents committed development with the Local Planning Authority. The local highway authority seeks clarification from the local planning authority as to what development proposals are representative of 'committed development'.

iv) Impact on the local highway network

The Transport Assessment advises that the methodology for assessing the impact of the development proposal is based on the extract of data from Highway England's SATURN model. Trip distribution information to inform the Transport Assessment has been based on the extraction of data from the SATURN model for the Park Farm residential development, and that traffic distribution for the Kingsnorth scheme has been distributed onto the highway network in the same pattern and Park Farm in the SATURN model.

The local highway authority does not support this metrological approach, and the output will be significantly misrepresentative of local traffic distribution, as illustrated in Figure 1.

Figure 1. Analysis of traffic distribution

The analysis presented in Figure 1 illustrates the assignment of the principal traffic movements from three locations, as follows:

- The centre of Kingsnorth Green site: the principal movements will be via Ashford Road to join the strategic network, as represented by the green line
- Park Farm Estate: the principal movements will be via the roads marked orange
- Park Farm South and East: the principal movements will be via the roads marked red

The TA does not confirm if the data for 'Park Farm' is representative of the Park Farm Estate or Park Farm South and East. Notwithstanding this, the application of distribution data as described within the TA is materially misrepresentative of how traffic will assign to the local and strategic highway networks from the application site. As illustrated by the green line, the traffic movements assigned from the application site will interact with a number of local junctions (and proposed site access locations) that has not been correctly captured in the exercise carried out to inform the TA. For example, movements through the junction of Ashford Road/Pound Lane/Church Hill will have been significantly underestimated, and movements

through the Ashford Road/Forestall Meadow roundabout and Romney Marsh Road/Malcolm Sargeant Road/Bad Munstereifel Road will have been materially underestimated within the TA analysis.

The methodological approach is clearly unsatisfactory, and traffic surveys of local junctions are required. In tandem with the junction survey work the local highway authority will look to agree a representative position with respect to traffic distribution onto the local network from the application site.

v) Impact on the Strategic Road Network / transport modelling

The impact on the Strategic Road Network will need to be assessed using the Highways Agency Saturn model. Two principal model runs using the Highway Agency Saturn model would be required, as bulleted below:

- Saturn model using existing committed development + background growth + the development
- Saturn model using existing committed development + background growth + the development + any additional committed developments identified by Ashford Borough Council in accordance with the emerging Local Plan

The second identified model run is not straightforward to agree, as the additional committed developments likely to be carried forward through the Local Plan process have not yet been confirmed.

Highways England has submitted an initial response to the application dated 29th September 2015. Within the response it is clarified that:

'Highways England do not agree with the assumption that "the assessment of development impact on the strategic road network is therefore inherent in the above mentioned studies and models" (referring to the Ashford Highways and Traffic Study SATURN Model and Ashford Town Centre Study VISSIM model). Whilst development contained within the existing modelling may not have come forward as anticipated, the location and Impacts of the resultant traffic flows would be most likely spread across the model area it would not be correct to assume that they would be specific to the Kingsnorth area.'

The local highway authority concurs with the views of Highways England, and it is advised that the applicant engages with Highways England on the timing of access to the strategic model, the likely cost of a model run and confirmation of the committed developments included.

vi) Steeds Lane/Bond Lane proposed access arrangement – visibility requirements

Both Steeds Lane and Bond Lane are subject to national speed limit (60 mph) and both are rural roads, and so visibility requirements are in accordance with DMRB (2.4m x 215 m). The drawings show visibility splays of 2.4m x 43m. In the absence of speed data at the points of access to demonstrate that visibility requirements lower than those required for 60 mph roads can be supported then visibility splays of 2.4m x 215 m need to be shown to be accommodated within land owned by the applicant and/or the public highway.

New points of access served from the public highway network are required to be lit.

vii) Pound Lane proposed access arrangement

The drawing to show the proposed access with Pound Lane includes a notation that there is no footway on the south-western side of Pound Lane to the east of the proposed access. This is incorrect, as the local highway authority completed a footway extension in 2013 along this section to a point east of the culvert bridge, as denoted by the pink highlight below. The footway is shown on the OS base, as marked.

Figure 2. Proposed access arrangement with Pound Lane

To the west of the culvert bridge pedestrian connections continue in the form of a footpath set back from the carriageway. This detail needs to be shown on the proposed access arrangement drawing. Consideration needs to be given about the interaction with the culvert bridge as a result of intensification of traffic movements using Pound Lane as a result of the proposed development.

There are also concerns that a large vehicle will not be able to make a satisfactory manoeuvre from the internal road when undertaking a right-turn onto Pound Lane even when taking account of the hatched section. The proposed arrangement needs to be revised.

viii) Accident data

The Transport Assessment references accident data in section 3.5, but the output is based on a high-level desktop study using Crashmap, which is a publicly-available website that provides a basic overview (location on crash incidents) over a given time period.

Accordingly, the TA provides no associated commentary on the causal factors behind local crash incidents to enable a robust analysis to be undertaken. The applicant is required to obtain crash data from the local highway authority, to include commentary on the causal factors behind crash occurrences.

The accident data study area needs to include a much broader area than that defined in the TA, as the development proposal will give rise to traffic movements that will not be limited to only interacting with those junctions shown within the screen capture on Figure 3.5 of the TA. Figure 3 defines the study area for which crash data is to be obtained from the local highway authority in respect of the extent of the local highway network. Dialogue should also be had with Highways England concerning the Strategic Road Network.

Figure 3. Crash record study area

ix) Magpie Hall Road – the need to keep this route a rural lane

The promotion of the planning application in advance of the Local Plan Review being suitably progressed does not endorse the spirit of proactive planning. An example of this is in respect of the proposed off-site highway works to Magpie Hall Road, for which a roundabout scheme has been put forward for consideration as part of the development proposals. There are associated issues for Magpie Hall Road itself if the junction of Magpie Hall Road is upgraded to a roundabout scheme, as this will draw in a greater degree of local vehicle movements via Magpie Hall Road, which the local highway authority considers to be unacceptable as Magpie Hall Road is to be subject to traffic calming proposals in conjunction with development proposals at Chilmington Green, for which there is a resolution to grant planning consent.

The promotion of the planning application ahead of the Local Plan Review means it is not possible to comprehensively plan improvements to the local highway network to cater for future development should sites be allocated through the Local Plan process.

Highways England: Our view is that the proposed development may result in severe harm to the M20 Motorway and A2070 Truck Road. We need further information from the applicant to establish whether this is the case. The information we require is:

Traffic Impact Assessment of the development on the SRN at A2070 junctions with Orbital Park access, A2042 Romney Marsh Road and at M20 Junctions 9 and 10.

Highways England do not agree with the assumption that “the assessment of development impact on the strategic road network is therefore inherent in the above mentioned studies and models” (referring to the Ashford Highways and Traffic Study SATURN Model and Ashford Town Centre Study VISSIM model). Whilst development contained within the existing modelling may not have come forward as anticipated, the location and Impacts of the resultant traffic flows would be most likely spread across the model area it would not be correct to assume that they would be specific to the Kingsnorth area.

Therefore, we would ask the applicant to look further at each of these junctions and provide a traffic impact analysis through to the year of full occupation.

We will write again when we have received this further information and have evaluated it.

This email does not constitute a formal recommendation from Highways England. We will provide formal recommendation later when we can be confident that the application is in its final form. To assist us with this we would be grateful if you would advise when you expect to determine the application.

Kent County Council Flood and Water Management: Whilst we acknowledge that the approval being sought is for outline approval only (with all matters being reserved for consideration at a later date), the principles of the site-wide drainage infrastructure should be considered and established from the outset. We are therefore pleased to note that a Flood Risk Assessment/Drainage Strategy has been submitted to outline how the surface water generated by these proposals can be accommodated and disposed in a manner that seeks to mimic the runoff from the existing site.

At the detailed design stage we would expect to see confirmation of the exact locations of the proposed attenuation/infiltration features along with location specific soakage testing to demonstrate that the scheme has been appropriately sized and will function as intended. Where it is intended to discharge attenuated runoff to a watercourse or ditch, an assessment of the receiving network's capacity to accept any flow should be provided, ensuring the rate/volume of runoff received by any catchment is not exceeded.

The detailed drainage design should be developed to be fully in accordance with the recommendations of the submitted and approved Drainage Strategy. Specifically, any such scheme should:

- Be based on the principles of source control and infiltration (where conditions permit).
- Be designed to accommodate all rainfall durations and intensities for any event up to (and including) the climate-change adjusted critical 100yr storm, with a maximum off-site discharge rate of 4l/s/ha.
- Be based on the use of 'open' SuDS features (swales, infiltration ponds, reed-beds, etc.) rather than through the use of subterranean geocellular crates. Such open features not only visually enhance a development site, they are often cheaper to construct and maintain, provide added amenity and ecological value and can be more easily used to accommodate exceedance flows.

- Consider the flow routing and accommodation of any rainfall event that may exceed the design parameters.
- Take full account of Ashford BC's SuDS SPD and Policy CS20 of their adopted Core Strategy.

We would also expect any SuDS feature to be designed to be less than 1m in depth at the peak of any rainfall event, with a half-drain time of less than 24 hours (to ensure that any subsequent storm events can be adequately accommodated).

Maintenance:

It is generally up to the developer to provide further information on the ongoing maintenance of drainage schemes, even when parts of the system are to be offered for adoption by another authority (either by providing written confirmation from any relevant authority that the adoption has been formally agreed, or through an outlined schedule of private drainage maintenance arrangements).

At the detailed design stage, the applicant should therefore demonstrate that the ongoing maintenance has been fully considered and that the formal agreement of any adopting authority has been obtained.

Please note:

We are aware of existing drainage problems and surface water management issues towards the south of the development area, particularly in the area around Steeds Close, Bond lane and Ashford Road. We would encourage the developer or their consultants to contact us at their earliest convenience to ensure this important issue is fully considered at the detailed design stage.

Should your Authority be minded to grant permission to this development, we would recommend that the following Conditions are attached:

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the preliminary strategy prepared by Wardell Armstrong (August 2015) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open SuDS features, with any offsite discharge limited to a maximum rate of 4l/s/ha.

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i) a timetable for its implementation, and

ii) 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 sustainable drainage system throughout its lifetime.

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Condition:

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

For information:

Any feature on this site capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' (unless it shown by the EA's mapping to be a designated 'main river'); we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

Any works that have the potential to affect a watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures).

ABC Project Office (Drainage): We support the comments made by KCC in relation to surface water drainage and have the following additional, supplementary comments.

Infiltration to ground will not be appropriate for the site as this area is underlain by Weald Clay; therefore infiltration rates will be extremely low (In the order of 1×10^{-9}) and not appropriate for infiltration. Therefore, it is envisaged that all discharge will need to be achieved via attenuated runoff to a watercourse or ditch, as mentioned by KCC an assessment of the receiving network's capacity to accept any flow should be provided, ensuring the rate/volume of runoff received by any catchment is not exceeded.

SuDS techniques should be prioritised by their "level of appropriateness" for Ashford as identified within the Sustainable Drainage SPD and it would be expected that the majority of the SuDS provided as part of this development will be 4 or 5/5. This should be confirmed during the reserved matters stage as to the detailed elements of the SuDS drainage scheme. We would strongly recommend facilitation of a meeting in the early stages of detailed design between the Applicant (and their design consultants), Ashford Borough Council, The Environment Agency and Kent County Council on a scheme of this magnitude to ensure that the scheme fully complies with local and national requirements. This will allow for existing drainage issues or concerns to be identified and for the design of each element of the scheme to accommodate these.

Reference is made to the use of permeable paving is made within the preliminary drainage strategy, permeable paving systems are encouraged as part of the Ashford Sustainable Drainage SPD, however in this case it would require to use a tanked style system due to the inability for infiltration methods within this area of Ashford.

Maintenance:

As mentioned by KCC, at detailed design stage future maintenance provision should be considered throughout the design phase with formal agreements made to ensure on-going maintenance throughout the lifetime of the development. This will clearly show where responsibilities lie in relation to the maintenance of surface water drainage system. This should be supported as part of a long term strategy to maintain the SuDS system regardless as to whether this will be undertaken by a private management company or another adopting authority.

Runoff Rates:

As per the Sustainable drainage SPD the runoff rate of the site should be 4l/s/ha. The preliminary drainage strategy makes reference in the summary that "Surface water runoff from the development will be restricted to the pre-development greenfield runoff rates". Due to the ongoing and perceived future flood risk within the

Borough of Ashford and as per the SPD, runoff rates in many instance are required to be developed to provide runoff rates below greenfield when development. This site is one of those in question and the rate of 4l/s/ha should be applied even if the Greenfield runoff rate is higher than this rate.

We would recommend the following full condition be placed on the application;

Full Conditions

No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open SuDS features, with any offsite discharge limited to a maximum rate of 4l/s/ha.

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

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

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where possible. Proposals should identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified. Permission for discharging of surface water the existing public sewer must be obtained by the applicant via written confirmation from Southern Water of their agreement to the proposals.

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

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD

document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance throughout the developments lifetime). No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures.

Reason

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

Environment Agency: The application has a low environmental risk. We therefore have no comments to make.

Kent County Council PROW: The County Council's PROW and Access Service would like to bring to the attention of the applicant the existence of six Public Rights of Way known as Public Footpaths AW315, AW316, AW317, AW318, AW319 and AW320 which run immediately through the proposed development. For the avoidance of any doubt I have transposed the locations of these paths onto the Outline Master Plan. Of note, three of the existing Public Rights of Way's numbered AW315, AW317 and AW318 are omitted from the applicants' submission, plans must therefore be amended at the earliest opportunity. The existence of the Right of Way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way (PROW). While the Definitive Map

is the legal record, it does not preclude the existence of higher rights, or Rights of Way not recorded on it.

Whilst we have objections to the proposed development, these should be able to be overcome following the effective resolution of the issues raised.

Walking and Public Access to the Countryside.

Areas 1, 3 and 4 are well served with a valuable Public Rights of Way network available to residents. The development as proposed will however have significant detrimental effect in respect of the character, views and amenity of some of the existing routes through the development, including that of the "Greensand Way" long distance trail.

Area 2 has no Public Rights of Way within the immediate vicinity and as such suffers from a deficit of available recreational routes for any potential residents. Availability of accessible open space and access is however provided.

The Design and Access Statement make reference to the community feedback requesting the provision for walking, cycling and bridleways. Whilst we recognise and welcome the proposed footpath link in the South East corner of the site, this will be of negligible value to those residents in Areas' 1 and 2, where there is greater deficit. We would also ask that the proposed path is dedicated as a public right of way to secure its future and provision of Bridleways to facilitate cycling and equestrian use is secured.

Impact on Public Footpaths.

AW315

This paths alignment would be directly obstructed by the proposed development blocks, as shown on the attached plan. As such we recommend that plans are re-drawn to demonstrate the paths alignment as being within a wider green corridor as appears to be the intention. The path also forms part of the promoted long distance walk, The Greensand Way. Its regional importance to tourism should not be overlooked. We therefore recommend that the path is provided within a much wider green corridor so that views approaching the farmstead at Bond Lane are retained.

AW318

The southern section of this path has been omitted from the development plans and as such they are invalid. Plans should be re-submitted correctly showing all rights of way on their correct alignment. Subject to the agreement of alternatives, in principle we are not adverse to this path being removed through the development process, should it prove that development would be required over its alignment.

AW316, AW315 (East of Bond Lane)

These paths appear to have been considered and are unaffected. Views are largely retained and the proposed new path may provide to be useful link. We would request however that this proposed path is dedicated as a public right of way for the avoidance of doubt as to its future maintenance. Path AW315 should also be correctly shown on the plans.

AW319

The path follows the alignment and crosses the primary road on three occasions on bends. This would appear to introduce unnecessary safety issues to which we object. A minor amendment however to move the path and green space to the South side of the primary road would remove all concerns.

AW320

Again this path is incorrectly recorded as shown on the master and green infrastructure plans. This must be corrected in order to remove our objection. The alignment as shown is however agreeable and may enhance the views. The path must however be diverted through the due process.

Cycling Access

As proposed, access to Ashford Town, the train station and secondary education facilities would appear to be omitted. Insufficient consideration appears to have been given to this area and as such we believe the development is unsustainable. Our recommendation would be that path AW319 should be upgraded to Public Bridleway status to facilitate cycling and equestrian access between the Ashford Road and Church Hill. In respect of cycling this could then connect North through Park Farm to the excellent Willesborough path to town.

Open Space

The provision of accessible open space appears well considered however the intention of the Village Green appears unclear. It is possible through the Commons Act 2006 to voluntarily dedicate land as a Village Green to afford it a protected status through S15 (8). We would wish to know at this stage as to whether that is the intention and recommend this is secured through condition.

Contributions

We would expect paths AW318 and AW319 to be provided with improved surfacing and have minimum widths of 2.5m. In the case of the continuation of the path to Church Hill from the Community Centre we would expect an offsite contribution in

the region of £26,000. This could be reduced by moving the path inside the red line area to get closer to Church Hill or purchase of the land over which the path resides. All other paths should remain as unmade grass rural paths.

Objections raised are as follows:

- A number of unnecessary safety concerns have been introduced for path AW319 crossing multiple roads with poor sight lines.
- The Master Plan and Green Infrastructure Plans do not include all recorded Public Rights of Way and those that are shown appear to be incorrectly mapped.
- The development blocks appear to inadvertently obstruct Public Rights of Way unnecessarily. Plans should be revised so that we can properly assess the intended layout.
- The future status of the Village Green should be secured.
- There is currently no cycling connections proposed that connect to the existing network and town.

New legislation in response to the Penfold Review, specifically the Growth and Infrastructure Act 2013 Section 12, (stopping up and diversions of public paths) means that an order to stop up or divert a right of way can be made in anticipation of planning permission being granted. This will allow the applications for planning and public rights of way orders to run concurrently, helping to reduce the completion time of the planning process.

In respect of ongoing maintenance it will be expected that Site Operators take on maintenance responsibilities for any landscaping and enhancements to benefit the public right of way network. In the case of any planted vegetation screening, this should be cut on a regular basis so that the footpaths are open and available to their full width at all times. If it is appropriate to do so I would ask that the maintenance responsibilities be added as a planning condition.

If you are minded to approve the application I ask that you make the following conditions;

1. No development should take place over any public right of way until the confirmation of its diversion and certification of the new route is approved by the County Council.
2. That no more than 100 units are occupied prior to the provision of a cycle route link to Church Hill.

3. That any necessary PROW changes and surfacing is agreed with KCC's PROW and Access Service prior to commencement.

4. That a Section 106 contribution is sought to a level no less than £26,000 for the creation of a cycle link to Church Hill.

5. In the event that any diversion is required to a Public Right of Way the Owner and/or the Developer shall submit an application for that diversion to the County Council's PROW and Access service prior to Commencement of Development of the Phase in which the part of the Public Right of Way which requires diversion is located and such application shall be accompanied by a proposed specification for the construction.

6. The Owner and/or the Developer shall dedicate the agreed parts of the Public Right of Way AW319 for use as a public bridleway in order to facilitate access from the development by cyclists

Finally, I should be grateful if you could bring the following to the applicant's attention:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, I would need six weeks notice to process this.

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

Comments are made in reference to the following planning policy;

- National Policy Framework Section 75, states that planning policies should look to protect and enhance public rights of way and access.
- NPF 35, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones
- KCC Kent design guide

Kent County Council Heritage: This large development site lies to the south of Kingsnorth village and is situated in an area of high potential associated with prehistoric and Roman activity. To the north and east especially are Iron Age funerary sites which can be located specifically due to special landscape and topographical attributes. Westhawk Farm, a Scheduled Roman small town, is situated to the north at a nodal point of several Roman roads. One of these linking Roman roads passes to the west of the application site. Much of the application site comprises fields of historic farm holdings and there has been little development in this area. The proposed development will have a major impact on buried and upstanding archaeology and on the historic buildings and historic landscape. With the potential impact being great, there needs to be a robust and clear assessment of all aspects of the historic environment.

I welcome the approach by Wardell Armstrong in that they have undertaken a geophysical survey of much of the application site and have carried out field walking and a site walkover where possible. However, they do not seem to have undertaken a historic landscape survey or assessment and they have not undertaken an in depth archaeological desk based assessment. In addition there is no detailed assessment of the historic built environment although they have mentioned individual historic buildings.

Despite the welcome preliminary fieldwork, the assessment of heritage is not quite sufficient and does not provide reasonable detail on the archaeology, historic buildings and historic landscapes which could be affected by this proposed large development scheme. There is no detailed assessment provided in a Desk based Archaeological Assessment and there is no historic landscape assessment, both of which usually provide the evidence based supporting the heritage chapter of an ES. A reasonable DBA and Historic Landscape assessment must be provided as part of this application.

Consideration of heritage in the application supporting data seems to be focused in the Archaeology and Cultural Heritage chapter 14 of the ES only. I would like to provide detailed comments on this chapter.

1. The search area on plans/figures is too small. This is in view of the size of the proposed development and potential scale of impact; and in view of the nature of the landscape being very undeveloped, having had little formal archaeological investigations. Although they have mentioned some key archaeological sites some distance away, there is no assessment of the implications for the land around the application site. For example, there is little mention of the Iron Age/roman road network and the potential for associated activity sites adjacent to or within the application site. A larger search area should be considered.

2. The summary account of the key archaeological sites in the area focuses on the evaluation stage of the formal archaeological works rather than the excavation results and publications. Many of the sites mentioned, Westhawk Farm, Park Farm East, Brisley Farm have been fully published and the publications give description of significance of these sites as well as placing them in their landscape context. Some other sites, such as Park Farm, Cheesemans Green and Waterbrook Park have been subject to detailed excavations. The Chapter 14 ES account simply describes the basic evaluation results and therefore does not provide adequate assessment of the surrounding archaeology. The description of these formal investigations around the application site needs to be described using post excavation assessment reports and publication results – not just the trial trenching.

3. I am not sure why the description of archaeology keeps referring to the geology of Weald Clay. It needs to be noted not repeated. However, it should also be mentioned that some of the major archaeological sites known in this area, such as Brisley Farm, Park Farm and Park Farm East, were all located on Weald Clay. It would therefore be mis-leading to imply that Weald Clay is unlikely to hold a significant archaeological site. Furthermore, some other sites, such as Westhawk Farm, were highlighted by the British Geological Society as being mainly on Weald Clay with just small outcrops of River Terrace Gravels. Once archaeological sites were stripped the deposits sometimes were more sandy and widespread gravels. This situation could occur on the proposed development site. There is at least one gravel patch within the application site and this may be much more extensive than BGS record.

4. The topography and the historic landscape of the application site are of far greater relevance than the geology in this case. The single paragraph on the historic landscape (14.2.26) is not sufficient and the information provided in the paragraph is virtually irrelevant. It is suggested that there are high points within the site and a broad ridgeline running east to west. This ridgeline is likely to have been a favourable area for settlement and burial sites from the Prehistoric Period onwards. Such topographical assessment is needed, preferably incorporated into a reasonable

assessment of the historic landscape set out as a separate detailed assessment report.

5. The description of Scheduled Monument of Westhawk Farm (SM 1017645) is not complete. The Scheduled Monument includes a WWII pill box. This may not be relevant to the significance of the Roman small town but it is when considering the application proposes to remove a WWII pill box. Clearly Historic England consider some pill boxes are of national significance. In view of this, the applicant's heritage team need to provide a statement of significance on the pill box within the application site. The proposed removal needs to be thoroughly justified. The pill box is on the HER and there clearly may be other associated heritage assets within the application site reflecting the WWII heritage of this area. The proximity of the Ashford airfield should be described and it may be that a network of pill boxes and gun emplacements are located within the application site, to defend the Ashford Airfield and key roadways. I notice that there may be at least another two pill boxes, not on the HER but adjacent to the application site, one in the garden of Herondell on the east side; and one north of Old Mumford Farm. This aspect needs to be described in greater detail.

6. The description of the Iron Age and Romano-British potential is not detailed enough and does not reflect our current understanding of the character and extent of activity, settlement and funerary sites of this area. As such the potential for Iron Age and Romano-British remains on the application site is being under-estimated.

7. Wardell Armstrong need to re-visit the key archaeological sites as there seems to be some confusion between the nature and character of the Park Farm site and the Park Farm East sites. Park Farm East was very much an Iron Age settlement but Park Farm is most important for its early prehistoric remains.

8. Paragraph 14.2.39 does not provide a reasonable description of Westhawk Farm and the surrounding Roman activity. As such the potential for Roman remains on the application site is under-estimated.

9. Paragraph 14.2.41 does not provide a reasonable description of the medieval settlements. There are several moated farm complexes in this area and many post medieval farm holdings around the application site. There is high potential for medieval farms to survive within the application site and some of the Listed Buildings and historic buildings directly adjacent to the application site may be of medieval origins, increasing the significance of those sites. The current account of the medieval archaeology does not provide a sufficiently in depth assessment of the medieval potential.

10. Bond Farm was previously known as Kiln Farm on the early OS maps. In addition, the geophysical survey suggests anomalies of possible kilns nearby. This

potential for medieval or earlier kilns needs to be developed and described in more detail.

11. The description from the aerial photographs and site walkover is of interest but should be part of a more comprehensive historic landscape assessment. The presence of oak trees and ditches alongside hedgerows suggests some antiquity to the field boundaries. It is known that the Roman road to the west is still reflected on the surface by the alignment of a hedgerow. This relationship of current landscape features reflecting time depth and historic land use and land division is a key part of the significance of the historic landscape. As such it is vital that the historic landscape elements are more clearly described and that there is a proper assessment of the historic landscape. For example there is mention of a large ditch to the east of the field between Chimneys and Myrtle Court. This needs to be expanded upon. Any landscape feature which can be demonstrated to reflect a Medieval or earlier feature or be part of an ancient field system, would be considered to be of significance and may need to be retained and integrated into the landscape design of the development.

12. The consideration of historic buildings, including Listed Buildings and their settings, is too superficial and needs to be in greater detail. The current assessment in section 14.2 focuses on the immediate setting of the buildings rather than their landscape setting. Some of the historic buildings are, or were, farms and these should be considered in their wider historic agricultural setting.

13. There needs to be assessment of routeways and footpaths. Some footpaths may have been used over 100s of years and it would be preferable for the development to utilise this historic framework wherever possible rather than lead to its loss. For example, it is noticeable that several footpaths convene on Bond Farm (formerly Kiln Farm). This suggests a frequent need to pass through Kiln Farm from different directions and to follow these particular routes for successive generations.

14. The mitigation set out in 14.4 of ES Chapter 14 is not appropriately evidence based. For example, it is suggested that the areas highlighted as being of possible significance archaeologically, based simply on a cropmark and the geophysical survey, will be preserved within areas of green space. Firstly, there is no definitive evidence yet to suggest these are significant archaeological remains. Further archaeological fieldwork on these sites would be appropriate to inform an appropriate detailed mitigation strategy. Secondly, suggesting an archaeologically sensitive area would be "green space" does not guarantee preservation in situ. The creation of green space may involve landscaping and groundworks which could have a major impact on buried archaeology. In addition, if some of this "green space" is attached to a school, frequently a school will undertake extensive groundworks to facilitate the creation of sports fields. I notice that the "green space" is adjacent to the proposed primary school which in my view could easily lead to future ground disturbance, sometimes as permitted development. Furthermore, the geophysical

survey highlighted several other potential archaeological activity sites, including some possible kilns. These possible kilns are within a proposed housing area and the impact on these kilns would be severely negative. As such I consider the proposed green spaces to preserve some archaeological sites needs further justification. The proposed mitigation strategy needs to be evidence based and revised.

15. I do not agree that the loss of buried archaeological remains due to development could be fully mitigated through the implementation of a programme of archaeological fieldwork. As stated in NPPF section 12, heritage assets are an “irreplaceable resource” and should be conserved in a manner appropriate to their significance. There should be a presumption in favour of meaningful preservation in situ and attempts made to reduce negative impact. However, it is essential that mitigation is evidence-based and I consider further deskbased assessment is required to appropriately understand the heritage assets which may be affected by this scheme.

16. With regard to cumulative impacts, I suggest more assessment is needed of the cumulative impact on the historic landscape and the character of the historic built environment, particularly Listed Buildings.

In addition to Chapter 14 of the ES, there are broad comments on heritage in the Design and Access and Masterplan Section 5.1.3. However, the Supporting Plan 14007(P) 013 clearly indicates that the study area is far too tightly drawn around the application site. There is a need to place the historic environment of the site in its landscape and wider context. It is crucial to consider nearby archaeological sites and settlement patterns, and land use, particularly as part of the assessment of the significance of archaeology and historic landscape heritage assets.

Comments from (Acting) KCC Conservation Architect

Having read the Historic England comments (3rd September 2015) I have to concur with what they say. It is important the development is drawn away from the Conservation Area and the Grade I Listed church. The “buffer zone” needs to be landscaped appropriately.

I agree wholeheartedly with Historic England that where buildings are historically linked to the land, in this case farming, then their setting cannot be limited to what is now their specific curtilage. In this case their setting is the surrounding farmland as it explains their original purpose. Once the farmland is developed their setting is destroyed. However, as Historic England also state, the harm to their setting is probably less than substantial in this case given the amount of development that has already taken place around Ashford. However some mitigation in terms of landscaping should be considered.

The developers need to strengthen the case for the removal of the pill box. It is a non-designated heritage asset but once lost will never be replaced. Several pill boxes are recorded in the wider area, including one incorporated into the Westhawk Farm Scheduled Monument. This pill box is part of a network of defence structures and its significance needs to be clearly understood. It would be preferable for the applicant to review the case for its removal and consider ways to integrate it into the landscape masterplan.

In summary, I recommend that there is a need to provide more detailed assessment of heritage issues and ensure the mitigation strategy is evidence based. Following this, there may be a need to alter proposed mitigation measures for heritage which in my view are unacceptable at the present time. Key issues which need further consideration prior to determination of this outline application include:

- Demonstrating a greater understanding of the archaeological potential from the assessment of recent important archaeological investigations including Westhawk Farm, Brisley Farm, Park Farm, Park Farm East, Waterbrook Park, Cheesemans Green, Chilmington Green, Southern Ring main and Ashford Orbital Park. This is to ensure that the archaeological assessment is suitably detailed and provides a sound evidence base;
- Historic landscape assessment – to ensure there is a reasonable understanding of the historic landscape (including the Iron Age and Romano-British landscape) - thereby making sure that any development here integrates appropriately with the existing historic landscape and that significant historic landscape features are retained;
- Revised mitigation strategy based on robust evidence – for example providing further justification for the proposed “green spaces” as meaningful heritage mitigation for a cropmark and geophysical anomaly rather than proposing preservation in situ of the possible kilns;
- More robust assessment of the pill box, along with clear justification for removal of the pill box; preferably a review of this matter and consideration of retention of the pill box.
- A more meaningful assessment of the setting of the Listed Buildings and historic farms within their broader historic landscape.

Historic England: There are no designated heritage assets within the application site boundary, but there is considerable potential for direct impacts on buried archaeology and other undesignated heritage assets within the site, for which the Heritage Conservation Team at Kent County Council and your Council’s own Conservation Officer are your principal advisors. We defer to them on these matters.

The Environmental Statement has identified in its study area (1.5km from the site boundary) 30 listed buildings, including one at grade I (the church of St Michael, Kingsnorth) and 29 at grade II. Within the study area there is also one scheduled ancient monument (the Romano-British roadside settlement and WWII pillbox north of Kingsnorth – ref: 1017645) and one conservation area (covering the village of Kingsnorth).

Historic England is a statutory consultee in this case as a result of likely impacts of the scheme on the setting of the scheduled ancient monument, the grade I listed building and, given that the application site is over 1000m², the conservation area.

We think the likely impacts of the scheme on the setting of the scheduled Romano-British settlement would be limited because they are set well apart and there is intermediate residential development and proposed landscape buffering. However, you should be aware that the buried remains in this case extend beyond the scheduled area, at least as far as the modern development to its southwest for which archaeological works were carried out. It is not clear whether these remains extend still further into the application site, but we suggest that you will need to be mindful of

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available. the possibility of this – and seek advice from your archaeological advisors at Kent County Council about assessing such risks and mitigating any consequent harm to significance – when determining the current application.

We do not think there are likely to be major effects on the significance that Kingsnorth conservation area and the grade-I church of St Michael, Kingsnorth derive from their settings provided that the development is, as currently suggested, drawn well away from them and given a sizeable landscape buffer along its northern edge.

Although we defer to your Council to consider the full effects of the scheme on the settings of the affected grade-II listed buildings, we think in terms of designated assets that it is their significance, both individually and cumulatively, which is most likely to be harmed by the current scheme.

We disagree with the implication in the Environmental Statement that the settings of these grade-II buildings are typically confined to their landholdings, because in the case of such rural buildings their settings are more generally the overall rural landscape in which they stand, whether or not in their specific ownership. These are buildings that were historically closely associated with the farming of the land and it is the agricultural land in general that surrounds them that contributes to their significance by providing a context that explains their original purpose.

Change of use of this agricultural land to predominantly residential use will thus have an effect on the significance of these assets and your Council will need to satisfy itself of the extent of any consequent harm to significance in the manner required by paragraph 129 of the NPPF. We suggest that any harm in this case is likely to be less than substantial, but will nonetheless need to be minimised (para. 129) and then weighed against any public benefits of the application in the manner required by paragraph 134. In making this judgement, you should take into account both the requirements to give 'great weight' to the assets' conservation (NPPF paragraph 132) and the statutory duty set out in the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 to have 'special regard to the desirability of preserving the [listed] building or its setting' (66(1)).

Kent County Council Ecological Advice Service: Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

Natural England has published Standing Advice on protected species and Ancient Woodland.

When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

Ecological information relating to the site and the potential ecological impacts of the proposed development is contained within Chapter 12 of the Environmental Statement and Appendices 12.1 to 12.14. Appendices 12.3 and 12.5 are not available through the Ashford BC planning portal and have not been reviewed.

Overall, we disagree with some of the conclusions in the ES regarding the significance of the identified ecological impacts. While the evaluation method is

clearly set out, we consider the approach to be flawed in terms of the weight given to sub-regional scale impacts, potentially undervaluing the local importance of the assessed ecological features and as such not allowing Ashford BC to adequately take into account the value of and impacts to locally important ecological features.

For example, if a feature is assessed as of County value, the magnitude of impact would have to be classified as 'high' for the EIA evaluation to conclude that the proposed development could have a significant effect on that feature. Somewhat confusingly "for the purpose of this EIA", minor significance is not deemed to be significant, so for a County or Local value feature, a 'medium' level magnitude of impact, despite this being defined as "size and scale of the effects is such that it could lead to permanent or long-term effect on the integrity of a site or conservation status of a habitat, species assemblage or population" is evaluated as of 'minor' significance and as such, "for the purpose of this EIA", is not considered a significant effect.

On this basis, although we do not disagree with all of the assessment conclusions, as the framework within which they have been assessed does not, in our opinion, provide sufficient weight to sub-regional value ecological features, we are not able to accept the conclusions of the assessment of ecological impacts. Further detailed comments regarding the specific species survey work are provided below.

Greater clarity is required with regards to the green space and more detail should be sought regarding the functioning of these areas as mitigation for identified ecological impacts; further details are provided below regarding specific species considerations but in summary a clearer link between the identified impacts, particularly loss of habitat, and how the green space areas will mitigate and/or compensate for those impacts, taking into account the need for multifunctional uses of the green space is necessary.

We are concerned with the statement in paragraph 7.6.4 of the ES that "Land subject to built development would be permanently lost to agriculture; however the areas identified as being for non-agricultural soft uses (green space, flood prevention zones etc.) would retain the potential to be returned to agricultural use in the future and hence the loss is considered temporary" (our underlining).

We would consider it appropriate for the green space to be secured in perpetuity for all its purposes (amenity space, ecological mitigation, ecological enhancement, SuDS etc) and therefore advise that it would not be appropriate for the green spaces to be considered temporary features. This may have implications for the Land Use and Soils assessment, in respect of which we are not providing specific advice.

We also query the consideration of cumulative impacts. Notwithstanding our comments above regarding the evaluation method, and those provided below, we do not agree with the conclusions in the ES that the proposed mitigation measures will

result in “negligible adverse impacts during construction and operation; but minor beneficial impacts in the long-term”, as is the case for all of the assessed ecological features. As such, there is potential for cumulative impacts with other developments and in particular we have concern regarding the loss of farmland bird habitat.

We advise that further information regarding the ecological impacts is sought to inform the determination of the application. Below are specific comments relating to the species/species groups for which specific surveys have been carried out. As a general point, it would have been helpful for all of the species survey reports to include details of the compartments used for the purpose of the surveys.

Dormouse survey

The dormouse survey was only conducted across half of the season; though with the number of nest tubes multiplied, this ensured the survey guidance index score was achieved. While this is permitted under the survey guidance, Natural England’s Standing Advice cautions “don’t use a very high number of nest tubes for a short time just to get a high index score”. In addition, the survey dates are not provided; given that the tubes were only put up on the 6th August, the subsequent August survey may have been too soon after their positioning and this could have affected the survey outcomes. Confirmation of the survey dates should be sought.

Although dormice were confirmed as present on the site, we advise that the above constraints mean that there will be a need to apply caution to the use of the results to estimate population size and/or density for the purpose of European protected species licensing, which is confirmed in the submission as necessary to allow the proposed development to take place without committing offences against dormice.

We have compared the varying plans of the site and it appears that some of the hedgerows/tree lines were not included within the dormouse survey; we advise that clarification is sought on this point.

It may be that the boundary features not surveyed do not provide suitable habitat, but this is not clear from the submitted documents. Given that dormice have been confirmed as present (despite the statement in the report that the site has “some, albeit limited, potential to support dormouse”) we advise that additional information is sought regarding the habitats on and around the site that are suitable for dormice, for example with a habitat suitability plan.

The confirmed presence of dormice means that their use of all suitable habitats on the site should be assumed; a clearer understanding of the locations of suitable habitats will ensure that we can advise whether the potential impacts have been identified and understood, and whether the proposed approach to mitigation is acceptable.

Please also note that there are some discrepancies between the results table in Appendix 1 of the Dormouse Surveys report and the nest tubes plan: T92 and T96 are reported in this Appendix 1 as having dormouse nests present, but the nest tubes plan does not reflect this. In addition, the total nests counts for October and November reported in this Appendix 1 are incorrect. While these may be minor typographical errors, our identification of errors in the reporting casts some doubt on the accuracy of other aspects of the submission, including the presentation and the interpretation of results.

Bat Survey

The Bat Activity Survey Report provides the results of the activity surveys and automated detector surveys that were carried out. We advise that further information is sought regarding the decision to only undertake 3 dusk surveys. For medium sized sites with medium habitat quality (as identified in paragraph 2.1.2), the good practice guidelines advise one survey visit per transect each month from April to September/October, including at least one dusk and pre-dawn survey. The guidance for automated survey is for data to be collected over 3 nights each month from April to September/October.

We advise that justification for this departure from the guidelines is sought as the level of survey may not have recorded variations in bat use of the site across the active season.

We have compared the varying plans of the site and it appears that some of the hedgerows/tree lines were not included within the bat activity transects; we advise that clarification is sought on this point.

The Bat Activity Areas drawing within the report shows the locations of the automated detectors but does not number them so we cannot apply the results to the site. We advise that clarification is sought as the potential implications of the conclusion that “the increase in activity of Myotis at location 2 may indicate this species returning to a winter roost in the vicinity of the site” (paragraph 3.2.10) cannot be adequately taken into account without knowing where ‘location 2’ is.

Bat activity was focussed around “hedgerows, woodland and other linear features within the site” (paragraph 4.1.1). It is not clear what the “other linear features” comprise and we advise that clarification is sought. It is reported that “construction activities will retain the majority of optimal foraging and commuting features” (paragraph 12.5.13 of the ES) but the report does not clearly identify the locations of these ‘optimal features’ or the relative importance of the minority that will be lost as a result of the proposed development. We advise that further information is sought to clearly demonstrate current bat use of the site, identify the key foraging areas and commuting routes, and show how impacts to this use of the site will be avoided, minimised and, if necessary, compensated.

Mapping habitat suitability for bats alongside the recorded activity levels will provide a much clearer demonstration of the important areas and routes for bats on and around the site and ensure that the sites for the proposed green spaces have been identified in response to the survey data and conclusions reached.

The activity surveys recorded moderate-large numbers of common pipistrelle bat passes and it is concluded in the report that this indicates the likely presence of common pipistrelle bat roosts close to the site. Given the results of the tree assessments (discussed in more detail below), it is not clear why it is concluded that “these roosts are likely to be in the residential properties in the Kingsnorth area” (paragraph 4.1.2). We also advise that, given the number of trees with identified bat roosting potential and the lack of detailed survey of these trees, the statement that “no bat roosts are known to be present within the site boundary” (paragraph 4.1.6) is unnecessary and premature.

The assessment gives little consideration to the impacts of lighting on bat use of the site, concluding that “as >98% of bats recorded utilising the site are pipistrelle species, which are known to forage regularly beneath street lamps, the impact of lighting on bat usage of the site is likely to be negligible” (paragraph 4.1.4 of the Bat Activity Survey Report). However, recently published research (Matthews et al, 2015) concludes that lighting is negatively associated with the distribution of common pipistrelle bats and we do not consider it appropriate for the potential lighting impacts to be dismissed so readily.

Over 100 trees with high or moderate bat roosting potential are identified in the Bat Roost Potential Report, though, somewhat unhelpfully, these are not mapped but just presented in table form. Paragraph 12.4.36 states that “none of these trees will be affected by the proposed scheme”, but in our view it is not clearly demonstrated that there will be no indirect impacts to these trees/potential bat roosts and, in some locations across the site, that there will not be direct impacts, particularly as a result of the proposed primary road locations, for example in the vicinity of T81/T82/T83 and T18/T19/G19.

If it is the case that the applicant intends to avoid all direct impacts to high and moderate potential bat roosts then this must be clearly demonstrated in the application documents.

We consider there to be a need for emergence surveys of the trees with identified high and moderate bat roosting potential, particularly where these are adjacent/ in close proximity to areas proposed for development (housing and roads). This will ensure that Ashford BC can consider whether the impacts on all the sensitive areas of the site for bats are appropriately understood and also provide further information for the consideration of the potential need for European protected species mitigation licensing.

Great Crested Newt Survey

It is not clear in the Great Crested Newt Survey Report why the on-site and off-site survey visits were carried out on different days. The presentation of survey dates lacks clarity and it appears that some of the ponds were not surveyed in accordance with the guidelines (i.e. with half of the survey visits carried out between mid-April and mid-May). We advise that clarification is sought on this point.

The data presented in Appendix 2 of the report, particularly the confirmed presence of “immature great crested newts, eggs and larvae” but no adult great crested newts suggests that the timing of these surveys was too late in the season and the assessments may therefore present an underestimate of the great crested newt population size classes.

It is unclear why ‘constraints’ are presented in section 2.3 of the report and ‘limitations’ are presented in section 3.3. There are some overlaps between the two, and some differences and this is somewhat confusing. The late survey timings are not acknowledged as a constraint, or limitation, to the results and conclusions, and other limitations/constraints are also not fully acknowledged (e.g. heavy rain during survey 4 – no great crested newts were recorded; lack of accessible banks for pond 34), there also seems no consideration of the need for great crested newt surveys of the ditches. We advise that clarification on the above points is sought.

Notwithstanding clarification of the above points, the identification of the three metapopulations across the site seems reasonable (though please note that these are identified as G2, G3 and G3 in drawing ST13901-012 in the Great Crested Newt Survey Report and as Group A, Group B and Group C in paragraph 12.4.26 of the ES). We advise that, as a result of the above points, and the lack of access to several water bodies, there is a need for caution regarding the population estimate as the reported conclusions could be an underestimate; this could have implications for the assessed great crested newt population estimates.

The ES reports that “the Masterplan has allowed for the retention of immediate terrestrial habitat (50m surrounding the waterbody)” (paragraph 12.5.11 of the ES) and we support this avoidance of direct impacts to the on-site ponds and immediate surrounding habitat. We advise however that there is a need to understand the extent of terrestrial habitat beyond 50m from the ponds that will be impacted by the proposed development.

Although “the majority of terrestrial habitats within the construction area are of low ecological value for great crested newts” (paragraph 12.5.11 of the ES), we advise that the high density of ponds and great crested newts in this area means that the presence of great crested newts in sub-optimal habitats cannot be ruled out. The need for capture and exclusion of great crested newts is identified but there is a need for a clearer demonstration of how the conclusion that “it is considered unlikely

that impacts resulting from the construction stage would impact upon the conservation status of great crested newts” has been reached.

We advise that details of the extent of impacts to terrestrial habitat (optimal and sub-optimal) beyond 50m are sought, clearly demonstrating (i.e. in tabular and map format) the locations of and how much habitat will be impacted as a result of the proposed development. A comparison between the extent impacts and the proposed habitat creation (both compensation and enhancement), demonstrating connectivity between key areas and the potential location of receptor site(s), should also be sought to ensure that the intended outcomes of the proposal are clear.

As the proposal is in outline form, we would not expect this to be definitive, but sufficient to give an indication, and demonstrate a commitment, such that Ashford BC has an adequate understanding of the potential impacts to great crested newts and can be satisfied that there is appropriate mitigation available and achievable on the site.

Provision of further information and clarification of the above points will assist Ashford BC in addressing the requirements of the EC Habitats Directive in considering whether it is unlikely that a European protected species mitigation licence will be granted.

Reptile Survey

It is reported in the Reptile Survey Report that there is 18.2ha of suitable reptile habitat present on the site. We advise that that a plan identifying the locations of the suitable habitat is sought so that it is clear whether all suitable habitat has been surveyed.

Slow-worm, viviparous lizard and grass snake populations were confirmed as present on the site, with slow-worms and viviparous lizards recorded within all of the surveyed compartments.

The report’s Reptile Survey Plan identifies the locations at which a “high abundance” of reptiles was recorded, but the locations of all of the reptile sightings are not provided on a site plan. There is some descriptive text in paragraph 3.2.6, but this seems only to refer to the “high abundance” areas. With the lack of detail regarding the availability of suitable habitat, there is insufficient information for us to adequately evaluate the reported reptile survey results and conclusions.

The report makes no reference to the application of the reptile survey results to the identification of the site (and individual compartments within the site) as a Key Reptile Site. Given the assessed population size classes and the presence of three species, the suitable habitat within the site is important for reptiles. It is therefore

disappointing that none of the 3 areas within which a “high abundance of reptiles” was recorded are retained within an area of proposed green space.

While there may be opportunities for the creation of compensatory habitat into which reptiles could be translocated, the submission has not adequately demonstrated that avoidance of impacts to the identified areas of importance for reptiles has first been considered. We advise that further information is sought on this point so that Ashford BC can be satisfied that the submission has given appropriate regard to the ‘mitigation hierarchy’.

Water vole survey

The Water Vole Survey report provides the results of the water vole surveys. There is a little confusion in the reporting of the results, with differences in the ditch numbering presented in Table 2 of the report as compared to those shown on the Water Vole Survey Reaches drawing. Ditches 9 and 10, 10a, 10b and 10c in Table 2 appear to have been labelled 10 and 11 on the Water Vole Survey Reaches drawing. We also query whether D5 is shown correctly as the text and the field sign drawing (Appendix 1) indicate that it joins D6 at one end and D8 at the other. WB34 is not shown on the drawing and comparison with other plans in the submission indicates that an unsurveyed ditch is present towards the northern end of compartment B4 (D4 on the Great Crested Newt Survey Report’s Waterbody Location Plan). We advise that clarification is sought on the above points.

The survey results only confirm water vole presence in compartment B3. Across the rest of the site, many of the water bodies were dry or nearly dry at the time of survey. There is potential for colonisation of these water bodies if the water levels increase and there will be a need for additional survey effort should this be the case. Provision for further water vole survey work should be secured by condition, if planning permission is granted.

The core identified water vole habitat is within an area of proposed green space but it is concluded in the report that there is potential for impacts to the known population in Ditch 5 as a result of the creation of the access road.

Proposed mitigation includes measures to avoid direct impacts to water voles, the use of box culverts where roads cross ditches and the creation of SuDS ponds that provide suitable water vole habitat. We consider the principles of the submitted mitigation proposals likely to present an adequate response to the potential impacts to water voles on the site, though there will be a need to secure greater detail, if planning permission is granted.

Birds

It is reported in the Wintering Bird Survey Report that the site holds an assemblage of declining farmland and woodland birds, with 2 Wildlife and Countryside Act Schedule 1 species, and 7 priority (UKBAP) species. 7 red-listed and 7 amber-listed Birds of Conservation Concern were recorded (note this includes an overlap with the Sch. 1 and priority species).

In the evaluation of the importance of the site for wintering birds, estimates of the UK wintering population are used as a comparison. While this provides some insight into the importance at a national scale, there is a risk that the lack of sub-regional benchmarking, including consideration of usual flock sizes / bird densities in the local area, risks undervaluing the importance of the site. As stated in the report, many of the farmland birds recorded on the site are declining nationally, so even a small loss of habitat, taken cumulatively, could contribute to this decline.

We advise that further details are sought to demonstrate that the assessment of impacts has taken appropriate account of the importance of the site for wintering birds at a sub-regional scale.

The report includes a detailed list of all the birds recorded and the locations at which they were seen/heard, but the survey results are not displayed for easy interpretation on a plan of the site. Although it is concluded that “a vast proportion of these habitats [of highest ornithological interest] have been incorporated into the masterplan in areas proposed for use as green/open space” (paragraph 6.1.3), we are unable to easily verify this from the presented survey data. We advise that further information is sought to confirm where the areas of highest ornithological interest are situated, which of these areas have not been incorporated into the proposed green space, and which bird species were recorded within the impacted areas.

We have not reviewed the Breeding Bird Survey Report, but if the format is the same as the Wintering Bird Survey Report, the advice we have provided above will equally apply. The ES reports that 2 Wildlife and Countryside Act Schedule 1 species, 8 priority (UKBAP) species and 17 Birds of Conservation Concern were recorded on the site. There is a need for clear identification of the areas of the site that are important for breeding birds, and particularly those areas of importance that are likely to be impacted by the proposed development.

In addition, the comparison with national population levels detailed in the ES suggest that there is the same need (as for wintering birds, highlighted above) to evaluate the importance of the site against sub-regional population sizes / densities.

Ancient woodland

Mitigation for potential impacts to the known stand of ancient woodland in compartment B6 is proposed to include a “minimum 15m buffer as per Natural England Standing Advice” but there is no specific exploration of the potential for impacts to ancient woodland. While a 15m buffer may be an appropriate part of the necessary mitigation, the assessment gives no consideration to the potential for the proposed development to increase the levels of use of the footpath network (whether designated public rights of way or permitted / non-permitted use) and make an unacceptable contribution to the degradation of the ancient woodland.

In addition, we note that the ecological appraisal identifies additional areas of hedgerow and woodland that include ancient woodland indicator species, yet these have not been clearly mapped or been subject to further more detailed survey work to evaluate their potential importance. We advise that the application of the NPPF’s ancient woodland ‘protection’ is not restricted to areas identified within the Ancient Woodland Inventory and as such there is a need for a greater understanding regarding the additional areas of potential ancient woodland.

The NPPF is clear in the need for planning decisions to take account of ancient woodland impacts and we advise that further information is sought to demonstrate that an adequate assessment of the potential impacts has been carried out.

Natural England: Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Soils and Land Quality

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government’s policy for the protection of the ‘best and most versatile’ (BMV) agricultural land as set out in paragraph 112 of the National Planning Policy Framework, Natural England draws your Authority’s attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 60.98 ha of agricultural land, including 20.3 ha classified as ‘best and most versatile’ (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
2. We note that in the Environmental Statement: ST13901/001 dated June 2015 by Wardell Armstrong states at section 7.6.4 that “Land subject to built development would be permanently lost to agriculture; however the areas identified as being for non-agricultural soft uses (green space, flood prevention zones etc.) would retain the

potential to be returned to agricultural use in the future and hence the loss is considered temporary. Therefore less than 20ha of BMV of agricultural land (the threshold of loss identified in the NPPF) would be permanently lost due to development.”

3. Government policy is set out in Paragraph 112 of the National Planning Policy Framework which states that:

‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

4. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (as included within the green spaces identified within the master plan – 14007 (sk) 001 Rev N by Farrells). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

5. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sport England: The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework, which states:

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” [Paragraph 17]

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments...

- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” [Paragraph 70]

The proposed development involves the provision of up to 750 residential dwellings, amongst other development.

A total of 2.88ha of playing field provision is proposed, including a primary school, however, at this stage it is unclear if there will be community use of the proposed school playing fields and if community access will be formally secured through a community use agreement. Furthermore, it is unclear how the standard contained within the Ashford SPD has been calculated. Sport England is not aware that a robust and up to date evidence base exists for playing pitches in Ashford. In addition, no formal built facilities are currently being proposed. Sport England would be keen to explore this further and the below should inform this dialogue.

The population of the proposed development is 1,875. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with Circular 05/05, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England’s Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 1,875 will generate a demand for 0.09 swimming pools (£336,191), 0.14 sports halls (£434,272), 0.02 indoor bowls centres (£44,085) and 0.06 artificial turf pitches (£56,613 3G or £49,573 Sand).

In light of the above, Sport England currently wishes to object to this application.

Environmental Services: Please ensure that the following conditions are attached if outline consent is given,

E009 (Ashford Road, Magpie Hall Road, Steeds Lane), and

E016 (Land Quality).

E028 (Code of Construction Practice for Major Site)

South Eastern Railway: Additional housing and mixed use development is good news for Ashford, however, we would like to request that funding is earmarked to address the congestion issues on the forecourt of Ashford Station. Currently in excess of 60 buses an hour come into the station forecourt at peak times providing an excellent service to the housing and workplaces in the Ashford area. The facilities are at capacity, there is not enough bus shelters for passengers to wait in and the forecourt needs to be redesigned to deliver an arrival space that will provide a modern transport interchange allowing the buses to access and egress the station quickly to avoid delay to the overall end to end journey. In addition to this we would like to request funding to provide additional cycle parking as cycle growth has risen spectacularly at this station. A redesigned forecourt will also provide better layout for pedestrians to move freely across to orientate themselves on and create a sense of arrival at this important gateway to Ashford. Ashford should be congratulated on its approach to end to end journey solutions, with excellent cycle and walking routes around the town and wider district, we are currently putting in a decked 2 tier cycle facility at the station, however, we should be mindful that this will again need to be increased with the additional housing being built in the area. Since the introduction of the High Speed Service footfall at Ashford has grown significantly, and is the USP for the developers in Ashford. We look forward to working with the councils and the developers to deliver facilities to for the new residents in Ashford and the surrounding area.

Health and Safety: HSE does not advise on safety grounds, against the granting of planning permission in this case.

Weald of Kent Protection Society: WKPS objects to this premature application. The decision on possible site allocations for such developments has not yet been made by the Borough Council, and this application should wait until it has.

WKPS would ask, however, that in their considerations on site allocations the Borough take into consideration the following regarding this proposed site:

1. It is a potential flood area, with a stream running through the described area 2 for housing.
2. A third of it is best agricultural land.
3. From a transport point of view the site is inappropriate; such an increase in traffic is only sustainable if junction 10A of the M20 goes ahead.
4. It would involve a major extra burden on the William Harvey hospital (and indeed on local GP practices).

British Horse Society:

- The proposed development obviously does not affect any bridle ways, however my concern is that the constant development around Ashford is having a detrimental impact on leisure activities and many of the access routes are being enveloped by housing estates, for all of us the beauty of using these routes is to avoid traffic on the roads, unfortunately this another example of the problem.
- The part of the National Trail that is currently in open countryside in this area will be surrounded by the proposed development, whilst the provision of footpaths and cycle routes have been considered, no provision has been made for equestrian use, upgrading the national trail to a multi-functional route for walkers, cyclists and equestrians could easily be incorporated into the planning.
- The KCC Countryside Improvement Plan states “Compared with neighbouring counties, the percentage of the public rights of way network available for horse riders is low. In Kent the figure is 15%, East Sussex is 27% and Surrey is 35%. Even taking into account permissive rides, the level of access is still comparatively low” and “County Council will work towards reducing the fragmentation of the bridleway, byway and restricted byway network, paying particular attention to road crossings and rider safety. Where possible the County Council will create new, multi-functional routes”.
- During and after the development, the surrounding roads will be affected by increased traffic causing an ongoing problem for the safety of the horse & rider, as there are no off road routes.

I would be happy to help with the consultation process on behalf of the British Horse Society.

Southern Water: Please find attached a plan of the sewer records showing the approximate position of a public sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to

ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with SWS.

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Should the application receive planning approval, please include the following informative:

“The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to serve this development. Please contact Southern Water, Sparrowgrove Houes, Sparrowgrove, Otterbourne, Hampshire S)21 2SW (Tel: 0330303 0119) or www.southernwater.co.uk

The application form makes reference to drainage using SUDS. Under current legislation and guidance, SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water”.

Kent Wildlife Trust: We note the proximity of the application boundary to Isaac Wood, designated as ancient woodland. We would advise Ashford Borough Council to ensure that any proposed 15m buffer should be in place throughout all of the development stages, in order to ensure that the woodland is well screened throughout from construction noise, dust and at later stages from disturbance caused by residential lighting and recreation pressure. We would suggest that lighting detail should be conditioned in order to reduce potential impact upon woodland edge, particularly for birds and bats. We would also recommend that a management plan should be devised for the ancient woodland, to include its ecological features and access management in order to reduce recreational pressure, and that this is supported by condition.

We note that proposed green spaces have been positioned in general around the edges of the application site, at what appear on plan to be more sensitive field margins. This planning application would need to be accompanied by a good quality site management plan, based upon the survey and evaluation of the site. Existing features such as hedgerows and trees would need to be included in this detailed plan. Any loss of good quality hedgerow should be avoided and any opportunity to enhance ecological features should be included.

Kent Wildlife Trust does not agree with the Environmental Statement (page 198) that this site has only local value for protected species and that birds are of local significance. This is not supported by the survey findings. It would also be helpful to have a full list of ecological survey work undertaken in the Environmental Statement. We would recommend that the Council should request full detail of mitigation plans for protected species, supported by condition. The list provided of UK bird population figures (page 199) does not adequately evaluate the loss of species and habitat, nor does the argument that “similar habitat is available elsewhere”. We are concerned that this development represents further loss of agricultural land and its associated biodiversity, in particular farmland breeding and wintering birds and other BAP priority species. We would like this to be appropriately evaluated and would

recommend to ABC that this loss should be adequately compensated for, such as through an appropriate land management scheme.

Kent Wildlife Trust is concerned that this development, when considered alongside the suite of proposed allocated sites such as Cheeseman's Green and Chilmington, effectively represents a "closing off" of the whole southern belt around Ashford and therefore the opportunity for effective green corridors through into the urban area becomes very limited. We would suggest that ABC should take a strategic view of the green infrastructure available to the south of Ashford when considering this planning application. This also emphasises the importance of including strong green corridors "through" this site, which at present appear to be lacking.

We look forward to commenting further on the details of the ecological management and any mitigation and compensation measures at reserved matters/condition stages.

Kent Wildlife Trust would like to submit a holding objection to this planning proposal, subject to the comments provided above.

CPRE: Summary

1. Development on this large scale in the open countryside would put the character and permanence of the rural setting to Ashford at risk, and proper planning would be undermined and fail to take account of cumulative impacts. Adverse impacts of granting permission would significantly outweigh the benefits.
2. Unplanned development on this scale would undermine and discourage the redevelopment of brownfield sites which are essential to the regeneration of the town centre, and also put at risk the viability of Finberry and Chilmington, which each have long term delivery trajectories.
3. The application is premature, and in this case prematurity is relevant because while Ashford has a viable Core Strategy and is currently updating its Local Plan, it does also have an up to date Objectively Assessed Needs assessment (OAN) and has demonstrated a 5 year housing land supply.
4. The application would be contrary to Policy TR17 and TRS18 of the Tenterden and Rural sites DPD. TR17 specifies 8 criteria to which the Council must have regard to ensure landscape character is protected and enhanced, in particular the proposal does not have regard to the pattern and distribution of settlements, roads and footpaths nor to the historic settlement pattern. Protection of these rural roads is a key theme of policy TR18.
5. The setting of the listed farmhouses would be significantly harmed by this proposal and is contrary to Policy CS1 of the Core Strategy which establishes

conservation and enhancement of the historic environment and built heritage as a key planning objective. Furthermore the changes to the agricultural setting of these listed buildings would not meet the obligations under the Planning (Listed Buildings and Conservations Areas Act) 1990, nor be compliant with Chapter 12 of the NPPF especially paragraphs 126 and 128.

6. On transport in particular there is an absence of evidence on the impacts of the development on the local and strategic network and no evidence on cumulative impacts. It is essential that cumulative impacts and potential for harm on the national, regionally significant and local networks is modelled as requested by Highways England, and a methodology be agreed with Highways England, KCC Transport planners and the Council. As this will be a necessary part of the strategy and sites testing for the new plan this is a reasonable ground for recommending the proposal be withdrawn for this evidence to be generated.

7. The area is on clay, this does not appear to have been recognised in the SUDS and drainage proposals.

8. On all of the above CPRE considers that the Council would be correct to refuse the application.

Alternatively, given the absence of evidence on key planning parameters CPRE considers it is also open to the Council to recommend that the application be withdrawn in the absence of key information, and reconsidered by the applicants.

Consultation responses to Amended Plans dated December 2017

Kingsnorth Parish Council: We strongly object. We consider this application premature as the site has to be considered in the Local Plan EIP. We also object strongly about the roundabout at Smithfield crossroads. A roundabout in this position will result in more traffic on Magpie Hall Road and Ashford Road, both of which are already at capacity. The proposed road from Chilmington Green along Long Length and through the Court Lodge site and onto the Tesco roundabout would divert traffic from the centre of the village and the Parish Council supports this. We note that the applicants in this application are only proposing on areas proposed in the Local Plan however they have surrounded these areas with a grey designation which they say are areas of possible development. We would strongly object to any further development. We consider that a Masterplan should be produced for the Court Lodge site and the sites in this application. We consider that these two sites should be connected so that the open spaces being proposed form a corridor allowing free and connected movement for wildlife and for the movement of residents.

Bilsington Parish Council: Object to the application on the grounds that the Parish Council respects the fact that the site has been included in the proposed Local Plan 2030 however it wishes to object to the outline application on the following grounds.

Whilst improvements to highways infrastructure have been included where the proposed development joins onto Ashford Road, Magpie Hall Road and Bond Lane, it would appear that no consideration has been given to Church Hill. With such a large development in the locality, traffic numbers will be high resulting in motorists looking for alternative routes to avoid hold ups, especially when looking to go south of Ashford. These roads lead through rural parishes and are not designed to take the inevitable increase in traffic leading to deterioration of roads and impact on rural villages which have no gain from the development. The outline application makes reference to a single form entry primary school but no reference to secondary schools which are already running at or near capacity. In terms of health there is no mention of doctors or dental surgeries or for increased capacity at the William Harvey Hospital which struggles due to the large area it covers and the increase in population caused by recent developments. Further development without investment can only result in a reduction in the level of service.

Kent County Council Highways: Thank you for your consultation in relation to the amended planning application and supplementary Transport Assessment. Whilst I currently have objections to the application, it may be possible to overcome these objections if the following amendments were made:-

Supplementary Transport Assessment

Crash data needs to be obtained for a wider study area than what is currently shown. As detailed in KCC Highways and Transportation previous consultation response on the application, the extent of crash data should be provided as shown in Figure 1 below. This is from the junction of Magpie Hall Road / Ashford Road / Steeds Lane to the junction of M20 Junction 10. Dialogue should also be undertaken with Highways England in respect of the Strategic Road Network. A section is needed within any amended supplementary Transport Assessment detailing any particular crash clusters (for example the junction of Magpie Hall Road / Ashford Road / Steeds Lane and Pound Lane / Church Hill / Ashford Road).

Proposed Vehicle Accesses and Road Layouts

- General - Vehicle tracking of all of the access points needs to be provided for an 11.4 metre long refuse vehicle and for those routes that are proposed to be bus routes, tracking for a 12 metre long standard bus should be provided.
- General - A designer's response is required by PBA for all of the problems identified in the Stage 1 Safety Audit. •
- Area 1 - The Highway Authority has been carefully considering the need for the Pound Lane Strategic Link Road as set out in the current Draft Local Plan. Having considered the cost of the scheme (currently estimated at approximately £16 million), recent modelling that has been undertaken by the Court Lodge

promoters which suggests that it will not improve capacity at junctions on Ashford Road and issues of deliverability of such a scheme, I am of the opinion that a much cheaper scheme can be delivered between the south western corner of the Court Lodge site and Area 1 to connect to Ashford Road. This link could be delivered respectively by both sites through the provision of a 6.75 metre wide local distributor road with a 3 metre footway / cycleway on one side and a 2 metre footway on the other side through these sites. As a result Area 1 site access should be modelled to include the Court Lodge development site proposals. It is highly likely that as a minimum requirement a right hand turn lane should be provided to serve this link. I would welcome further discussions with the applicant on this matter but they are aware of this issue. Visibility splays of 2.4 metres by 91 metres are required out of the access onto Ashford Road as Ashford Road is subject to a 40 mph speed limit. This is in accordance with Manual for Streets 2 standards.

- Area 1 - Drawing number 30292_5510_007A. I am of the opinion that the proposed Pound Lane access is not appropriate as it will do little to reduce traffic flows from vehicles travelling in an easterly direction along Pound Lane as this would still be the more direct route for vehicles to go in a northbound direction. An alternative design solution is therefore desirable in my view. This includes the closure of the side arm junction just to the south of the property known as the Hawthorns for vehicular traffic together with the deletion of the other side arm junction proposed from Pound Lane to the proposed development site. This will force all drivers to go to the proposed new junction on Ashford Road. A turning head is not required at this location as Riverside Close can be used as a turning head. The proposed carriageway at this location should be 6.75 metres in width.
 - Area 2 - Drawing number 30292_5510_009. Visibility splays of 2.4 metres by 91 metres are required out of the access onto Ashford Road as Ashford Road is subject to a 40 mph speed limit. This is in accordance with Manual for Streets 2 standards.
- Area 2 - Drawing number 30292_5510_004A. The re-located Magpie Hall Road arm should be moved another 10 metres north so that it is 30 metres north of the Steeds Lane junction. This is so that it meets the minimum junction spacing of 30 metres for a Left / Right staggered road feature for a local distributor road as set out in the Kent Design Guide. The section of re-aligned Magpie Hall Road should be a minimum of 6.75 metres in width. This section of closure of Magpie Hall Road will be subject to a Section 278 Highway Agreement and a suitable landscape bund will need to be installed as suggested in the Stage 1 Safety Audit. The bus stop and shelter will also have to be moved further north so that a stationary vehicle is not in the visibility splay for a driver wishing to turn right. The visibility splay out of the site access point onto Magpie Hall Road to the west goes across 3rd party land. This is unacceptable and the access location will have to be moved. Visibility splays of 2.4 metres by 91 metres are required out of the re-aligned Magpie Hall Road onto Ashford Road as Ashford Road is subject

to a 40 mph speed limit at this location. This is in accordance with Manual for Streets 2 standards. Visibility splays of 2.4 metres by 91 metres are also required out of Steeds Lane. A fully scaled plan is therefore required showing these required amendments.

- Area 3 - Drawing number 30292_5510_010. The current proposals show two access points off Bond Lane serving areas 3 and 4 respectively together with the closure of Bond Lane to vehicular traffic at either end. The closure of Bond Lane at either end will require an amendment to the Traffic Regulation Order (TRO) for Bond Lane. The access from area 3 will serve a total of 45 dwellings potentially in area 4. Bond Lane will therefore need upgrading to the standard of a Minor Access Road as set out in the Kent Design Guide and will therefore need to be 4.8 metres in width and have a footway width of at least 1.8 metre on one side. Currently the applicant is not suggesting to upgrade Bond Lane, which is not acceptable as it a single width lane with a carriageway width of approximately 3.5 metres in which two vehicles cannot pass one another without significant verge over-run. There is a fairly substantial amount of grass verge on the western side of Bond Lane which could be widened to facilitate widening this section of Bond Lane to a Minor Access Road standard. Vehicle tracking of the two proposed turning heads on Bond Lane needs to be provided for an 11.4 metre long refuse vehicle and the turning heads need to be subject to double yellow lines to prevent any indiscriminate parking taking place. It is not clear how many dwellings the proposed northern access on Bond Lane is supposed to serve so I am unable to comment on the suitability of Bond Lane as a road to serve this part of Area 3.
- Area 4 - Drawing number 30292_5510_011. It is not clear how the proposed visibility splays have been calculated as Steeds Lane is currently subject to national speed limit and so typically visibility splays of 2.4 metres by 215 metres are required. A speed survey will need to be submitted at this location to demonstrate that the proposed visibility splays are acceptable.

Signalisation Pound Lane / Ashford Road / Church Hill junction

The Highway Authority welcomes the applicants' proposals for the signalisation of the above junction. I have currently forward the scheme onto my colleagues in the traffic signals team for comment. I do however have the following comments. The submitted Stage 1 Safety Audit does note a number of problems with the current proposals which need to be addressed at this stage.

- The nearside kerb on Pound Lane should be built out to enable to signal pole to be moved forward. A minimum of 43 metre forward visibility needs to be provided (based on a driven speed of 30mph).
- There does not appear to be any pedestrian crossing facilities provided. These are required on all arms of the junction. Pedestrian crossing phases

also need to be built into all stages of the LINSIG model as these could get called at any point.

- It appears that the kerb and footway which is to be re-aligned is not within the public highway. The applicant should undertake a land registry search to ascertain who owns this land and then discuss the proposals with the landowner. The tracking for a large southbound vehicle on Ashford Road continuing the junction shows that the nearside wheels of the vehicle will be very close to striking the new kerb line. In my opinion the kerb line should therefore be moved east by at least another 50 centimetres to prevent the body of the vehicle overhanging the footway.
- A designer's response by PBA is required for all the identified problems.

Enhancement to Local Bus Network

- It is not clear from the current proposals if the applicant is suggesting that the buses could be routed within the site. However, for all properties to be within 400 metres walking distance of a bus stop as per the requirement in the Kent Design Guide: Making It Happen and the Inclusive Mobility Guide, a new circular route will need to be provided within Area 3 so that future residents within Area 4 are within this distance. The access into Site 3 from Ashford Road should therefore be upgraded to a Local Distributor Road standard and be 6.75 metres in width to cater for bus movements through this site. The applicant should therefore contact Steve Benjamin in KCC's public transport team to discuss these proposals in further detail.

Approach to Traffic Impact Assessment on Local Road Network

- KCC Highways and Transportation agrees with the proposed study area of junction assessment. The vehicle trip rates from the proposals have also been agreed with the applicant and the proposers of the adjacent Court Lodge development. The sites included in the committed development section are also acceptable. It is appropriate for the applicant's to undertake a sensitivity test of the proposed Court Lodge development as this has a draft allocation in the Ashford Local Plan.

Development Traffic Impact

- A2070/Waterbrook Avenue/The Boulevard (Orbital Park Roundabout). This junction is within the ownership of Highways England and the only arm of the roundabout that is within the ownership of KCC Highways is The Boulevard. The proposals will impact fairly significantly on this arm in a 2030 + Committed + Development scenario when compared to the 2030 + Committed scenario with the queue worsening by 8 vehicles and an increase in delay by

33 seconds in the PM peak. A mitigation scheme is proposed by Crest Nicholson (Finberry) at the roundabout known as the Bellamy Gurner scheme. Works to this roundabout are likely to commence sometime this year. The applicants should test the impact of their development on this scheme to ascertain whether or not there is sufficient capacity to cater for the proposed development.

- Romney Marsh Road / Norman Road / Kimberley Way. The proposals will impact fairly significantly on this roundabout in a 2030 + Committed + Development scenario when compared to the 2030 + Committed scenario with the queue worsening by 15 vehicles and 41 seconds in the PM peak on the 2042 North arm. A mitigation scheme is proposed by the applicant in the form of improvements to the A2042 north and south arms which will significantly improve the capacity at the roundabout. However no plan and Stage 1 Safety Audit has been submitted of these mitigation proposals. A designers response to the safety audit will also be required. The plan needs to be submitted at a 1:500 scale.
- A2070 Bad Munstereifel Road / Romney Marsh Road / Malcolm Sargent Road. The proposals will impact very significantly on this roundabout in a 2030 + Committed + Development scenario when compared to the 2030 + Committed scenario with the queue worsening by 18 vehicles and 26 seconds on the Bad Munstereifel Road arm and 157 vehicles and 6 and half minutes on the Romney Marsh Road south arm in the AM peak. In the PM peak Romney Marsh Road north arm queue will worsen by 29 vehicles and 50 seconds, Bad Munstereifel Road arm queue will worsen by 38 vehicles and 54 seconds and Malcolm Sargent Road arm queue will worsen by 2 vehicles and 7 seconds. A mitigation scheme is proposed by the applicant which will increase the entry widths on all arms of the roundabout to improve capacity here. However no plan and Stage 1 Safety Audit has been submitted of these mitigation proposals. Nonetheless this roundabout junction currently has a poor safety record and this would have been shown up if the applicant had undertaken a crash data search of this roundabout. To address this issue the County Council is looking at a radical design solution for this roundabout in the form of a TURBO roundabout but currently does not have the funds to complete a scheme here. The applicant is therefore requested to cost their mitigation proposals and the Highway Authority will request that a Section 106 contribution equivalent to the cost of this scheme is secured towards the cost of delivering this TURBO roundabout scheme.
- Ashford Road / Romney Marsh Road / Forestall Meadow. It does not appear that the sensitivity test has been undertaken for this roundabout junction. The proposals will impact fairly significantly on this roundabout in a 2030 + Committed + Development scenario when compared to the 2030 + Committed scenario with the queue worsening by 7 vehicles and 19 seconds on the

Ashford Road South arm and 3 vehicles and 14 seconds on the Ashford Road north arm in the AM peak. A mitigation scheme is proposed by the applicant which includes improvements to the southern and western arms. However no plan and Stage 1 Safety Audit has been submitted of these mitigation proposals. A designer's response to the safety audit will also be required. The plan needs to be submitted at a 1:500 scale.

- Ashford Road / Pound Lane / Church Hill Junction Signalisation - As discussed above pedestrian phases need to be built in the LINSIG model and the capacity assessment re-run accordingly.

Schedule of Commitments

KCC Highways and Transportation do not have the capacity to deliver highway improvements that are as a result of development proposals. Therefore the following works should be secured through a Section 278 Agreement rather than a contribution under Section 106 apart from one of the schemes as discussed below.

- Capacity improvement to Romney Marsh Road / Norman Road / Kimberley Way roundabout.
- Capacity improvement to A2070 Bad Munstereifel Road / Romney Marsh Road / Malcolm Sargent Road roundabout. As discussed above a Section 106 Agreement is acceptable. Nonetheless, KCC Highways and Transportation do not agree to the trigger point of payment by Area 3 and 4 due to the significant impact of these proposals on the roundabout as discussed above. The trigger should be Area 2 or by the 151st dwelling.
- Capacity improvement to Ashford Road / Romney Marsh Road / Forestall Meadow roundabout.
- It appears that some of the table has not been updated since the original Transport Assessment was submitted as it refers to a new roundabout at the junction of Ashford Road / Magpie Hall Road / Steeds Lane. Ashford Road is also currently not being proposed to be re-aligned.
- All dwellings should have an electric charging point installed and this should be subject to a planning condition.
- A Section 106 contribution of £5,000 as stated in the monitoring section is required so that KCC Highways and Transportation can monitor the proposed travel plan.

- No details of the proposed car club have been submitted together with the best location of it.

Kent County Council comments on PB Technical Note dated 2 October 2018:

The applicant has unfortunately not modelled the impact of the Court Lodge development through the proposed priority junction with Ashford Road that will be formed from Site S5.

As a result of this the Highway Authority has had to enter into a separate discussion with the promoters of the Court Lodge development as it is apparent that neither party is talking with each other to find an access solution that can work for both sites. The modelling results for the Site S5 junction with Ashford Road from the Court Lodge site are based on an agreed trip assignment as part of the Local Plan process with half of future residents travelling in a northbound direction from the Court Lodge site exiting the site from the Pound Lane direction would use Pound Lane, Chart Road and Britannia Lane. The requirements for the widening of Pound Lane to cater for the increase in traffic will need to be discussed as part of the Court Lodge planning application in due course.

The modelling results for the S5 site access junction with Ashford Road that the Highway Authority have received from the Court Lodge promoters does however show that the junction will operate within capacity with just a simple priority junction being provided rather than a right hand turn lane with a maximum queue of 2 vehicles wishing to run right in the PM peak and a maximum RFC of 0.40. As such a simple priority junction is acceptable to cater for both the proposed development and the Court Lodge development.

In relation to the requested Section 106 contribution towards the Romney Marsh Road / Ashford Road / Malcolm Sargent Road the scheme plan can be found in the Romney Marsh Road roundabout technical note submitted as part of the Waterbrook Park Planning Application - 18/00098/AS. The technical note also sets out the traffic movements from other contributing developments and can be found below:

<http://planning.ashford.gov.uk/Planning/IDOX/default.aspx?docid=1661488>

The cost of the scheme at £6,181,391 is set out in a Cost Plan by Allen Dadswell Consultants which the Highway Authority can supply the applicant with a copy of if requested.

I subsequently now have no objections to the application subject to the following conditions / required Section 106 Agreement:

Planning Conditions

1) Submission of a Construction Management Plan before the commencement of any development on site to include the following:

(a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

2) The reserved matters details shall show adequate land, reserved for parking to meet the needs of the development and in accordance with Ashford Borough Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area.

3) No dwelling shall be occupied until space has been laid out within that dwelling for bicycles to be parked undercover in accordance with details that shall have been submitted to and approved by the Local Planning Authority. Such cycle parking facilities shall subsequently be retained for residents 4) Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

(a) Footways, with the exception of the wearing course;

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

5) Prior to the occupation of any dwelling hereby permitted the Ashford Road Site Area 1 Access Junction and associated visibility splays as shown in drawing number 30292_5510_008C Revision C shall be implemented and opened to vehicular traffic.

6) Prior the commencement of Area 2 or by the 151st dwelling (whichever is sooner) the Pound Lane / Church Hill / Ashford Road signal junction and associated double yellow line parking restrictions as shown in drawing number 30292-5510-006 Revision D shall be implemented and opened to vehicular traffic. The signalisation scheme shall also include the closure of Pound Lane to vehicular traffic (to the west of Riverside Close) and re-routing of vehicular traffic through the Site 5 to Ashford Road as shown in drawing number 30292_5510_007 Revision C.

7) Prior the commencement of Area 2 or by the 151st dwelling (whichever is sooner) the Magpie Hall Road / Ashford Road / Steeds Lane junction realignment as shown in drawing number 30292_5510_004 Revision F shall be implemented and opened to vehicular traffic.

8) Prior to the occupation of any dwelling hereby permitted in Area 2 or Area 3 the site access junctions with Ashford Road and associated visibility splays as shown in drawing number 30292_5510_009 Revision C shall be implemented and opened to vehicular traffic.

9) Prior to the occupation of any dwelling hereby permitted in Area 3 served off Bond Lane or Area 4 the site access junctions and associated visibility splays shall be implemented, Bond Lane shall be widened in part and closed as a through route to vehicular traffic as shown in drawing number 30292_5510_010 Revision B.

10) Prior to the occupation of any dwelling hereby permitted in Area 4 the site access junction with Steeds Lane and associated visibility splays as shown in drawing number 30292_5510_011 Revision B shall be implemented and opened to vehicular traffic.

11) Prior the commencement of Area 2 or by the 151st dwelling (whichever is sooner) a new pair of bus stops, raised kerbs and shelters shall be provided along Ashford Road between Areas 1 and 2. These details shall be submitted approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

12) Prior to the commencement of Area 2 or by the 151st dwelling (whichever is sooner) the existing bus stop and shelter on Ashford Road to the north of the Magpie Hall Road / Steeds Lane junction shall be moved in a northerly direction in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. A new southbound bus stop, raised kerb and shelter shall also be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

13) Prior the occupation of the 1st dwelling a detailed travel plan with modal share targets over a 5 year period, an action plan to achieve these targets and sanctions if

the modal share targets are not met shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Section 106 Contributions

Bus services - Section 106 contributions will be required towards improvements to bus services between the site and Ashford Town Centre. These contributions are required over a 5 year period and a total of £400,000 is required, broken down as follows: £120k in year 1, 100k in year 2, £80k in year 3, £60k in year 4 and £40k in year 5. These contributions should be paid directly to Kent County Council so a new service can be tendered accordingly.

Romney Marsh Road Roundabout - £1,871,058 towards a junction capacity improvement at this roundabout based on the proposed 195 movements from the development. This contribution is required prior to the commencement of Area 2 or by the 151st dwelling (whichever is sooner).

Residential Travel Plan - £5,000 monitoring fee (£1,000 per annum to monitor the proposed travel plan).

Highways England: Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

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

Having reviewed the Supplementary Transport Assessment, please see our comment below:

Collision Data

We are in agreement with KCC that crash data needs to be obtained and analysed for a wider study area. We would be content with the analysis being undertaken for the study area suggested by KCC e.g. from the junction of Magpie Hall Road / Ashford Road / Steeds Lane to M20 Junction 10.

Impact Assessment

We do not agree that the assertion that the proposals would have a 'negligible impact' on the A2070/Waterbrook Avenue/The Boulevard roundabout.

The modelling results provided indicate that the proposals will severely increase queues and delays on the A2070 E and A2070 W arms in the 2030 PM Peak when compared to the 2030 + committed (baseline) scenario:

- A2070 E net impact 2030 PM Peak: queue +67 vehicles, delay +137.4 secs
- A2070 W net impact 2030 PM Peak: queue +31 vehicles, delay +33.0 secs

No mitigation has been proposed for this junction. On this basis, the proposals in their current form would have a severe impact on the safety, reliability and operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32).

A mitigation scheme has been identified by Crest Nicholson at the roundabout, known as the Bellamy Gurner Scheme. There is potential that this revised junction layout could accommodate the proposals.

We either require evidence that the proposed development can be accommodated by the Bellamy Gurner Scheme, or details of a proposed mitigation scheme (including scheme sketches and modelling to demonstrate nil detriment as a minimum, as well as proposed timescales for implementation and funding/governance arrangements).

Kent County Council Flood and Water Management: Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and Strategy, dated November 2017 by Wardell Armstrong and have following comments:

At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used:

http://www.kent.gov.uk/__data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

The drainage designs will also need to meet the requirements set out within Ashford Borough Council's Sustainable Drainage SPD, with a particular focus on the types of SuDS that should be incorporated into the detailed proposals. SuDS can provide multiple benefits such as enhanced amenity value, water quality controls and biodiversity benefits.

Should your Authority be minded to grant permission to this development, we would recommend to include following conditions.

Condition:

No development shall take place in any phase until:

- i) the details required by Condition 1 (assumed to be reserve matters condition for layout) shall demonstrate that requirements for surface water drainage can be accommodated within the proposed development layout.
- ii) a detailed sustainable surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of in accordance with the requirements of Ashford Borough Council's Sustainable Drainage SPD and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason:

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

Condition:

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

- A description of the drainage system and its key components
- An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system

- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason:

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

Condition:

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

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

Environment Agency: No comments

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

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary

Primary Education	£4,535.00 per 'applicable' house	£1,134.00 per 'applicable' flat
Primary Land	£2,363.93 per 'applicable' house	£590.98 per 'applicable' flat
Secondary Education	£5,091.60 per 'applicable' house	£1,272.90 per 'applicable' flat

'Applicable' meaning: excluding 1 bed units of less than 56sqm and sheltered accommodation

Community Learning	£34.45 per dwelling
Youth Service	£27.91 per dwelling
Libraries	£108.32 per dwelling
Social care	£77.58 per dwelling Delivery of 6 Wheelchair Adaptable Homes as part of the affordable housing on the site
High Speed Fibre Optic Broadband connection	INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of

	<p>planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk</p>
Highways	Kent Highway Services will respond separately

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Primary Education

The proposal of 550 houses gives rise to up to 154 additional primary school pupils during occupation of this development. This need can only be met through the provision of a new 2FE Primary School within the locality (Court Lodge Policy S3 of the Ashford Local Plan 2030).

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.

A new Primary School site of 2.05ha is required to accommodate a school capable of being expanded to 2 Forms of Entry in accordance with KCC policy. As such, KCC is requesting proportional land contributions towards the provision of the 2FE site.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision in Kent 2018-22 and Education and Young People's Services Vision and Priorities for Improvement 2017-20 March 2017.

The sustainability of this site is dependent upon Court Lodge (SP3) delivering a 2.05Ha site for the provision of a 2FE Primary School to facilitate this and the adjoining Court Lodge development.

Secondary School Provision

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to up to 110 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.

The County Council requires a financial contribution towards building of a new Secondary school in Ashford of £5,091.60 per applicable house and £1,272.90 per applicable flat.

Please note where a contributing development is to be completed in phases the payment of contributions will be timed to facilitate any construction contract let by KCC so as not to impinge upon the public purse.

The new secondary school accommodation will be provided in Ashford through the additional 2FE (to extend from 6FE to 8FE) for the new secondary school planned at Chilmington Green.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to

ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

The County Council will mitigate this impact through the provision of additional IT equipment and additional services at Adult Education centres local to the development.

The County Council therefore requests £34.45 per household to address the direct impact of this development.

Youth Services

The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.

Forecasts shown in Appendix 2 indicate that this development will cause insufficient capacity within the Ashford North Youth Centre, and therefore KCC will require additional equipment to meet the additional demand generated through the development.

There are two work streams delivering youth services; outreach working and IT Equipment and connectivity. Outreach is delivering concentrated outreach from a fixed base in the Kingsnorth area. This projected increase in participation will also necessitate an upgrade to both mobile and fixed IT facilities including tablets, laptops and connectivity.

The County Council therefore requests £27.91 per household.

Libraries

There is an assessed shortfall in provision: both overall borrower numbers are in excess of current mobile capacity and bookstock for Ashford Borough.

Additional bookstock, shelving and service reconfiguration will be required not only in the Stanhope and Ashford Libraries but also for the mobile library service that

attends the local area to mitigate the impact of the new borrowers arising from this development, as shown in the attached Appendix 2. The additional stock will be supplied as the monies are received.

The County Council therefore requests £108.32 per dwelling to address the direct impact of this development.

Social Care

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services. However, all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC is under a statutory obligation to meet.

The County Council will mitigate this impact through the provision of social care services at the new Chilmington Green Community Hub. The requested contribution will be put towards the enhanced fit out of the social care element of the building.

The County Council requests £77.58 per household to deliver the additional capacity locally and will be implemented upon receipt of sufficient funds.

To fully mitigate the impact of this development on Social Services, the County Council request Ashford Borough Council also ensure the delivery of 6 Wheelchair Adaptable Homes as part of the affordable housing element on this site, with nomination rights given in consultation with KCC Social Care

If there are to be any on site community facilities; a Changing Place facility (please see page 9 of the attached KASS Glossary) and enhanced design features to make the facility accessible to a wider group of the population including older clients and those with disabilities are required. The design features envisaged include for example adjustable height work surfaces, sink and storage units.

Superfast Fibre Optic Broadband

Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport, requires delivery of superfast broadband to all.

It is requested that Ashford Borough Council include within any Planning Consent the requirement to provide 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings, as set out in the above Request Summary.

Implementation

The County Council is of the view that the above contributions comply with the provisions of regulations 122 & 123 of the CIL Regulations and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Kent County Council confirm in accordance with CIL Regulation 123 there are no more than 4 other obligations towards these projects.

Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.

The County Council, as Local Education Authority, Local Highways Authority and Statutory Library Authority, should be included as a signatory to any Planning Obligation Deed that is completed in relation to the proposed scheme. The Agreement will subject to sign off by the S106 Officer and appropriate Cabinet Member in order to ensure that the County Council can make appropriate provision for delivery as required under the terms of the agreement. Being a signatory will also enable the County Council to monitor and enforce any obligations and have the required certainty to plan for infrastructure delivery in the interests of both existing and future community.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available? If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulations, Regulations 122 & 123, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

Summary

The county council will be seeking reassurance that an appropriate package of infrastructure is capable of being delivered and the timely delivery of infrastructure is adequately safeguarded. KCC will look to work closely with ABC and the applicants to ensure a viable, timely and sustainable community comes forward with the appropriate infrastructure, strategic and otherwise.

Kent County Council Heritage: Further to my comments of 26 October 2015, the applicant has undertaken additional assessment of the historic environment for this scheme. In addition to desk based work, some selective and targeted trial trenching

has taken place across the site. The trenches were targeted on geophysical anomalies and comprised 42 trenches, although not all were done. I visited the evaluation works and have a basic understanding of the results, but the details of this evaluation should be submitted with this revised outline scheme. As such I recommend that prior to determination of this application, the initial evaluation results are submitted for information.

The assessment of the archaeological potential across the site so far is not sufficient to state that there will be “no impacts of greater than moderate adverse effect” (paragraph 3.3.2 ES Addendum) and I suggest there is still potential for significant archaeology to survive on this site.

Previously I expressed concerns over the limited nature of the assessment of the historic environment. However, in addition to the unreported, limited field trenching, the applicant has provided a geophysical survey of parts of the site; reduced the application area to avoid potential archaeologically sensitive areas indicated by geophysical survey; and submitted additional assessment of the historic buildings and historic landscapes. These are all welcome actions by Wardell Armstrong and do amount to reasonable assessment of the historic environment for the current proposed development.

Although the assessment of heritage issues is fairly robust now, the consideration of the modern and military heritage is still disappointing. Although there is mention of the pillbox off Magpie Hall Road, there is little consideration of its role in a network of defence which would focus on vulnerable routeways and Ashford Airfield. There are pillboxes around the application site, some of which are not on the HER and have not been formally identified. There may be buried structures too, such as gun emplacements, ROC underground bunkers or hides etc. More detailed consideration of the military and modern heritage, would be welcome, especially as this might inform the significance of the pillbox beside the proposed southerly entrance into the development from Magpie Hall Road.

In the DBA, there is no figure showing modern archaeology.

In summary, the applicant has undertaken further assessment of the historic environment. It is still not clear what the impact of this development is on the heritage assets because of the limited nature of archaeological assessment and the limited detail attached to this outline application. However, no further assessment of the historic environment is essential at this stage although it would be preferable to have:

- Results of the targeted field trial trenching; and
- Assessment of military heritage.

If it is decided to determine this application at this stage, I recommend the following conditions are placed on any forthcoming consent:

1. Prior to the commencement of development, the applicant, or their agents or successors in title, will secure and implement of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features, such as WWII pillboxes, agricultural structures etc, are properly examined and recorded.

2. Prior to the commencement of development, the applicant, or their agents or successors in title, will secure the implementation of

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works, other than demolition works, commencing on site. This is because, at the time of granting permission, full details were not yet available but this information is necessary to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

3. Prior to the commencement of development, the applicant, or their agents or successors in title, will secure the implementation of

i historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the historic landscape assessment, any safeguarding measures to ensure preservation in situ of important historic landscape features and/or further historic landscape recording in accordance with a specification and

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

Reason: To ensure historic landscape features are identified and where possible retained within the development scheme

4. Prior to commencement of development, fencing will be erected, in a manner to be agreed with the Local Planning Authority, about identified heritage assets, such as the WWII pill box, and historic landscape features (as identified by the historic landscape survey); and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: To ensure that important heritage assets are not adversely affected by construction works

5. Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a Heritage Conservation and Interpretation Strategy in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that heritage of this site is suitably conserved and accessible to the residents and public for the future in accordance with paragraph 141 section 12 NPPF.

Heritage mitigation measures should preferably be put forward as part of any detailed application and these should include long term conservation measures and identification of visionary interpretation where appropriate. There needs to be a robust and integrated strategy for the heritage resource across the entire site.

In addition, it may be considered appropriate to cover long term conservation and management works, and heritage interpretation issues as part of a S106 Agreement and I would be happy to discuss this further.

Historic England: Thank you for your letter of 3 January 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Kent County Council Ecological Advice Service:

Dormice

Dormice have been recorded throughout the site, however we have a number of queries in regards to the mitigation strategy:

- We have concerns that several gaps will be created within the hedgerows on site to facilitate the development. We advise that the locations of the hedgerow gaps (18 in total) that will be created are provided to enable a greater understanding of any potential impacts upon connectivity;
- Clarity on how artificial connectivity measures across roads will maintain connectivity (section 4.6.55). We note that there is potential loss of connectivity and therefore we expect sufficient information to demonstrate that any mitigation measures are achievable;
- Clarity on how the implementation of a sympathetic hedgerow management regime will mitigate any impacts from domestic pets upon dormice;
- We would welcome the submission of a map demonstrating how connectivity will be maintained throughout the site in regards to dormouse as we consider this to be key in determining that the favourable conservation status can be maintained.

Great crested newts

Great crested newts have been identified within 12 ponds, of which 5 are located within the development site. A population of great crested newts have been recorded within the southern section of area 4 as well as within area 4.

Mitigation measures have been provided, and we welcome the 50 metre buffers on all breeding ponds, especially the clear connectivity between ponds 16 and 20 within area 4. We have concerns that a dedicated area for great crested newts hasn't been clearly identified and advise that this area is confirmed. Whilst there are large provisions of green space, we note that these areas include the construction of SUDS basins and other associated infrastructure and have concerns of where any populations will be translocated during the construction stages.

- We advise that the indicative location of the great crested newt receptor site is identified in respect to the three identified meta populations taking into consideration all potential works within the area.

Water voles

Water vole have been observed within Area 2. The 2014 surveys identified water vole to be present at WB7, 7a, 8, 9 and Ditches 5 and 6. The update survey in 2017 found the continued presence of water voles in waterbodies 7 and 9 and Ditches 5 and 6. Mitigation measures include 50 metre buffers surrounding the ponds and 10 metres buffers adjacent to the ditches. We are satisfied with the outlined mitigation measures, however would expect further detailed information via condition of any granted planning application.

Badgers

A total of five badger setts have been identified within the site plan with mitigation measures including 30 metre buffers to ensure that there will not be any impacts. We are satisfied that these buffer zones have been demonstrated within the site masterplan, and that they are achievable.

Reptiles

Reptiles have been recorded throughout the site with area 1 having an exceptional population of slow worms. We are satisfied that there is sufficient provision of landscaped areas within the masterplan to retain the reptile populations across the site. Therefore, we would expect a detailed reptile mitigation strategy via condition of any granted planning application.

Ancient Woodland

We welcome the inclusion of the 15 metre ancient woodland buffer as well as the proposed additional woodland planting adjacent to this area. We have concerns that impacts through increased footfall hasn't been fully addressed and advise that clarity is provided regarding this point. Whilst a 15 metre buffer will provide mitigation for a variety of aspects, we have concerns that increased footfall could lead to increased trampling and potential loss of diversity.

- We advise that further details are submitted in regards to the current footpath networks (and any newly proposed routes) in and around the ancient woodland and which measures will be implemented to ensure that the additional footfall will not have any significant detrimental impacts

Natural England:

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

Protected species – We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be

granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements – This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

Landscape enhancements – This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones – The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Environmental Services: I have read Chapter 6 of the ES addendum on noise and vibration.

Looking at the information given I still feel that Richard Woodcocks comments of 2015 are relevant: E009 – in terms of a scheme to protect internal sound levels from road noise. This is because the final layout and design have yet to be confirmed. Only general outline ideas have been indicated in this current report.

The sound assessment carried out at this stage does indicate that a scheme will be necessary. E028 – in terms of a Code of Construction Management Plan. This is because details are still unknown at this stage, so some generic mitigation proposals have been put forward, but they do not cover all the requirements of this condition.

I note that a wastewater treatment site forms part of the development, the report recommends that the noise from this does not exceed background, which I agree with. As such; I would ask that E007 and E008 are applied in this regard as follows: “E007 – The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS4142:2014 Method for rating industrial and commercial sound) shall not exceed the measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00-07:00 hours as covering the night time period”.

“E008 – The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS4142:2014 Method for rating industrial and commercial sound) shall not exceed the measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 07:00-23:00 hours as covering the day time period”.

Reason: to protect residential amenity of the locality

For clarity; Richard also requested E016 in terms of contaminated land, and this should still be incorporated to any permission granted as I have not seen any documents that address this so far.

Having looked at Chapter 7 – Air Quality. At this stage, in agreement with the conclusions of the Air Quality assessment I would also request condition E047 in terms of requiring electric vehicle charging points.

I also note the intention to produce a best practice dust mitigation plan, this could be included in the Code of Construction Management Plan or submitted as a separate document.

Weald of Kent Protection Society: WKPS believes that this major development will put a significant strain on the local infrastructure — roads and schools and particularly medical facilities. For this reason, the development should conform to the requirements of Policy S4 of the draft Local Plan, and the number of proposed houses should be reduced to 320 as envisaged in that Policy.

Southern Water: Please find attached a plan of the sewer records showing the approximate position of a public foul sewers within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note: No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public gravity sewer.

Any works within highway/access road will need to be agreed and approved by SW under NRSWA enquiry in order to protect public apparatus.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The application submission indicates proposals to construct an on site wastewater treatment plant to be maintained and operated by an Independent Sewerage Undertaker under inset agreement. The foul drainage network on the site therefore will not be adoptable by Southern Water.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme

- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Kent Mammal Group:

Water-voles

We agree that additional information is required in the form of a detailed mitigation strategy, if protection of water-voles and their habitats at a favourable conservation status is to be assured. In addition to the mitigation measures outlined in the Environmental Statement (ES), the strategy document should include:

- Details of specifically how the 50m buffer zone around water-bodies 7, 7a, 8 and 9 will ensure no direct impacts, including those likely from humans, dogs and cats. For example, what habitat will be present within the 50m buffer zone, and will this be suitably fenced off from the public and domesticated animals?
- The Water Vole Report mentions that off-site water-bodies were taken into account within the desk study, however, there appears to be no evidence of this having taken place within the report. Given the scale of the proposed development, it is considered proportionate in this case to carry out a desk study of suitable habitat and potential habitat links up to 2-5km from the site. Further, it is advised that the field survey also include areas 200-500m upstream and downstream of the works. This is deemed of particular importance in this case due to the proposed adjacent developments. This is in keeping with the latest guidance (The Water Vole Mitigation Handbook, 2016).
- The Water Vole Report makes reference to an outdated version of the above guidelines from 2011. This may explain why only one survey for water vole field signs was carried out during the 2017 survey season. The latest guidance (Water Vole Mitigation Handbook, 2016) should instead be followed, which states that two surveys should be conducted in most cases, unless a precautionary approach is followed (Section 3.3.10). One should be carried out during mid-April to the end of June, and a second survey during July to September, ensuring they are at least two months apart. The report does not provide any consideration of

the requirement for the second survey or justification for not carrying this out. Insufficient information has therefore been provided and the conclusions reached are premature.

- Paragraph 4.1.4 of the Water-vole Report states that a “substantial buffer of green space would also be retained along Ditch 6 and to the south of Ditch 5”. It is acknowledged that the ES states that a minimum 10m buffer is to be used along watercourses with confirmed water-vole populations. Further detail is nonetheless required, specifying the precise extent of the green space buffer on both sides of Ditches 5 and 6, and how they would be designed to act as suitable mitigation to ensure the water vole population present on site is maintained at a favourable conservation status. This is of particular concern for Ditch 5, which will run adjacent to the proposed new housing in Area 2.
- It is noted that displacement measures are proposed (4.6.23, ES). Displacement of watervoles has regularly been found to be ineffective (Derek Gow pers. comm., 2018). Current guidelines (The Water Vole Mitigation Handbook, 2016) advise that licensed displacement cannot exceed 50m of watercourse length. Further information is therefore required regarding the specific extent of proposed displacement activities before an accurate assessment can be made as to the likely short- and long-term residual impacts to this species.
- Cumulative impacts of other nearby development should be taken into consideration, particularly that of Site Policy S3 Court Lodge, listed under the submission version of the Ashford Local Plan (Dec. 2017); the habitat within the S3 Court Lodge site is directly linked to the habitats found to support water-voles within the S4 site north of Magpie Hall Road.

Hazel Dormice:

The proposed mitigation strategy for dormice is quite alarming, and we strongly advise that it is revised. The method and timing of the vegetation clearance in relation to dormice in Section 4.6.54 of the ES, recommends first clearing above-ground vegetation in summer, when dormice are active, including during September, which is a key breeding month for dormice in Kent; it then goes on to recommend clearance of stumps during winter, when dormice could be hibernating within such features.

Based on the total extent of clearance proposed across the site (and indeed likely in adjacent developments), we would advise that appropriate guidelines are followed for two-phased clearance. This should involve above-ground vegetation clearance carried out during December - February (November and March sub-optimal if weather is mild) and ground level vegetation and stumps are cleared the following May.

The total number of gaps to be created in the hedgerows is said to be up to 18. This should be considerably reduced wherever possible as 18 gaps could have significantly negative impacts on habitat connectivity for dormice. The distances of each gap should also be minimised, with arboreal connectivity maintained by mature trees either side of the gaps, where possible. Whilst the ES states in Section 4.6.55 that potential isolation of dormice across the site will be mitigated for by “provision of artificial connectivity measures across key road crossings”, it is unclear what this means. If this is the main measure proposed to mitigate for habitat fragmentation, far more information is required as to the location and nature of the connectivity measures. It should be noted that there is no published research to suggest that artificial bridges provide effective mitigation for dormice in relation to development activities.

Whilst the hedgerow management proposed in Section 4.6.57 is certainly welcomed, we are unsure as to how this will provide sufficient mitigation against increased disturbance from “pets and people”. The number of dwellings proposed within this and adjacent developments could result in catastrophic levels of disturbance from people, and cats in particular, for the local dormouse population. Far more substantial mitigation is required if these impacts are to be negated, and higher weighting to the cumulative impacts of the wider development plans must also be applied.

Based on the mitigation proposed to date, we strongly disagree with the conclusion reached in Section 4.6.60 that there will be “negligible adverse impacts upon dormouse during construction and operation” and that there will be “minor beneficial impacts in the long-term”, particularly as this is based simply on sympathetic hedgerow management and creation of open green spaces. On the contrary, we would conclude that based on available information, the development is likely to result in a moderate negative impact at District level, with the favourable conservation status of dormice seriously at risk as a result of this development.

Bats

We agree with the comments made by the County Ecologist in October 2015 that insufficient survey effort was employed during the initial bat activity surveys; only three dusk surveys were carried out during 2014, one each during spring, summer and autumn. For a site of this scale, habitats present, and the development proposed, the latest guidance (Bat Surveys for Professional Ecologists: Good Practice Guidelines, 2016) advises one survey visit per transect each month from April to October, including at least one dusk and pre-dawn (or dusk-dawn) survey within one 24-hour period. Automated survey data should be collected from two locations per transect, over five consecutive nights each month from April to October.

Unfortunately, the previous lack of survey effort has not been addressed and in 2017 only one “update survey” was undertaken in June 2017 to ascertain if the habitats and use of the site by bats remained the same. Insufficient survey effort has therefore been employed to assess the potential impacts of the development on foraging and commuting bats, and conclusions reached regarding impacts and suitable mitigation are therefore premature.

It is noted that 115 trees within the site had potential to support roosting bats (classified as either category 1* or 1 trees). These trees were not surveyed further for roosting bats as they are to be retained and are on the site periphery or within retained green space (4.5.28, ES).

We would advise that further surveys are conducted to determine the use of any trees which are immediately adjacent to development activities by roosting bats. Proposed changes in surrounding habitats and noise and light disturbance during both the construction and operational phases could indeed render the bat roosts no longer viable, even if the tree supporting the roost is retained. Given that the 2013 Kent Bat Group records indicate the confirmed presence of 10 bat species, including roosts for all species within 5km, there is a high likelihood that suitable roost sites, including those in trees, would be utilised by bats.

Further, the potential increase in predation risk due to domestic cats has not been explicitly included in the assessment of potential risks to bats, nor have mitigation measures been proposed in this regard. Cats pose a serious threat to bats, as documented by Woods, M. et al. (published in 2003 in Mammal Review 33, 174-188). Section 4.5.53 of the ES states that during the operational phase there is “potential for low level predation from pets”. As no surveys for roosting bats in trees across the site have been carried out (and 115 trees have been determined to have potentially suitable roost features), it is not possible to determine the level of risk posed to the conservation status of bats in the area as a result of increased cat predation. It is also expected that for the number of dwellings proposed within this and adjacent developments, that cat predation could indeed result in much higher predation levels than stated.

In the absence of the information above, we feel that the conclusions reached regarding impact levels on roosting bats is premature.

Badgers

We requested a copy of the confidential badger report, but did not receive a response. As such, we have not been able to comment on the potential constraints and opportunities relating to badgers. We would encourage the council to provide us with this information at the earliest opportunity to allow a full assessment of impacts to badgers to be made in due course.

Other Notable / Priority Mammals

Kent Local Biodiversity Action Plan (LBAP) mammals relevant to this application (and not already mentioned above) include: hedgehog, harvest mouse and brown hare. These are all also NERC Act (2006) Section 41 (S.41) species of priority conservation concern. As such, they should be a material consideration of planning (NPPF).

Harvest Mouse

The arable field margins described in 4.4.11 (ES) indicate the presence of habitat considered optimal for harvest mice. The suitability of the habitat is further enhanced by the amount of boundary ditches along these grassy arable field margins. Further suitable habitat may be present in the grass at the base of hedgerows, as described in 4.4.15 (ES). The potential presence of this LBAP and S.41 species has not been taken into consideration in the proposals as it should be to ensure compliance with relevant planning policies.

Brown Hare

The Extended Phase 1 Habitat Survey Report (November 2017) states in Table 3 that there were no records returned for brown hare. However, the 2013 Ecological Appraisal report states in Section 4.4.8 that “brown hare are known to exist within the search area” and Appendix 3 clearly shows brown hare records, including one from Kingsnorth in 2007. The 2013 report is quoted as saying that the site is “attractive” for brown hares, but then with no further explanation is considered to be of “lower [importance] at the parish / neighbourhood level”. The impact of the development is considered to be “minor adverse”. No explanation of how this conclusion was reached has been provided in the original report. The 2017 report (Table 3) states that “the presence of suitable habitat in the wider landscape makes it unlikely that the conservation value of this species will be significantly impacted by development of the site”. Given the extensive amount of development proposed in adjacent suitable habitat, we would advise that this is insufficient explanation as to the concluded impact level on brown hare, and further clarification is advised. Following this, appropriate mitigation should be applied as relevant.

Hedgehog

Hedgehogs are considered in Table 3 of the 2017 report. Whilst consideration has been given to direct harm to hedgehogs during hedgerow removal, no consideration is given to the impacts of the development on hedgehog populations in terms of habitat fragmentation and loss of habitat, which may both lead to significant negative impacts on the local conservation status of hedgehogs. This should be taken into account both within the scheme of the proposed development individually and the

potential for cumulative impacts with other nearby schemes. Further mitigation is recommended.

Cumulative Impacts

Section 4.9 of the ES states that “there will not be any significant cumulative impacts on ecology arising from the development of Kingsnorth Green in combination with other developments in the surrounding area.” We strongly disagree with this statement; the proposed Local Plan includes extensive areas of habitat currently of high suitability to support a range of legally protected and notable mammal species. The species-specific value of this combined area in the regional context is not sufficiently addressed. It is likely that the mammal species occurring within the Kingsnorth Green site, also occur within other nearby, extensive developments, including that proposed immediately to the west at Court Lodge.

The vast increase in human disturbance, off-lead dogs, cat predation, noise and light pollution, and habitat fragmentation, likely to result from the combined proposed developments will undoubtedly have a significant negative impact on wildlife, including legally protected bats, dormice and water voles. These cumulative impacts have failed to be adequately addressed in each species account and thus the conclusion reached in Section 4.9 of the ES is premature.

Conclusion

On the basis of the above, we cannot agree with the conclusion reached that the proposed development will result in a “minor beneficial impact for notable habitats and protected species” (Section 5.1.4, Extended Phase I Habitat Survey Report, November 2017). We advise that the above issues are taken into consideration, with further information sought from the developer’s ecology team prior to reaching a planning decision on this application.

Ramblers Association: Whilst it is good to see that the latest plans show all the public rights of way on their present routes, I see no indication of their proposals to accommodate the PROWs within their proposed 'network of footpaths'. We acknowledge the impact that this proposed development will have on the PROW network, but cannot comment further at this stage as there is no information on how the PROW in question will be dealt with.

Kent Police: The original application was responded to on 16 September 2015, the details remain applicable.

The Design and Access Statement (DAS) should conform to the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 and demonstrate that the design helps create an accessible and safe

environment while minimising crime and disorder and fear of crime as detailed in the National Planning Policy Framework.

The KDI advises and BREEAM compliance requires the applicant/agent to consult and seek advice from the local Designing Out Crime Officer (DOCO), Crime Prevention Design Advisor or a suitably qualified security specialist. This is to design out the opportunity for crime in accordance with SBD guidance during or prior to the Outline Proposals stage (RIBA stage 2) or equivalent. If the agent/applicant intends to apply for SBD or BREEAM points, they are strongly advised to contact the DOCO to discuss the development before completing the application form, submitting the planning application or completing a DAS.

To meet SBD requirements, doorsets and windows must be tested and certified by a recognised 3rd party certification authority. Approved Document Q building regulations for doorsets and window specifications only require products tested to PAS 24 2016 so please check if applying for SBD.

Having reviewed the on line plans and documentation, the applicant/agent has not yet demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of CPTED in their submitted on-line plans or DAS.

To date we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and SBD if appropriate.

These include:

Green Spaces, Play areas, LEAP and Allotments

Parking

Frontages

Surveillance Opportunities

Cul-de-Sacs linked by paths and other permeability

Lighting

There is merit in pre-application meetings prior to submission of a planning application to discuss issues and any formal applications e.g. Crime Impact Statements (CIS), BREEAM, SBD and SBD National Building Approval Scheme. We would welcome a meeting with the applicant/agent to discuss Crime Prevention in detail, any notes from the meeting may be passed back to Planning as part of our full response to this application.

If the applicant fails to contact us, this may have an effect on the development with regards to SBD and BREEAM, as awarding these items retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit (CSU) and local policing.

If this planning application is to be approved and no contact has been made with the DOCO team by the applicant/agent, then we request that a Condition is included to ensure our involvement to address crime prevention. The use of a condition will also meet both our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998 and show a clear audit trail for Design for Crime Prevention and Community Safety.

Consultation responses to further amended technical information

Kent County Council Highways: The applicant has unfortunately not modelled the impact of the Court Lodge development through the proposed priority junction with Ashford Road that will formed from Site S5.

As a result of this the Highway Authority has had to enter into a separate discussion with the promoters of the Court Lodge development as it is apparent that neither party is talking with each other to find an access solution that can work for both sites. The modelling results for the Site S5 junction with Ashford Road from the Court Lodge site are based on an agreed trip assignment as part of the Local Plan process with half of future residents travelling in a northbound direction from the Court Lodge site exiting the site from the Pound Lane direction would use Pound Lane, Chart Road and Britannia Lane. The requirements for the widening of Pound Lane to cater for the increase in traffic will need to be discussed as part of the Court

Lodge planning application in due course.

The modelling results for the S5 site access junction with Ashford Road that the Highway Authority have received from the Court Lodge promoters does however show that the junction will operate within capacity with just a simple priority junction being provided rather than a right hand turn lane with a maximum queue of 2 vehicles wishing to run right in the PM peak and a maximum RFC of 0.40. As such a simple priority junction is acceptable to cater for both the proposed development and the Court Lodge development.

In relation to the requested Section 106 contribution towards the Romney Marsh Road / Ashford Road / Malcolm Sargent Road the scheme plan can be found in the Romney Marsh Road roundabout technical note submitted as part of the Waterbrook Park Planning Application - 18/00098/AS. The technical note also sets out the traffic movements from other contributing developments and can be found below:

<http://planning.ashford.gov.uk/Planning/IDOX/default.aspx?docid=1661488>

The cost of the scheme at £6,181,391 is set out in a Cost Plan by Allen Dadswell Consultants which the Highway Authority can supply the applicant with a copy of if requested.

I subsequently now have no objections to the application subject to the following conditions / required Section 106 Agreement:

Planning Conditions

1) Submission of a Construction Management Plan before the commencement of any development on site to include the following:

(a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

2) The reserved matters details shall show adequate land, reserved for parking to meet the needs of the development and in accordance with Ashford Borough Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area.

3) No dwelling shall be occupied until space has been laid out within that dwelling for bicycles to be parked undercover in accordance with details that shall have been submitted to and approved by the Local Planning Authority. Such cycle parking facilities shall subsequently be retained for residents

4) Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

(a) Footways, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning

facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

5) Prior to the occupation of any dwelling hereby permitted the Ashford Road Site Area 1 Access Junction and associated visibility splays as shown in drawing number

30292_5510_008C Revision C shall be implemented and opened to vehicular traffic.

6) Prior the commencement of Area 2 or by the 151st dwelling (whichever is sooner) the Pound Lane / Church Hill / Ashford Road signal junction and associated double yellow line parking restrictions as shown in drawing number 30292-5510-006 Revision D shall be implemented and opened to vehicular traffic. The signalisation scheme shall also include the closure of Pound Lane to vehicular traffic (to the west of Riverside Close) and re-routing of vehicular traffic through the Site 5 to Ashford Road as shown in drawing number 30292_5510_007 Revision C.

7) Prior the commencement of Area 2 or by the 151st dwelling (whichever is sooner) the Magpie Hall Road / Ashford Road / Steeds Lane junction realignment as shown in drawing number 30292_5510_004 Revision F shall be implemented and opened to vehicular traffic.

8) Prior to the occupation of any dwelling hereby permitted in Area 2 or Area 3 the site access junctions with Ashford Road and associated visibility splays as shown in drawing number

30292_5510_009 Revision C shall be implemented and opened to vehicular traffic.

9) Prior to the occupation of any dwelling hereby permitted in Area 3 served off Bond Lane or Area 4 the site access junctions and associated visibility splays shall be implemented, Bond Lane shall be widened in part and closed as a through route to vehicular traffic as shown in drawing number 30292_5510_010 Revision B.

10) Prior to the occupation of any dwelling hereby permitted in Area 4 the site access junction with Steeds Lane and associated visibility splays as shown in drawing number 30292_5510_011 Revision B shall be implemented and opened to vehicular traffic.

11) Prior the commencement of Area 2 or by the 151st dwelling (whichever is sooner) a new pair of bus stops, raised kerbs and shelters shall be provided along Ashford Road between Areas 1 and 2. These details shall be submitted approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

12) Prior to the commencement of Area 2 or by the 151st dwelling (whichever is sooner) the existing bus stop and shelter on Ashford Road to the north of the Magpie

Hall Road / Steeds Lane junction shall be moved in a northerly direction in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. A new southbound bus stop, raised kerb and shelter shall also be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

13) Prior the occupation of the 1st dwelling a detailed travel plan with modal share targets over a 5 year period, an action plan to achieve these targets and sanctions if the modal share targets are not met shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Section 106 Contributions

Bus services - Section 106 contributions will be required towards improvements to bus services between the site and Ashford Town Centre. These contributions are required over a 5 year period and a total of £400,000 is required, broken down as follows: £120k in year 1, 100k in year 2, £80k in year 3, £60k in year 4 and £40k in year 5. These contributions should be paid directly to Kent County Council so a new service can be tendered accordingly.

Romney Marsh Road Roundabout - £1,871,058 towards a junction capacity improvement at this roundabout based on the proposed 195 movements from the development. This contribution is required prior to the commencement of Area 2 or by the 151st dwelling (whichever is sooner).

Residential Travel Plan - £5,000 monitoring fee (£1,000 per annum to monitor the proposed travel plan).

INFORMATIVE:

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst

some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-eNquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Kent County Council Heritage: I can confirm that I have received a report on Pre-determination Targeted Evaluation across the site by Oxford Archaeology. I have also received an assessment of the pill box off Magpie Hall Road with proposals for retention and enhancement. These are all acceptable.

I can confirm that I would be happy for heritage issues to be addressed through conditions and recommend the following conditions are placed on any forthcoming consent:

- 1 *Prior to the commencement of development, the applicant, or their agents or successors in title, will secure and implement of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that historic building features, such as WWII pillboxes, agricultural structures etc, are properly examined and recorded.

- 2 *Prior to the commencement of development, the applicant, or their agents or successors in title, will secure the implementation of*
 - i *archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
 - ii *following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works, other than demolition

works, commencing on site. This is because, at the time of granting permission, full details were not yet available but this information is necessary to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 3 *Prior to the commencement of development, the applicant, or their agents or successors in title, will secure the implementation of*
- i historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
 - ii following on from the historic landscape assessment, any safeguarding measures to ensure preservation in situ of important historic landscape features and/or further historic landscape recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason: To ensure historic landscape features are identified and where possible retained within the development scheme

- 4 *Prior to commencement of development, fencing will be erected, in a manner to be agreed with the Local Planning Authority, about identified heritage assets, such as the WWII pill box, and historic landscape features (as identified by the historic landscape survey); and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.*

Reason: To ensure that important heritage assets are not adversely affected by construction works.

- 5 *Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a Heritage Conservation and Interpretation Strategy in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that heritage of this site is suitably conserved and accessible to the residents and public for the future in accordance with paragraph 141 section 12 NPPF.

I know these are all pre-commencement conditions and I would be happy to discuss the requirements further as necessary. Perhaps the applicant could consider an Archaeological Framework Strategy which could combine these conditions although discharge may be more problematic.

I also recommend that:

Heritage mitigation measures should preferably be put forward as part of any detailed application and these should include long term conservation measures and identification of visionary interpretation where appropriate. There needs to be a robust and integrated strategy for the heritage resource across the entire site.

In addition, it may be considered appropriate to cover long term conservation and management works, and heritage interpretation issues as part of a S106 Agreement and I would be happy to discuss this further.

Kent County Council Ecological Advice Service: We have reviewed the additionally provided information in response to our comments provided on the 15th February. We consider that the provided information has satisfied our previous concerns and therefore consider that the provided ecological information is sufficient. We advise that if planning permission is granted, the following conditions are suggested:

Site Wide Biodiversity Mitigation Strategy

“Prior to the commencement of development (including site clearance) a site wide Ecological Mitigation Strategy (EMS) detailing the habitat and species mitigation for all Phases shall be submitted to, and approved in writing, by the Local Planning Authority. The EEMS should be based on the information contained in the ecological documents submitted with the planning application and should detail how the required ecological mitigation measures are to be implemented, managed, phased and maintained in the long term.

The EEMS submitted to the Local Planning Authority for its approvals shall include detailed proposals for the delivery of all components of the EEMS and the timing of such delivery; and a interim management plan and monitoring programme for all habitats and species affected during the construction period to ensure that populations of species affected by the development are conserved and wherever possible, enhanced.

Reserved Matters

The submission of Reserved Matters shall, include a biodiversity statement and particulars demonstrating that it has incorporated provision for the elements of the EEMS as detailed within condition XXX and that the application is in accordance with the EEMS as approved by the Local Planning Authority.”

Biodiversity Enhancement Strategy

Within 3 months of works commencing a site wide Biodiversity Enhancement Strategy (EDS) addressing ecological enhancement strategy for the site shall be submitted to, and approved in writing, by the local planning authority. The EDS shall include the following:

- a) Details of the enhancements to be incorporated in to the site
- b) Map showing the location of the enhancements
- c) Time table of when the enhancements will be implemented by.

The Biodiversity Enhancement Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. Each application for the approval of the Reserved Matters shall, demonstrate that the ecological enhancements will be incorporated in to the site.

Reason: To enhance biodiversity.

Landscape and Ecological Management Plan – suggested condition wording

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

NHS Canterbury and Coastal CCG: The proposed development will create a new population of circa 1300 that will impact on Kingsnorth surgery. The building is at capacity and we have just got agreement from the governing body to extend the premises. The landlords Assura, are leading on the project. In spatial terms, 1300 people equates to 108sqm which at a project cost of £3000 per square metre equates to £325,000. If we add 30% project development costs this comes to £423,000. The usual way the NHS requests planning contribution is to multiply the population increase by a factor of £326 per person in recognition of build cost. This would come to £423,000. I would thus suggest the appropriate request for funds is £423,000.

Southern Water: We would suggest that the new charging mechanism changes the picture. Looking at the location of SWS' network in the vicinity of the proposed development, this suggest that the cost of the off-site sewer connecting to the network would be reasonable as there appears to be a practical point of connection in Steeds Lane. Irrespective of the location of this sewer, it is likely that SWS will drain the development to the new pumping station that will serve Chilmington Green, the additional cost associated with this will be met by SWS. If this is the case and it is intended that houses will be occupied before SWS completes the pumping station (May 2021), then SWS would consider a temporary connection in Steeds Lane.

Neighbour representations

807 neighbours consulted on the original submission, 110 letters of objection received. Issues are summarised below:

- Premature in advance of the Local Plan process
- Impact on Listed Buildings
- There must be separation between the new and the heart of the village

- Development will destroy the identity of Kingsnorth as a village, merging it with Ashford
- Plans do not show the watercourse at the rear of Mill House
- Development is not needed
- The “Restricted Development Area” is not controlled by the applicants
- Will place strain on existing services
- Development should be proportionate to Kingsnorth as it is
- Existing developments should be built out before allowing the development of further green fields
- The Church Hill junction is already very dangerous as are other local roads
- Increase in traffic and impact on local roads
- Increase in flooding
- The existing pumping station cannot cope with current demand
- Proposal is unsustainable
- Impact on ecology and wildlife
- There is sufficient capacity for additional housing in the town
- Contrary to Human Rights Act
- Infrastructure cannot cope with the additional traffic
- Loss of land for growing crops
- No provision for additional GP services or at the William Harvey Hospital
- Impact on local schools
- Light pollution should be kept to a minimum
- Council should take the views of local residents into consideration over the people who will benefit financially

- Impact on archaeology
- Increase in noise, light and traffic pollution
- There are other more appropriate sites in the Local Plan
- Not enough open space within the development
- Existing hedges and trees should be retained
- A new village green is not required
- Recycling facilities are unlikely to be maintained by the Council
- Devaluation of existing houses
- Impact on train services which are already over-stretched
- Houses should be two storeys maximum as anything taller would be out of keeping with the character of the village
- The site is not allocated in the current Core Strategy
- Impact on existing properties in Bond Lane
- Existing power supplies are inadequate
- Density of housing is too great
- There are 11,000 unoccupied homes in Kent and Sussex so there is no need for new housing
- Kingsnorth is one of the oldest villages in Kent
- Style of housing proposed is not suitable for Kingsnorth
- The roads leading to the motorway are already congested
- Loss of footpaths
- Dangerous to build below pylons
- The proposals do not integrate with the existing village
- Impact on the conservation area

- Will have a detrimental visual impact
- Impact on the foundations of existing properties due to the high water table
- The population of Kingsnorth has increased 70% between 2000 to 2011 – 6,709 to 11,245 – any further large scale development will change the character of the village for ever
- Other parts of Ashford should take their share of housing
- If development is allowed it should be on a smaller scale with a buffer between it and the village
- Ashford is no longer a growth area and there is no need for a third urban extension
- These are a disparate set of plots which bear no relation to each other
- Development in Kingsnorth was dismissed in 2008
- Too far to walk into Ashford as is stated in the Planning Statement submitted with the application
- The Environmental Impact Assessment downplays the impacts
- Impact on Greensand Way
- No need for an additional school
- Area 4 should be rejected outright
- There should be a buffer around all the existing houses
- Court Lodge is a more suitable development site
- The ES does not make an assessment of alternative site locations
- The applicants' justification for Kingsnorth relies on the finding of the Core Strategy Inspector's Report, but does not consider it in totality
- The applicants' overstate the contribution this development will make to the five year housing supply
- The status of the Local Plan is a material consideration

- The ES provides insufficient information in respect of transportation and flood risk
- The land use arrangement is clearly led by constraints including land ownership and is, as a consequence, discordant
- Will result in the loss of the buffer between Park Farm and Church Hill and Finn Farm Road
- Absence of analysis to support the applicants' assumption that the development is sustainable
- The application does not demonstrate compliance with ABC's planning policies, the NPPF or NPPG
- There is information missing from the application

837 neighbours consulted on the amended application, 46 letters of objection received. Issues are summarised as follows:

- The sites should be masterplanned with Court Lodge
- Will increase flooding to existing properties
- Impact on wildlife
- The section of Ashford Road between the two proposed roundabouts must be downgraded as proposed
- There should be no high density development close to Bond Lane
- Devaluation of property
- Kingsnorth will lose its identify as a village and the rural character will be destroyed
- Roads are inadequate to accommodate the additional traffic
- Increased traffic will e dangerous to pedestrians and cyclists
- Existing services are overstretched to beyond capacity
- There is so much development in Ashford already
- Who will be responsible for the maintenance of the landscaping

- This part of Ashford has already experienced a huge amount of large-scale development
- Increase in pollution
- Will result in urban sprawl
- No need for this additional housing as Ashford is no longer a growth area
- Brownfield sites should be development first
- Insufficient employment in the local area to justify the extra housing – it will only be a satellite for London
- Amended plans do not address previous objections
- Density in Area 1 is too high and dwellings too tall
- Loss of privacy for existing homes
- Promised relief road is not included in the proposals
- Increase in noise from traffic for existing residents
- Roads are already being used for the parking of lorries
- Access to the town centre and motorway is already difficult at peak times
- Existing properties need to be protected during construction
- Lack of school places
- Impact on archaeology
- Increase in light pollution
- Development is contrary to PPS7: Sustainable Development in Rural Areas
- Development is contrary to several ENV policies in the Local Plan
- The Bond Lane development does not fit cohesively with the rest of the areas which have access from Ashford Road
- The land east of Bond Lane should be a buffer and become part of the Ashford Green Corridor

- Loss of views
- Destruction of landscape
- No housing should be taller than 11m
- Housing in Area 4 should be a maximum of 8m
- Impact on Greensand Way
- Loss of farmland
- It is premature in advance of the Local Plan being adopted
- Pound Farmhouse, which is listed, is shown incorrectly shown on the plans
- Integrity of the village should be preserved with buffer zones
- Impact on the roads around Area 4, which is already used as a rat-run to get to J10
- Impact on listed buildings and their settings
- Loss of trees
- There is already a shortage of water

One letter of support in general but which states that Pound Lane should have a buffer, like for Church Hill. The burden on utilities, surface water drainage, health facilities and the road network should be robustly considered.

Planning Policy

25. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
26. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step

towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

27. On 13 September, the Council commenced consultation on the main modifications to the draft plan.
28. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change

EN9 – Setting and entrances to towns and villages

EN10 – Development on the edge of existing settlements

EN27 – Landscape consideration

EN31 – Important habitats

EN32 – Important trees and woodland

LE5 – Equipped public open space

LE6 – Off-site provision of public open space

LE7 – Play facilities

LE9 – Maintenance of open space

CF6 – Standard of construction of sewerage systems

CF7 – Standard of construction of sewerage systems

CF21 – School requirements for new housing development

Local Development Framework Core Strategy 2008

CS1 – Guiding principles to development

CS2 – The Borough wide strategy

CS6 – The Rural Settlement Hierarchy

CS8 – Infrastructure contributions

CS9 – Design quality

CS10 – Sustainable Design and Construction

CS11 – Biodiversity and Geological Conservation

CS12 – Affordable housing

CS13 – Dwelling mix

CS15- Transport

CS18 – Meeting the Community's Needs

CS20 – Sustainable Drainage

Tenterden and Rural Sites Development Plan Document 2010

TRS1 – Minor residential development or infilling

TRS2 – New residential development elsewhere

TRS17 – Landscape character and design

TRS18 – Important rural features

TRS19 – Infrastructure provision to serve the needs of new development

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

Ashford Local Plan to 2030 (Submission Version December 2018)

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

S4 – Land north of Steeds Lane and Magpie Hall Road (Full copy of policy S4 and supporting text is appended as S4).

S5 – Land south of Pound Lane (Full copy of policy S5 and supporting text is appended as S5).

HOU1 – Affordable Housing

HOU6- Self and Custom Built Development

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

TRA7 – The Road Network and Development

TRA8 – Travel Plans, Assessments and Statements

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting Important Rural Features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 – Water Quality, Supply and Treatment

ENV9 – Sustainable Drainage

ENV13 – Conservation and Enhancement of Heritage Assets

ENV15 – Archaeology

COM1 – Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Space

COM4 – Allotments

COM4 – Cemetery Provision

IMP1 – Infrastructure Provision

IMP4 – Governance of Public Community Space and Facilities

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

SPG6 – Providing for Transport Needs Arising from South Ashford Study and Erratum.

Informal Design Guidance

Informal Design Guidance Notes 1 - 4 (2015)

Government Advice

National Planning Policy Framework (NPPF) 2018

30. 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:-

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities

- Chapter 9: Promoting sustainable transport
 - Chapter 11: Making effective use of land
 - Chapter 12: Achieving well-designed places
 - Chapter 14: Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15: Conserving and enhancing the natural environment
 - Chapter 16: Conserving and enhancing the historic environment
31. The Submission Local Plan is a material consideration and the emerging policies should be attached some weight in decision-making. Paragraph 48 of the NPPF states:

“Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given);
- The degree of consistency of the relevant policies in the emerging plan to this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).

National Planning Policy Guidance (NPPG)

Other Government Policy

Technical Housing Standards – Nationally described space standards.

Assessment

32. The main issues for consideration are:
- (a) 5 Year Housing Land Supply and Status of the Emerging Development Plan and the Principle of the Development
 - (b) Location and Sustainability

- (c) Highway issues
- (d) Visual Amenity
- (e) Residential Amenity
- (f) Heritage and Archaeology
- (g) Biodiversity and Ecology
- (h) Trees and Landscaping
- (i) Affordable Housing
- (j) Self-build/Custom-build
- (k) Drainage and Sewerage
- (l) Have impacts identified in the ES been satisfactorily addressed
- (m) Whether Planning Obligations are Necessary

(a) 5 Year Housing Land Supply, Status of the Emerging Development Plan and the Principle of the Development

- 33. The site the subject of the application is not allocated for development in the current Development Plan, which comprises the Core Strategy and the Tenterden and Rural Sites DPD. The proposed development is therefore contrary to the current Development Plan.
- 34. At the time of the submission of this application originally in 2015, the Council had recognised that it was unable to demonstrate a 5 year supply of housing until 2018/19.
- 35. The Council has recently however, had the opportunity to demonstrate a deliverable five year housing land supply in accordance with paragraph 73 of the NPPF, at the Local Plan Hearings. This is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan.
- 36. The Local Plan Inspector's recent advice to the Council confirms that following the completion of the Local Plan Examination Hearing sessions on 13 June,

they have concluded that there is a 5-year housing land supply.

Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para. 11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) does not need to be applied.

37. The Local Plan was submitted for examination in December 2017. The hearing stage of the Local Plan examination was completed on the 13 June 2018. If the Plan is found to be 'sound', the Council may adopt the Plan as soon as practicable following receipt of the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2030 will form the main part of the statutory development plan for the borough. Formal adoption is expected in early 2019.
38. The emerging Local Plan policies should now be afforded significant weight in the planning balance.
39. On 29 June 2018, the Council received the Local Plan Inspectors' post hearing advice (document reference ID/10). This document, in paragraphs 14-17 summarises the Local Plan Inspectors' conclusions on Housing Land Supply matters following the completion of the Local Plan Examination Hearing sessions on 13 June. This confirms that the Inspectors have found that a 5-year housing land supply exists of 7,730 dwellings (after discounting various proposed allocations which they propose omitting from the Local Plan), and they have concluded that there is a 5-year housing land supply in the Ashford Borough. Therefore, this no longer needs to be considered.
40. The submission Local Plan of December 2017 proposes to allocate this site for housing development. The site covers allocations S4 and S5. S4 (Land north of Steeds Land and Magpie Hall Road) seeks to provide an indicative capacity of 400 dwellings, and S5 (Land south of Pound Lane) seeks to provide an indicative capacity of 150 dwellings. SP1 of the submission Local Plan identifies a number of strategic objectives, which include focussing development at accessible and sustainable locations and making sure development is supported by the necessary infrastructure. Policy SP2 sets the strategic approach to housing delivery by allocating housing sites, the majority of which will be at Ashford and its periphery.
41. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.

42. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development framework will depend according to their degree of consistency with the Framework. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) The degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight may be given).
43. The emerging Local Plan 2030 continues to pursue a hierarchical approach towards the distribution of housing development across the borough in a planned and sustainable way.
44. It states that the principal opportunities for new growth lie on the edge of the built up area Ashford through carefully managed and planned growth. Here, there are locations adjoining the town that could accommodate new development without undermining the wider environmental objectives of the Plan.
45. As such, the Plan proposes a realistic scale of development on the periphery of Ashford through the allocation of a number of sites which have the ability to be well integrated with the existing town and / or committed schemes. This approach has been influenced by a number of important factors, including the implementation of the Chilmington Green development across the Plan period, the availability of additional motorway junction capacity that is due to be created by the construction of the proposed M20 Junction 10a and the need to ensure a consistent supply of available housing sites to cater for different elements of the market. Kingsnorth is one of these sites.
46. Within the emerging plan, the application site is identified under site policies S4 and S5 as being suitable for residential development. The draft allocation is confirmation of the fact that the Council considers the principle of residential development on the site is acceptable and sustainable in principle.
47. Emerging policy S4 states the following:

Land north of Steeds Lane and Magpie Hall Road is proposed for residential development, with an indicative capacity of 400 dwellings. Development proposals for this site shall be designed and implemented in accordance with an agreed masterplan for the general layout and delivery of development and related infrastructure on the site. The masterplan shall include details of the following elements:-

- a. Design and layout principles – a series of models or codes that set out the prevailing scale and form of the urban environment to be created in each of the three separate areas of the site (north of the cricket ground; east of Bond Lane and west of Ashford Road). This will include the mean net residential densities to be created in each area as well as road hierarchies, streetscape treatments and building height to street width ratios.*
- b. Highway access proposals – details of junction arrangements on Ashford Road, Steeds Lane and Bond Lane.*
- c. Traffic management – details of any traffic / speed management measures proposed on any adopted highway within the site.*
- d. Ecology – Appropriate species and habitat surveys will be carried out. ~~details of which~~ **Results** will inform ecological mitigation measures to be provided on the site and proposals for their future implementation, maintenance and monitoring **in accordance with policy ENV1**. Particular attention to the conservation and enhancement of Isaacs Wood (Ancient woodland) will be required.*
- e. Landscaping and open space – details showing where strategic areas of landscaping and open space will be provided, including the retention of a significant open buffer area between the northern extent of the built part of the development and Kingsnorth village as shown on the policies map; and between the eastern extent of the built part of the development and the site boundary.*
- f. Drainage – the layout and treatment of surface water drainage through the use of SuDS should be provided as an integral part of the landscape design and open space strategy along with acceptable maintenance arrangements and, west of Ashford Road, be compatible with drainage proposals serving the proposed Court Lodge development. The development should provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider and provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes.*

- g. *Pedestrian / cycleway routes - provide a network of pedestrian and cycle routes throughout the development with connections to existing rural routes and public rights of way and to the new development at Court Lodge.*
- h. *Community facilities – Public open space and suitably equipped play areas needed to serve the development, taking the opportunity to create a sense of the heart of the community being based around the cricket field at the main traffic corridor – Ashford Road. A local convenience store should be located here in a way that can take advantage of passing trade. A specific set of projects related to the scale of needs arising from the development will be identified in consultation with the local community and the cricket club. **It is expected that the cricket field will be retained for community use.***

In addition, the development shall also:-

- i. *Provide a proportionate financial contribution to the delivery of Highway England's scheme for a new Junction 10a **and any other off-site highway improvement measures identified through agreed transport modelling in accordance with policy TRS8.***
- ii. *Provide a link road from the Ashford Road to the boundary with the adjoining Court Lodge Farm development*

48. Emerging policy S5 states the following:

Land south of Pound Lane is proposed for residential development. The capacity of the site will be determined following a comprehensive masterplan exercise, but is proposed with an indicative capacity of 150 dwellings. Development proposals for this site shall:-

- a) *Retain the southern part of the site free from built development, with the creation of pedestrian and cycleway links across the land from Ashford Road to the western site boundary.*
- b) *Provide primary vehicular access from Ashford Road and a secondary access to Pound Lane. **Proposals to close Pound Lane to through-traffic, providing access to this development only, and the signalisation of the Pound Lane / Ashford Road / Church Hill junction shall be considered as part of the traffic mitigation proposals for the development.** Proposals shall also enable the ability to provide a **direct** vehicular connection to the boundary with the adjoining Court Lodge Farm development.*

- c) *In addition to the pedestrian and cycleway connection in (b) above, provide a network of pedestrian and cycleway links through the built part of the site including a connection to the site boundary with the adjoining Court Lodge development.*
- d) *Provide a landscaping plan for the site, ~~to be agreed by the Borough Council,~~ to create a significant visual **break separation** with the adjoining Court Lodge development and to screening to the houses and gardens of any adjoining residential properties.*
- e) *Be subject to a full Flood Risk Assessment, to be ~~agreed by~~ **prepared in consultation with** the Environment Agency and the Borough Council.*
- f) ***The layout and treatment of surface water drainage through the use of SuDS should be compatible with drainage proposals serving adjacent development. The development should provide a connection to the nearest point of adequate capacity in the sewerage network. In collaboration with the service provider and provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes.** The layout and treatment of surface water drainage will need to ensure that there is no adverse flooding or drainage effects to any neighbouring properties.*

In addition the development shall also:

- I. **Provide a proportionate financial contribution to the delivery of Highway England's scheme for a new Junction 10a and any other off-site highway improvement measures identified through agreed transport modelling in accordance with policy TRA8.***
 - II. **Provide proportionate financial contributions to deliver, improve, extend or refurbish existing or planned local recreational, educational and community facilities, as appropriate, in accordance with policies COM1 and COM2.***
49. The Main Modifications to the Local Plan 2030 were published for public consultation in September 2018. The Main Modifications to policies S4 and S5 above are shown in **bold** and crossed out.
50. The Inspectors made no specific further comments in relation to policies S4 and S5. It is therefore reasonable to assume that they consider the policy to be sound and therefore acceptable in principle with the exception of these minor changes.

51. In relation to weight to therefore be attributed to policies S4 and S5, for the reasons set out in the remainder of this report, the proposed development is considered to comply with the relevant criteria contained within the site specific policy. Policies S4 and S5 are considered to be material considerations to be given significant weight in the determination of this application. Further, this site will make a contribution to the Council maintaining a 5-year housing land supply. The specific S4 and S5 policy criteria is tested in the subsequent sections of this report and subject to compliance with these criteria, the development proposed can be considered to be acceptable in principle.

(b) Location and Sustainability

52. Paragraph 79 of the NPPF seeks to direct housing development away from isolated locations.
53. The sites, whilst outside of the built confines as defined within the Development Plan and in particular policies TRS1 and TRS2, is not considered to be isolated in planning terms.
54. The site is located close to the existing village of Kingsnorth where there is a school, medical centre, pub, village hall and church within reasonable walking distance. There is also a network of public footpaths that provide access to the surrounding countryside and villages. There is also an existing bus service providing access to a variety of onward destinations, including the station in the town centre. Kent County Council has asked for S106 contributions towards upgrading some footpaths to cycleways and for the upgrading of the existing bus service which will help further in terms of making this a sustainable location for the new residents.
55. Furthermore, the site is located adjacent to another site allocation in the Local Plan (S3 – Court Lodge), which is a larger allocation of 950 dwellings, but which is also to provide a local centre and primary school. Footpath and / or vehicular routes will be expected to be provided between the sites, so in time, this site will have access to a wider variety of services than it does now. This is a material factor that weighs in favour of the proposal.

(c) Highway issues

56. Policy CS15 of the Core Strategy states that development that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that new accesses onto the road network will not be permitted if a materially increased risk in accidents or traffic delays would be likely to result. Policy TRA7 of the emerging Local Plan

states that developments that would generate significant traffic movements must be well related to the primary and secondary road network and this should have adequate capacity to accommodate the development. Policy TRA8 of the emerging Local Plan requires planning applications to be submitted with a Transport Assessment depending on the scale of the proposal and the level of significant transport movements generated. The NPPF also states that development should ensure that a safe and suitable access can be achieved for all people.

57. Access arrangements consist of the detail of the means of access to the site being submitted and not full details of accesses within the site, which will be for consideration at reserved matters stage.
58. The primary access to Area 1 (Policy S5 – Land south of Pound Lane), will be from Ashford Road. This access is to connect with the proposed secondary access off Pound Lane and is to be a start of a potential link to the adjoining Court Lodge development with land safeguarded for its future delivery, all of which are requirements of Policy S5. Furthermore, the land for the road link to Court Lodge is proposed to be safeguarded through an obligation in the S106 Agreement. A segregated shared (cycle and pedestrian) use path is also proposed along this access. It can be seen from the consultation responses in the report that this access was the subject of discussion between Kent Highways, the applicant and the developers of the adjacent site, Court Lodge. Kent Highways requested modelling to be carried out to ascertain whether or not traffic volumes would require this access to be a dedicated right hand turn. This has now been carried out for both Area 1 and Court Lodge combined, and it has been determined that this is not required. Kent Highways is satisfied with the simple priority junction that is proposed.
59. The Transport Assessment submitted with the application states that most trips from the proposed development would be drawn north of the application site to places including Ashford international/domestic railway station, M20 junction 10, proposed M20 junction 10a, town centre and the Outlet. It states therefore that the Ashford Road/Church Hill/Pound Lane priority crossroads is immediately to the north of the application site is a key junction.
60. The existing configuration of this junction means that visibility at the side roads is restricted and it is known to have limited capacity, so an upgrade is required. The proposals therefore include converting this junction to a traffic signal controlled junction. Kent Highways has no objection to this arrangement.
61. Primary Access to Area 2 (the south west part of the site) is proposed off Ashford Road with land reserved for the future connection to Court Lodge to the west. It is also designed to accommodate bus infrastructure which will also

- safeguard a future requirement for a bus route through to Court Lodge. A segregated shared cycle and pedestrian path is also proposed along this access road.
62. Magpie Hall Road is also proposed to be realigned in the south east corner of Area 2 to connect with Ashford Road further north of the existing crossroads. Removing Magpie Hall Road from the existing crossroads addresses the existing restricted visibility, tight turning radii and vehicle conflict issues at the junction. With Magpie Hall Road displaced from the crossroads, Steeds Lane forms a T junction with Ashford Road. Kent County Council has no objection to this arrangement.
63. The primary access to Area 3 is a priority T junction with the access road giving way to Ashford Road. Two access only routes into Area 3 are also proposed off Bond Lane. The southernmost access junction also provides an access to Area 4 across Bond Lane, but traffic will be prevented from accessing Steeds Lane and Church Lane directly from this access. The access route to the north is to serve a small proportion of the 225 dwellings proposed in Area 3 which will result in a minimal amount of traffic using this access.
64. As part of the proposals, Kent Highways have stated that Bond Lane should be closed to through traffic. Physical barriers will therefore be placed to prevent development traffic travelling along Bond Lane to Steeds Lane and Church Hill.
65. The main access to the north and west of Area 4 is off Bond Lane, with access to the south of the site from Steeds lane. The total number of dwellings in Area 4 is 45, and it is anticipated that most of this will use the Bond Lane access. No road link is proposed between the part of Area 4 accessed off Bond Lane and the part of Area 4 accessed off Steeds Lane. The physical barriers on Bond Lane would meant that Steeds Lane and Church Hill cannot be accessed directly from the proposed Area 4 Bond Lane access. Instead, traffic would travel through Area 3 to its primary access off Ashford Road to access the wider road network.
66. Members will see from the report that Highways England is still concerned about crash data and the impact of the development on the Orbital roundabout.
67. Firstly in respect of crash data, the additional information has been submitted and Kent Highways is satisfied with the outcome. The information has also been given to Highways England and their views will be provided in the Update report.

68. Secondly in respect of the impact of the development on the Orbital roundabout, the Statement of Common Ground between Highways England and Ashford Borough Council for the Local Plan Examination, confirmed that they both agreed that the assessment of the impacts of Local Plan development in 2030 satisfactorily demonstrates that the residual cumulative traffic impacts of the Local Plan proposals (which includes this site) over the Plan period do not require any further mitigation works on the Strategic Road Network over and above those required in connection with existing planning permissions, including the improvements to the Orbital roundabout (the Bellamy Gurner scheme) which are scheduled to commence in late spring/early summer next year. Highways England has been asked to confirm that they now have no remaining objections in light of this, and their views will be reported on the Update Report. The recommendation to approve the application is subject to the Highways England withdrawing its current objection.
69. Both policies S4 and S5 requirement the developments to provide a proportionate financial contribution to the delivery of Highway England's scheme for a new Junction 10a, and this will be secured through a S278 Agreement between the developer and Highways England, the requirement for which will be an obligation in the S106 Agreement.
70. The development would be able to provide parking in accordance with the Council's Residential Parking SPD and the updated standard in TRA3 of the Local Plan 2030. Details of parking can be secured by condition and will be shown in detail when reserved matters applications are submitted to the Council.
71. Kent Highways and Transportation has been consulted and raise no objections to the proposed infrastructure works and new accesses. They have requested upgrades to some of the footpaths including a financial contribution. They have also requested a contribution to upgrade the bus services and to the improvement of the Malcolm Sargent roundabout.
72. The proposed development would comply with the requirements of the development plan policies CS1 and CS15 and the emerging policies SP1, TRA7 and TRA8 in terms of highway safety and capacity issues as well as pedestrian safety.

(d) Visual Amenity

73. Ashford Borough Local Plan 2000 Saved Policy GP12 seeks to protect the countryside and to respond to the need for carefully managed change. Policy TRS17 of the Tenterden and Rural Sites DPD similarly sets out the necessary requirements to achieve in terms of protecting and enhancing the particular

landscape character within which it is located. Emerging policy ENV3a requires development to be designed in a way which complements the particular type of landscape in which it is located, and policy ENV5 seeks to protect important rural features.

74. There would be an impact on the landscape character and an urbanising effect from the construction of up to 550 dwellings, on the setting of the village of Kingsnorth and the surrounding countryside. For this reason, the relevant emerging policies in the Local Plan seek to provide buffers and strategic landscape and open space in order to mitigate the visual impacts.
75. The land covered by emerging policy S4 – land to the north of Steeds Lane and Magpie Hall Road is predominantly in agricultural use with scattered homes and clusters of houses, with a more linear form of development along Ashford Road. The predominant character is one of gently undulating farmland rising towards the north of the site to a small ridge from which there are good views of the surrounding countryside. To the north of the site there are more trees with a strong field pattern which is an important part of the wider setting of the Kingsnorth Village Conservation Area. To the south, the more formal landscape of the cricket field and the cluster of homes at the southern end of Bond Lane contrast with the mainly agricultural land around on both sides of Ashford Road.
76. The northern extent of built development needs to be carefully controlled so that development sits below the ridge line that lies south of Kingsnorth village, with the ridge and the space between it and the village itself forming a strategic open buffer to protect the setting of Kingsnorth and create a sense of separation from the new development. The protection and enhancement of existing landscaping in this area is a key policy objective and should be reflected in landscaping proposals for the development of the site.
77. To the east of Bond Lane, the setting is more rural and a significant and the emerging policy requires a buffer between the eastern extent of the built part of the development and the site boundary. A buffer is also required between Isaac Wood, which is an Ancient Woodland, and the built development.
78. The land to the north of the properties in Magpie Hall Road is ecologically sensitive and forms part of the drainage areas from the higher land to the north, so development potential here is more limited.
79. The application is in outline form, but a Masterplan forms part of the Design & Access Statement which is based on the four Parameter Plans submitted for approval. One of the Parameter Plans is for Land Use and this identifies housing areas, green spaces, SUDS, buffer zones, the Ancient Woodland buffer zone, the primary access corridor, woodland, and footpath and cycle

links. The area at the northern part of the site remains free of development as is shown on the proposals map in the Local Plan 2030 and referred to in paragraph 74 above. In the eastern part of the site, woodland is proposed between the built development and the rear of the properties in Stumble Lane providing a visual buffer and preventing coalescence between the two settlements. A 15m buffer to the Ancient Woodland is shown on the Masterplan with a further separation on top of that. This is to be welcomed. I am satisfied that the policy requirements in terms of landscape buffer zones are met.

80. In Area 2, to the west of Ashford Road and north of Magpie Hall Road, the built development is to the north and east of the site, with the land to the south and south west being used for SUDS and attenuation ponds and green space. This enables a future link to the Court Lodge development to the west and is in compliance with the Proposals Map in the Local Plan 2030, which seeks to keep development in the northern part of Area 2.
81. Turning to Area 1, which is covered by Policy S5 – Land South of Pound Lane, here the land is arable, rising gradually from north to south towards a shallow ridge that runs west to east wither side of Ashford Road. The Policy requires the land to the south to be kept free of development to provide for the physical separation of Kingsnorth village from new developments to the south and to allow for the open space to form part of a broader swathe of open space that runs south of Kingsnorth to the east (to the north of Policy S4), to the extension of Discovery Park to the west. As proposed, the development here is at the centre of the site with open space to the north and south. A landscape buffer is shown between the site and the adjoining allocation site at Court Lodge and the detail of this will need to be assessed at the reserved matters stage to ensure that the separation required by the policy can be achieved.
82. Design of the houses is not to be considered at this stage, but heights and densities are. The density parameter plans show densities ranging from 10 dwellings to the hectare, up to 25 dwellings to the hectare. Putting this into context, the density parameter plans for the Chilmington development ranged from 10 dwellings to the hectare up to 45 dwellings to the hectare. The highest densities here are located at the three sites closest to Ashford Road – Areas 1, part of Area 2 and part of Area 3. Towards the edges of the built development, the densities become lower, with the lowest at the very edges of Areas 2, 3 and 3.
83. The proposed storey heights reflect the proposed densities. In the lower density areas, houses will be 1 – 2 storeys and in the medium and high density areas, houses will be 1 – 3 storeys. Whilst the density and storey height plans give comfort about the maximum parameters and scale of

development, the detailed applications that follow the grant of this outline application will ensure that good place making is achieved that reflects the adjacent development where appropriate or the creation of new character areas for these sites. To that end, I propose imposing a condition that requires the applicant to undertake detailed masterplanning exercises, to include stakeholders, which will shape how the reserved matters applications are formulated. The condition will state that no reserved matters applications are to be submitted until the detailed masterplanning exercise has been carried out and the results agreed. In this way, the visual appearance of the individual parcels and how they sit within the wider landscape can be assessed thoroughly and appropriately mitigated. The Design and Access Statement (DAS) submitted with the application demonstrates how the three areas in the policy S4 site (Areas 2, 3 and 4) will achieve distinct characters and urban forms. Whilst the DAS only provides supporting information to the application and is not an “approved” document, it demonstrates how the requirements of policy S4a) can be achieved, and a condition can be attached accordingly.

(e) Residential Amenity

84. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.
85. Turning to Area 1 first, which is the subject of Policy S5 – land south of Pound Lane, there are a small number of residential properties along Pound Lane and Ashford Road which abut the boundary of the site. Satisfactory distances could be maintained between the proposed and existing dwellings. Taking this and the proposals for landscaping and screening which are required by policy S5, I am satisfied that the development of this site can be achieved without causing demonstrable harm to the amenities of neighbouring properties through loss of privacy, light, immediate outlook or by having an overbearing presence. Similarly the relationships between the proposed new homes would be acceptable.
86. Turning to Areas 2, 3 and 4, which are the subject of Policy S4 – Land north of Steeds Lane and Magpie Hall Road, there are instances here where there are existing houses that abut parts of the boundaries. However, as with Policy S5, I am satisfied that the requirements of this policy in terms of landscaping, will maintain the amenities of existing dwellings, and in actual fact, the number of houses that abut areas where there will be housing development, are few.
87. The three proposed new accesses from Ashford Road have all been positioned to be located away from existing residential properties, so they will not result in any additional disturbance to those properties directly. The two

proposed new accesses off Pound Lane are opposite existing houses in Pound Lane, but given that the aim of these accesses is to divert traffic from using Pound Lane to get to the existing crossroads at Pound Lane / Ashford Road / Church Hill, it is likely that the amount of traffic using the accesses will to a large degree be offset by a reduction in the amount of traffic that uses Pound Lane at present.

88. The proposed works to realign the Magpie Hall Road / Ashford Road / Steeds Lane crossroads will be likely to result in a net benefit for those properties on Magpie Hall Road immediately to the west of the junction, as Magpie Hall Road will be diverted away from their frontages.
89. The remaining accesses off Bond Lane and Steeds Lane are away from existing residential properties and the only one off Bond Lane to Area 3 which is opposite properties in Bond Lane, is an access only route, so will only take limited traffic amounts.
90. Apart from the accesses, the vehicular activity associated with the proposed development will be contained within the development areas, so I do not consider that it will result in any demonstrable harm through undue noise and disturbance.
91. The reserved matters will have to demonstrate that the houses have gardens that would comply with the Council's Residential Space and Layout SPD, together with emerging policies HOU12 and HOU15. In addition, internal space standards which would be required to comply with national standards would also need to be considered at that stage.
92. An important part of residential amenity is the provision and management of public community space and facilities within a new development. Emerging policy IMP4 seeks to ensure that proposals that will deliver substantial community space and facilities are required to be supported by a governance strategy which will need to be agreed with the Council. This strategy will need to set out which facilities are to be delivered and by when and how they will be managed over time to an acceptable standard. Table 1 sets out the capital costs of providing facilities on site, and a condition is suggested which will require the design and delivery of these spaces. The S106 will cover triggers and will also require the applicants to enter into a management regime that is acceptable within the terms of Policy IMP4.
93. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and would comply with the requirements of part d) of emerging policy S5 which requires development to screen the houses and gardens of adjoining dwellings. The

development is therefore in accordance with the NPPF as well as that emerging policy.

(f) Heritage and Archaeology

94. Ashford Local Plan 2030 submission policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough will be supported, and policy ENV15 seeks to protect the integrity of archaeological and historic sites and their settings. The NPPF states that where heritage assets are to be affected by development, local authorities should require the applicant to describe the significance of the assets affected, including the contribution made to the significance of the asset by its setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Designated heritage assets protected by statutory legislation include listed buildings and conservation areas. Sections 66 of the Planning (Listed Building and Conservation Areas) Act (1990) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In determining applications, the NPPF stipulates that great weight should be given to the assets conservation and that substantial harm to or loss of a Grade Listed Building should be exceptional.
95. The NPPF states furthermore that developments where substantial harm to or loss of significance of a heritage asset should be assessed against specific tests and should deliver substantial public benefits which outweigh any loss or harm. Less than substantial harm to a designated asset would require public benefits including the securement of an optimum viable use.
96. The Environmental Statement (ES) submitted with the application deals with the effect of the development on heritage assets and assesses the significance of the heritage assets. There are 31 listed buildings within 1km of the site, 9 of which are within 100m of the site boundaries. Kingsnorth Village Conservation Area is located some 500 metres to the north of Areas 3 and 4, centred on Church Hill and St Michaels and All Angels Church. The ES contains an assessment of the original boundaries of those properties, looking at historic records, together with a record of how the village of Kingsnorth has evolved to what it is now. It states that there was one Listed Building originally within the site boundary, Goatley Farmhouse, but it was demolished in the last quarter of the 20th century.

97. The ES considered the impact on 22 heritage assets (19 of which are Listed Buildings and 3 of which are Non-Designated Heritage Assets) having reviewed the amended Masterplan (the 2017 amendment for 550 houses). It concluded that in respect of 16 of those properties, the effect of the development is “neutral”. There is a “slight adverse” impact on four of the properties, and a “slight to moderate adverse” impact on the remaining 2. The impact on the Kingsnorth Conservation Area was also assessed and this was concluded as being “no greater than slight adverse”. None of the effects identified would equate to substantial harm and all of the identified effects would equate to less than substantial harm.
98. The ES concludes that to minimise the harm identified, screen planting to the boundary should be used to screen views of the proposals from the Conservation Area, Mumford House, Taylor Farm and Bond Farm. I am satisfied with the results of the ES in respect of the impact of the proposal on listed buildings and the Conservation Area and that the required mitigation can be secured at reserved matters stage.
99. In terms of archaeology, the site is situated in an area of high potential associated with prehistoric and Roman activity. To the north and east especially are Iron Age funerary sites which can be located specifically due to special landscape and topographical attributes. Westhawk Farm, a Scheduled Roman small town, is situated to the north at a nodal point of several Roman roads. One of these linking Roman roads passes to the west of the application site. Much of the application site comprises fields of historic farm holdings and there has been little development in this area. The proposed development will have a major impact on buried and upstanding archaeology and on the historic buildings and historic landscape. With the potential impact being great, there needs to be a robust and clear assessment of all aspects of the historic environment.
100. Kent County Council’s senior Archaeological Officer has been consulted and has assessed the information submitted in respect of archaeology. She has raised no objections to the development but has requested that further archaeological assessment is carried out which can be secured by planning conditions, as per her recommendation. She has also requested a financial contribution towards heritage interpretation and for a part-time community archaeologist for two years, which are included in the S106 Heads of Terms.

(g) Ecology and Biodiversity

101. Ashford Borough Local Plan 2000 saved policy EN31 seeks to limit the impact of development on important habitats and to provide long term protection where appropriate. Guiding Principles Policies CS1 (a), (d) and (K) of the Core Strategy 2008 identify objectives of ensuring protection of the natural

environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity. This is also reflected in policy ENV1 of the emerging Local Plan 2030, and is referred to specifically in policy S4 – Land north of Steeds Lane and Magpie Hall Road.

102. The site has a number of habitat constraints including the Whitewater Dyke to the west and north of the site, hedgerows and woodlands. The proposals seek to respect all areas of wildlife importance and sensitivity, and to include green buffers, wildlife corridors and wildlife habitats. Following consultation with KCC Ecology and Biodiversity, I consider that ecological and biodiversity impact issues can be subsequently mitigated through the use of planning conditions and by ensuring that applications for reserved matters include the spatial implications of mitigation as a clear design layer influencing the site layout.

(h) Trees and Landscaping

103. Ashford Borough Local Plan 2000 saved policy EN32 protects important trees or woodlands. The site is primarily farmland with field boundaries lined by hedgerows and trees, with a large cluster of trees in Isaac Wood (an Ancient Woodland, also covered by a TPO) at the eastern edge of the site. As part of the application, a Hedgerow Assessment was submitted which surveyed 53 hedgerows – there are 41 present within the site and the remaining 11 were either used to inform the assessment or were part of the previous survey data (for the application as originally submitted for a larger development).
104. The Hedgerow Assessment found that over one third of the hedgerows within the site were species-rich and comprised an aggregate of five or more woody species. Under half of the hedgerows (17 out of 42) were classified as “important” in terms of the relevant legislation. All hedgerows are listed as UKBAP and LBAP priority habitats.
105. The importance of hedgerows as wildlife habitats in their own right, but also as forming vital corridors for the movement of wildlife is recognised in the report. As such and in accordance with the NPPF, the hedgerows will be retained on site wherever possible and will only be broken to provide the primary access corridor. These breaks are at the main entrances to the sites but also within, where the main roads will be located. This is inevitable in order to facilitate the development but the report states that to offset any losses, defunct hedgerows within the site will be gapped up and they will be planted with at least six native shrub species of local provenance, based upon existing content of the hedgerows on site.

106. In addition to the hedgerows the farmland has many mature, large oaks providing a significant visual amenity and character. The reserved matters will expect to identify significant trees which can be retained and the housing will be expected to be designed around them, without compromising them in the future.

(i) Affordable Housing

107. The emerging local plan policy requires 30% affordable housing on this site, with a split between social rented (10%) and other forms of affordable housing (20%, including a minimum of 10% shared ownership). This would be addressed in the legal agreement and the applicant is in agreement with this.
108. The Design & Access Statement indicates that the housing would be a mix of detached, semi-detached and terraced housing. This would ensure an acceptable housing mix as required by Policy CS13 and HOU18 and can be secured by condition.

(j) Self and Custom Built Development

109. Policy HOU6 of the submission Local Plan 2030 seeks to support the principle of self and custom build development as an opportunity to bring choice to the housing market as well as enabling local people to design and build their own home that will meet their bespoke needs. The policy requirement is that on sites delivering more than 20 dwellings, the proposals must supply no less than 5% of dwelling plots for sale to self or custom builders. A condition is suggested that requires the reserved matters applications to comply with this policy.

(k) Flooding, drainage and sewerage

110. Policy CS20 states that all development should include appropriate sustainable drainage systems (SUDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality. Emerging policy ENV9 also seeks this and requires compliance with the adopted Sustainable Drainage SPD. This is also reflected in both S4 and S5 which apply to these sites.
111. A Flood Risk Assessment (FRA) has been submitted with the application and this states that the site is predominantly located within Flood Zone 1 and at low risk of flooding from rivers. There is a small area along the northern boundary in Area 1 which is located in Flood Zone 2, with a low to medium annual probability of river flooding. The FRA states that this is considered to be related to Whitewater Dyke, a tributary to the East Stour in Ashford, which flows in a northerly direction approximately 500m to the west of the site.

112. All development will be located in Flood Zone 1, according to the Environment Agency's current Flood Map and there will therefore be no effect on flood flow routes or floodplain storage.
113. No built development is to be located in Flood Zone 2 and to reduce the risk of surface water flooding in other parts of the site identified on the Environment Agency's Map (in Areas 1 and 2), these areas will be incorporated into the public open space.
114. The SUDS strategy for the site states that runoff will be restricted to pre-development Greenfield rates and on-site attenuation will be provided for all events up to and including the 1 in 100 year event, including an allowance for climate change. Both KCC and ABC Drainage have no objections to the proposed SUDS scheme in principle, although it is noted that a more substantial reduction in runoff than Greenfield rate should be achieved. The conditions suggested will cover these matters.
115. Foul water flows from the development cannot be accommodated within the current public sewerage system due to existing capacity constraints. The costs of a new foul sewer requisition were previously stated by the applicant to be prohibitive, so the applicant investigated an alternative option to provide a new on-site Wastewater Treatment Works, under an inset Agreement, which would be operated by a fully licensed Sewerage Undertaker regulated by Ofwat.
116. The response from Southern Water to the amended application was made in January this year, and since that time, Southern Water has put forward a proposal for new off-site sewers and pumping stations which they will design and deliver that will take discharge to an existing connection point along the Southern Orbital Road with adequate capacity. From there it will drain to the Bybrook WWTP which as members are aware, was upgraded in 2014 to cater for all the growth in the Core Strategy. Forming part of these wider proposals, Hodson Developments is in the process of providing a new gravity sewer across the Chilmington Green site to the south of Phase 1 along the route of Chilmington Green Road, to Stubbs Cross, where Southern Water will provide a catchment chamber. Southern Water will connect to the catchment chamber as part of the off-site network improvements and the timing of the upgrade will coincide with the Chilmington Green housing trajectory and can accommodate all the Local Plan 2030 allocations in the south of Ashford, the application site being included.
117. Members will see from the latest response from SWS, they state that it is likely that the development could be drained to the new pumping station that will serve Chilmington Green in the long term, but as a temporary measure if necessary, they would consider a temporary connection to Steeds Lane. The

applicants have confirmed that this is acceptable to them and the on-site Wastewater Treatment Works no longer forms part of the application.

(I) Have impacts identified in the Environmental Assessment been satisfactorily addressed

118. An Environmental Statement was submitted with the original larger application in 2015, and was subsequently amended to take into account the amendments made to the application as a result of the Local Plan process and subsequent allocation. The Environmental Impact Assessment establishes the baseline for the study against which potential impacts of the proposed development have been considered; it then identifies any “significant” effects and where those are identified, proposes measures to avoid or reduce such impacts. Where residual impacts remain, they are identified.
119. In terms of land use and soils, the original ES found that 20.3ha of the application site was classified as “Best and Most Versatile” agricultural land, but concluded that the effect was not significant. The amended ES found that the proposed amendments will not result in the loss of any additional land above the levels already assessed within the 2015 ES. In addition, the amendment would provide benefits due to reduced area of land developed, and the reduced volume of the soil to be excavated and removed from the site. Therefore, the original assessment remains valid as a worst-case scenario and no further assessment is considered necessary.
120. The impact on archaeology and heritage assets is discussed in paragraphs 94 to 100 above.
121. Turning to landscape and visual impact assessment, the original ES concluded that the main impacts on the landscape character of the site would result from the change of use from agricultural land to housing and landscaped green space, with the removal of some small sections of hedgerows. However, this impact would be limited to the site and immediate surrounding area. It stated that while there are long distance views of the site from the north, the majority of views are screened by the surrounding properties. It stated that mitigation in the form of landscaped green space and additional planting will create beneficial impacts over time and all the additional planting will be carried out as one undertaking at the start of construction, allowing it to mature.
122. The amended ES states that the overall extent of built development and number of houses has been reduced. The addition of a possible Wastewater Treatment Works in Area 2 however was not assessed in the original ES, but it is considered that it will be viewed in the context of the adjacent

transmission tower. In addition, a planting scheme will be included in the detailed design to reduce the potential impact on the landscape.

123. The original ES found that no widespread potential sources of pollution had been identified on site and that the construction phase will be managed to ensure that the risk of contamination is minimised. The amended ES updated the baseline information but concluded that the conclusions reached in the 2015 ES remained the same and no further assessment was considered necessary.
124. In terms of water resources the 2015 ES considered the potential for the proposed development to affect local surface water or groundwater. Disturbance to soils during construction could increase the amount of surface water run-off, however, surface water will be suitably managed during construction to reduce these risks. Surface water runoff is proposed to be managed through the use of SUDs. No additional mitigation measures were considered to be required in terms of foul water disposal.
125. The amended ES took into account new guidance from the Environment Agency, and proposed an on-site Waste Water Treatment Works due to the prohibitive cost of requisitioning a sewer. The ES proposed mitigation measures for surface water, including a Construction Environment Management Plan, to ensure that risks of spills and leaks are minimised. It concluded that the SUDs strategy proposed forms part of the proposed design of the site and no additional mitigation measures are required.
126. With regard to noise impacts, the 2015 ES concluded that the significance of noise and vibration effects from construction activities was considered to be minimal with mitigation measures in place. The increase in traffic noise was considered to be minimal and mitigation measures can be included at the detailed stage to ensure noise impacts from proposed non-residential uses are reduced to an acceptable level. The assessment also concluded that the noise levels from the proposed development would not be significant and once mitigation measures have been implemented, the residual noise levels would meet noise standards and not have a significant impact on future residents.
127. The amended ES concluded that the significance of noise and vibration effects from earthworks and construction is considered to be negligible with site specific mitigation measures in place. However, the construction operations may have a short term, slight to moderate impact at existing sensitive receptors located in the immediate vicinity of the construction phases over the Proposed Development. The increase in road traffic noise due to the operations of the Proposed Development on completion in 2030, at the existing sensitive receptors adjacent the local road network in the

immediate vicinity of the Proposed Development, will be negligible. Therefore this impact is not considered to be significant and mitigation measures are not required. The results of the baseline noise survey and noise prediction calculations indicate that the noise levels at the Proposed Development should not be a determining factor in granting planning permission in accordance with current guidance. Once the mitigation measures detailed in the Mitigation section of this chapter have been implemented, the residual impact of road traffic noise from vehicles travelling along major roads and the Proposed Development access roads will meet all the required internal and external noise standards and will have a negligible impact on any future residents. With mitigation measures in place it is considered that the impact of the proposed Wastewater Treatment Works on the existing and proposed sensitive receptors will be negligible.

128. The 2015 ES considered the effects of dust during construction and with specific mitigation measures implemented on site it concluded that the effects would not be significant. The potential impacts of the traffic generated by the development on air quality were also assessed and this was found to be minimal and not significant. The amended ES concluded the Proposed Development will not lead to an unacceptable risk from air pollution, or to any breach in national objectives, or to a failure to comply with the Habitats Regulations as required by national policy. There are no material reasons in relation to air quality why the proposed scheme should not proceed, subject to appropriate planning conditions.
129. In terms of ecology, the 2015 ES established that the proposed development would not affect the nature conservation of the sites. The proposals would result in the loss of some habitats, however the loss would not be significant. The proposals will also lead to the creation of new habitats. The proposals could significantly impact upon great crested newt, water vole and dormouse. However, mitigation measures have been included in order to reduce these impacts. With these mitigation measures in place, the proposals are considered unlikely to result in significant negative impacts upon the ecology of the site. The amended ES concluded that no significant adverse impacts will result from the proposed development. Mitigation and enhancement measures will be undertaken which are likely to lead to an overall slight increase in the ecological value and diversity of habitats within the site. As a consequence, this assessment has established the development of the site will comply with planning policies, including the NPPF, as well as relevant species and habitat legislation.
130. With regard to Climate Change, the 2015 ES stated that the negative impact of potential increases in temperature can be reduced through mitigation measures including building design and tree planting. The implementation of mitigation measures will ensure that the risk of flooding posed by the

development is low. The production of greenhouse gases during the development, and their impact on the climate will be reduced by including good transport links and energy efficient buildings. The amended ES stated that the assessment of impacts of climate change on the project within the 2015 ES is still valid, and no further assessment is required.

131. Finally the 2015 ES considered Residual and Cumulative Impacts. It concluded that the majority of residual impacts, following the implementation of mitigation measures, have been assessed as not being significant. The only residual impacts are potential visual and landscape impacts on the site and surrounding area. However, the impacts identified in the assessment are not unusual or excessive for a scheme of this size. Furthermore, mitigation in the form of advance planting and landscaped green space will help over time to successfully fit the proposed development into the local landscape. In terms of cumulative impacts, it would result in a loss of BMV, but as this constitutes 1.2% of the high quality agricultural land in the Borough it is not considered to be significant. It would also contribute to the cumulative physical loss of archaeological remains within the region. However, this would be offset by the contribution made to archaeological understanding of the area through excavation and recording.
132. The amended ES did not identify any other cumulative impacts.

(m) Planning Obligations

133. Emerging policies S4 and S5 require contributions to community facilities and infrastructure. 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
134. 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.

135. The development would trigger a requirement to provide 30% affordable housing.
136. KCC has requested a contribution towards projects for primary and secondary education and contributions towards projects for community learning, youth, libraries, social care and heritage interpretation.
137. KCC Highways has requested contributions towards improved bus services, improvements to the Malcolm Sargent Roundabout, footpath improvements and the monitoring of the Travel Plan.
138. The Council has identified projects for off site contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still to be confirmed. The Council has also identified the need for the developers to provide a management plan for the long-term stewardship of the public realm and open spaces.
139. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups have requested a contribution towards an extension to Kingsnorth Surgery.
140. The applicant is required to enter into a S278 with Highways England for a contribution towards the construction of the M20 J10A.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><u>Affordable Housing</u></p> <p>Provide not less than 30% of the units as affordable housing, comprising 10% affordable / social rent units and 20% Affordable Home Ownership Products (including a minimum of 10% shared ownership) in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be</p>	<p>Up to 165 units comprising:</p> <p>10% affordable / social rent units and 20% Affordable Home Ownership Products (including a minimum of 10% shared ownership.</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to the Affordable Housing SPD, guidance in the NPPF and emerging policy HOU1</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>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.			
2.	<p><u>Children's and Young People's Play on site</u></p> <p>Provision on site of a children and Young Peoples play facility plus door step play.</p>	<p>£541 per dwelling for capital costs (Areas 2, 3 and 4)</p> <p>£663 per dwelling for maintenance (subject to agreeing details of the maintenance regime).</p>	Upon occupation of 75% of the dwellings in Areas 2, 3 and 4.	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
3.	<p><u>Children and Young People's Play off-site</u></p> <p><u>Project in Kingsnorth to be determined.</u></p>	<p>£649 per dwelling for capital costs in Area 1.</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of dwellings in Area 1.</p>	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p><u>Outdoor Sports</u></p> <p>Contribution towards local outdoor sports provision off site. Project to be confirmed at either Court Lodge or</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Chilmington sites.			<p>CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1, COM2 and IMP1, Public Green Spaces & Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
5.	<p><u>Strategic Parks</u></p> <p>Contribution towards local strategic parks provision. Project to be confirmed at</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for</p>	Upon occupation of 75% of the dwellings.	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Chilmington.	maintenance		<p>meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6.	<p><u>Informal/Natural Space</u> <u>On-site provision of 2.65ha</u></p>	<p>On basis of 550 dwellings, a minimum of 2.65hectares of informal/natural public open space to be provided on site to the value of £362 per dwelling for capital costs. and £325 per dwelling for maintenance as per play areas.</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				period is limited to 10 years.
7.	<p>Allotments Contribution towards – project to be confirmed on site</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for future maintenance as per play areas.</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), emerging policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
			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.
8.	<p><u>Cemeteries</u></p> <p>Project to be confirmed</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p> <p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Ashford Local Plan 2030 Submission Version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will require cemeteries and the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>cemetery 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>
9.	<p><u>Community Building</u> Off site contribution towards an existing facility in Kingsnorth, exact project to be determined.</p>	<p>£1,870.83 per dwelling for capital costs</p> <p>£528.33 per dwelling for maintenance.</p>	<p>Upon completion of 75% of the dwellings.</p>	<p>Necessary as community 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 Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), emerging policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>the NPPF.</p> <p>Directly related as occupiers will use community buildings and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
10.	<p><u>Primary Schools</u></p> <p>Contribution towards the new 2FE Primary School at Court Lodge</p>	<p>£4,535.00 per 'applicable' house</p> <p>£1,134.00 per 'applicable' flat</p>	<p>First 50% of the sum on 25% of homes occupied with the remainder on full occupation.</p>	<p>Necessary. The proposal would give rise to an additional 154 primary school pupils. There is no spare capacity in the locality and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, emerging policies COM1 and IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
11.	<p><u>Primary School Land</u></p> <p>Contribution towards the land at Court Lodge should this prove necessary.</p>	<p>£2,363.93 per 'applicable' house</p> <p>£590.98 per applicable flat</p>	<p>First 50% of the sum on 25% of homes occupied with the remainder on full occupation.</p>	<p>Necessary. The proposal would give rise to an additional 154 primary school pupils. There is no spare capacity in the locality and pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF21, emerging policies COM1 and IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<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>
12.	<p><u>Secondary Schools</u></p> <p>Contribution towards the new secondary school at Chilimington</p>	<p>£5,091.60 per 'applicable' house</p> <p>£1,272.90 per 'applicable' flat</p>	<p>First 50% of the sum on 25% of homes occupied with the remainder on full occupation.</p>	<p>Necessary. The proposal would give rise to an additional 110 secondary school pupils. Capacity at the local secondary school within the vicinity will have to increase to meet the demand generated and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Plan policy CF21, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Developer Contributions/Planning Obligations</p> <p>SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
13.	<p><u>Community Learning</u></p> <p>Provision of additional IT equipment and additional services at Adult Education centres local to the development</p>	£34.45 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as more IT equipment required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1 and IMP1, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use IT equipment which will be funded and will be available to them.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings
14.	<p><u>Youth Services</u></p> <p>To provide outreach working and IT equipment</p>	£27.91 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary for youth services to meet demand that would be generated (3.6 clients) and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1 and IMP1, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				based on the number of dwellings.
15.	<p><u>Libraries</u></p> <p>Contributions for additional bookstock, shelving and service reconfiguration at Stanhope and Ashford libraries and for the new mobile library service in the area.</p>	£108.32 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, emerging policies COM1 and IMP1, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
16.	<p><u>Social Care</u></p>	£77.58 per dwelling	Upon occupation of 75%	<p>Necessary as additional social care facilities required to meet the</p>

Planning Obligation				Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Contribution to the provision of social care services at the new Chilmington Green Community Hub	Delivery of 6 Wheelchair Adaptable Homes as part of the affordable housing on the site 7.58 per household	of the dwellings	<p>demand from additional occupants that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF19, emerging policies COM1 and IMP1, and guidance in the NPPF.</p> <p>Directly related as occupiers will use social care 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>
17.	<u>Health Care</u>	£423,000	Upon occupation of 75%	Necessary as additional healthcare facilities required to meet the

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	Payment to the CCG for Extension to Kingsnorth Surgery		of the dwellings.	<p>demand from additional occupants that would be generated pursuant to Core Strategy policy CS18, saved local plan policy CF19, emerging policies COM1 and IMP1, and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
18.	<p><u>Archaeology</u></p> <p>To provide heritage interpretation measures and funding for a part time community archaeologist for 2 years.</p>	<p>£60,000 for heritage interpretation measures</p> <p>£40,000 for a part time community archaeologist for a</p>		<p>Necessary in order to interpret heritage across the site pursuant to policies CS1, CS5 and CS9 of the Core Strategy, policy ENV13 of the Ashford Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related to the important</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
	period of two years.		archaeology and history relating to this site. Fairly and reasonably related in scale and kind considering the extent of the development.
19. <u>Bus Services</u> Improvements to bus services between the site and Ashford Town Centre to be paid to KCC.	£400,000.00	£120,000 in year 1 £100,000.00 in year 2 £80,000.00 in year 3 £60,000.00 in year 4 £40,000.00 in year 5	Necessary in order to meet the demand generated by the development and in the interests of sustainability pursuant to Core Strategy policies CS1, CS2, CS15 and CS18 and emerging policies TRA1 and IMP1 and guidance in the NPPF Directly related as occupiers will travel and the bus service will be available to them Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
20.	<p><u>Romney Marsh Roundabout</u></p> <p>Contribution towards junction capacity improvement</p>	[£1,871,058.00]	Prior to the commencement of Area 2 or by occupation of the 151 st dwelling (whichever is sooner)	<p>Necessary in order to meet the demand generated by the development and in the interests of of highway safety pursuant to Core Strategy policies CS1, CS2, CS15 and CS18 and Ashford Local Plan 2030 submission version policies TRA1, IMP1 and IMP2 and guidance in the NPPF.</p> <p>Directly related as occupiers will travel and the roundabout will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated traffic generated.</p>
21.	<p><u>Junction 10A</u></p> <p>Contribution towards construction of junction 10A of the M20</p>	£1,917,916.00 based on 5.5 DUs plus index linking.	Section 278 agreement to be completed before the grant of planning permission.	<p>Necessary in order to meet the demand generated by the development and in the interests of highway safety pursuant to Core Strategy policies CS1, CS2, CS15</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	To be paid through an agreement with Highways England under section 278 of the Highways Act 1980.		Payment of the contribution as per the section 278 agreement	<p>and CS18, Urban Sites and Infrastructure DPD policy U24, emerging policies TRA1 and IMP1 and guidance in the NPPF</p> <p>Directly related as occupiers will travel and the new junction will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of relevant trips</p>
22.	<p><u>Closure of Bond Lane</u></p> <p>Bond Lane to be closed in accordance with the Transport Assessment via a S278 Highway Agreement with Kent County Council</p>		Section 278 agreement to be completed before the grant of planning permission.	<p>Necessary in order to ensure the proposals comply with the Transport Assessment.</p> <p>Directly related as occupiers will travel and will benefit from the package of transport measures.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
23.	<p><u>Residential Travel Plan Monitoring Fee</u></p> <p>Contribution towards KCC's cost of monitoring compliance with the Travel Plan</p>	£5,000.00	£1,000 per anum	<p>Necessary in order to ensure the Travel Plan is 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>
24.	<p><u>Footpath Upgrade</u></p> <p>Contribution towards the creation of a cycle link to Church Hill</p>	£26,000.00	Occupation of 100 units	<p>Necessary as the proposed development would generate an increase in cyclists accessing facilities in the locality. Cycleways must be maintained in order to continue to meet demand pursuant to Core Strategy policies CS1, CS2 and CS18, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>guidance in the NPPF. Directly related as occupiers will use the cycleway and this will be funded and available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
25.	<p><u>Footpath Upgrade</u></p> <p>Contribution towards the upgrading of AW318 and AW319 to cycleway</p>	<p>Amount to be confirmed for capital cost and maintenance</p>	<p>Occupation of 200 units</p>	<p>Necessary as the proposed development would generate an increase in use of the adjacent Public Rights of Way, specifically footpaths AW318 and AW319. Public footpaths must be maintained in order to continue to meet demand pursuant to Core Strategy policies CS1, CS2 and CS18, Ashford Local Plan 2030 submission version policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				guidance in the NPPF. Directly related as occupiers will use the cycleways and they will be funded and available to them Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.
26.	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is completed	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.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
27.	<p><u>Setting up of management company</u></p>	<p>Management company for the community space and facilities to be established.</p>	<p>Prior to the submission of a Reserved Matters submission.</p>	<p>Necessary in order to ensure that the community space and facilities are supported by a governance strategy pursuant to Ashford Local Plan submission version policy IMP4</p> <p>Directly related as occupiers will use the community space and facilities</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development</p>
28.	<p><u>Link between Policy S5 and Court Lodge</u></p> <p>To safeguard the land for the road linking Policy S5 to Court Lodge to ensure the land is not used for any other purpose other than as a road</p>	<p>Safeguard the land for a road</p>	<p>Prior to the submission of a Reserved Matters submission for any land within Policy S5, land shall be identified for a vehicular connection to Court Lodge and no development shall be carried out which would prejudice the provision of the road.</p>	<p>Necessary in order to provide a vehicular connection to the boundary with the adjoining Court Lodge Farm development pursuant to Ashford Local Plan submission version policy S5.</p> <p>Directly related as occupiers will travel and the link road will be available to them.</p> <p>Fairly and reasonably related in</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				scale and kind considering the extent of development
29.	<p><u>Quality monitoring</u> Contribution towards the Council's cost of monitoring</p>	£20,000 per annum until development is completed.	First payment upon commencement of development and on the anniversary thereof in subsequent years until the development is complete.	<p>Necessary in order to ensure a high quality development is achieved pursuant to policy CS9 and Ashford Borough Council 2030 policy SP6.</p> <p>Directly related as only costs arising in connection with quality 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.</p>

Human Rights Issues

141. 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

142. 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

143. The site is not allocated for development in the adopted development plan.
144. However, the site is allocated for development in the emerging Local Plan under policies S4 and S5. The emerging plan has been through its examination and the Inspectors’ post-hearings advice letter received which does not propose any significant changes to / deletion of these policies. As such, policies S4 and S5 are a significant material consideration, and the fact that the propose development complies (subject to the conditions and planning obligations recommended) with the relevant criteria contained in the site specific policies and other relevant policies in the current plan weighs in favour of granting planning permission.
145. Other material considerations include the benefits associated with the scheme which include its ability to help boost the supply of housing in accordance with paragraphs 59 and 67 of the NPPF and its sustainable location. Other recognised social and economic benefits including enhancing the vitality of an existing community by virtue of its sustainable location close to Kingsnorth, delivery of affordable housing, and economic benefits from construction and occupation.
146. I conclude that the proposed development, subject to the approval of the reserved matters and subject to the imposition of conditions, would not result in material harm to landscape character and neighbour amenity. The proposed development would be appropriate and would sit comfortably within its contextual setting.

147. The development, subject to control through planning conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk.
148. Surface water drainage can be adequately dealt with in accordance with the requirements of the NPPF, adopted development plans, SPDs and emerging Local Plan 2030. Foul sewerage (to be completed).
149. My assessment of the various issues above, indicate that minimal harm would arise as a consequence of residential development here and any incremental harm can be easily mitigated through the imposition of conditions. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.
150. Whilst the proposal fails to accord with the adopted development plan in terms of the location of new housing, the proposed development complies with the relevant criteria contained in emerging site specific policies S4 and S5 which seek to allocate it in the Local Plan 2030 as a site for residential development as well as other relevant policies in the adopted plan. This is, in my opinion, a significant material consideration. As such and taking into account the points made in my Assessment, I recommend that planning permission should be granted subject to the prior completion of a S06 Agreement. The site represents a valuable contributor to the 5YHLS.
151. A mix of dwelling types is proposed, and 30% affordable housing would be provided, in line with the emerging Development Plan.
152. Kent County Council has been consulted on the application and raise no objections to the proposal in terms of highway safety or impact on the surrounding highway network.

Recommendation

- (A) Subject to the withdrawal of the objection from Highways England, and**
- (B) Subject to the expiry of the site notice and no further representation of any significance being made, and**
- (C) No further representations being received from those with an interest in the land raising any new issues not covered in this report, and**
- (D) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable the Head of Development Management and**

Strategic Sites or the Joint Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development Management and Strategic Sites or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit,

(E) Grant Outline Planning Permission subject to planning conditions, 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 1st October 2018.

1. Standard outline condition A
2. Standard outline condition B
3. Development carried out in accordance with the approved plans
4. Phasing plans to be submitted
5. Development in accordance with the ES
6. Detailed masterplan workshop to be undertaken prior to the submission of first RM application
7. Construction Environment Management Plan
8. Parking details to be submitted
9. Bicycle storage
10. Pound Lane/Church Hill/Ashford Road signal junction to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.
11. Magpie Hall Road/Ashford Road/Steeds Lane junction realignment to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.
12. Visibility splays on Ashford Road to be provided prior to the occupation of any dwellings in Area 2 or 3.
13. Visibility splays and Bond Lane widening to be provided prior to occupation of any dwellings in Area 3.
14. Steeds lane access and visibility splays to be provided prior to occupation of any dwelling in Area 4.
15. Bus stops, raised kerbs and shelter to be provided on Ashford Road prior to commencement of Area 2 or by occupation of 151st dwelling, whichever is earlier.

16. Existing bus stop and shelter on Ashford Road to be moved north prior to commencement of Area 2 or by occupation of 151st dwelling whichever is earlier.
17. Travel plan to be submitted prior to occupation of first dwelling.
18. Detailed plans of footway upgrades to be submitted.
19. Details of external appearance
20. Level thresholds
21. Hard and soft landscaping to include advance planting
22. Landscape management plan
23. Landscaping implementation to include advance planting
24. Design and implementation of public community space and facilities.
25. Protection of trees
26. Details of earthworks
27. Detailed SUDs strategy to be submitted.
28. No infiltration to the ground permitted.
29. Verification report to be submitted.
30. Details of foul drainage to be submitted.
31. High speed fibre optic broadband to be provided.
32. Archaeology – programme of building
33. Archaeological field evaluation
34. Historic landscape assessment
35. Fencing to protect heritage assets.
36. Heritage Conservation and Interpretation Strategy.
37. Site wide biodiversity mitigation strategy
38. RM to include biodiversity statement
39. Biodiversity Enhancement Strategy
40. Landscape and Ecological Management Plan
41. Internal sound levels – residential
42. Noise rating level – night
43. Noise rating level – day
44. Electric charging points
45. Space standards
46. Refuse

47. Broadband
48. Reserved matters application to include footpath and cycleway links
49. Reserved matters to comply with DAS (character areas)

Notes to Applicant

1. S106 Agreement
2. Working with the Applicant

Working with the Applicant

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

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

In this instance

- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

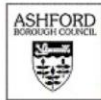
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 15/00856/AS.

Contact Officer: Sue Head

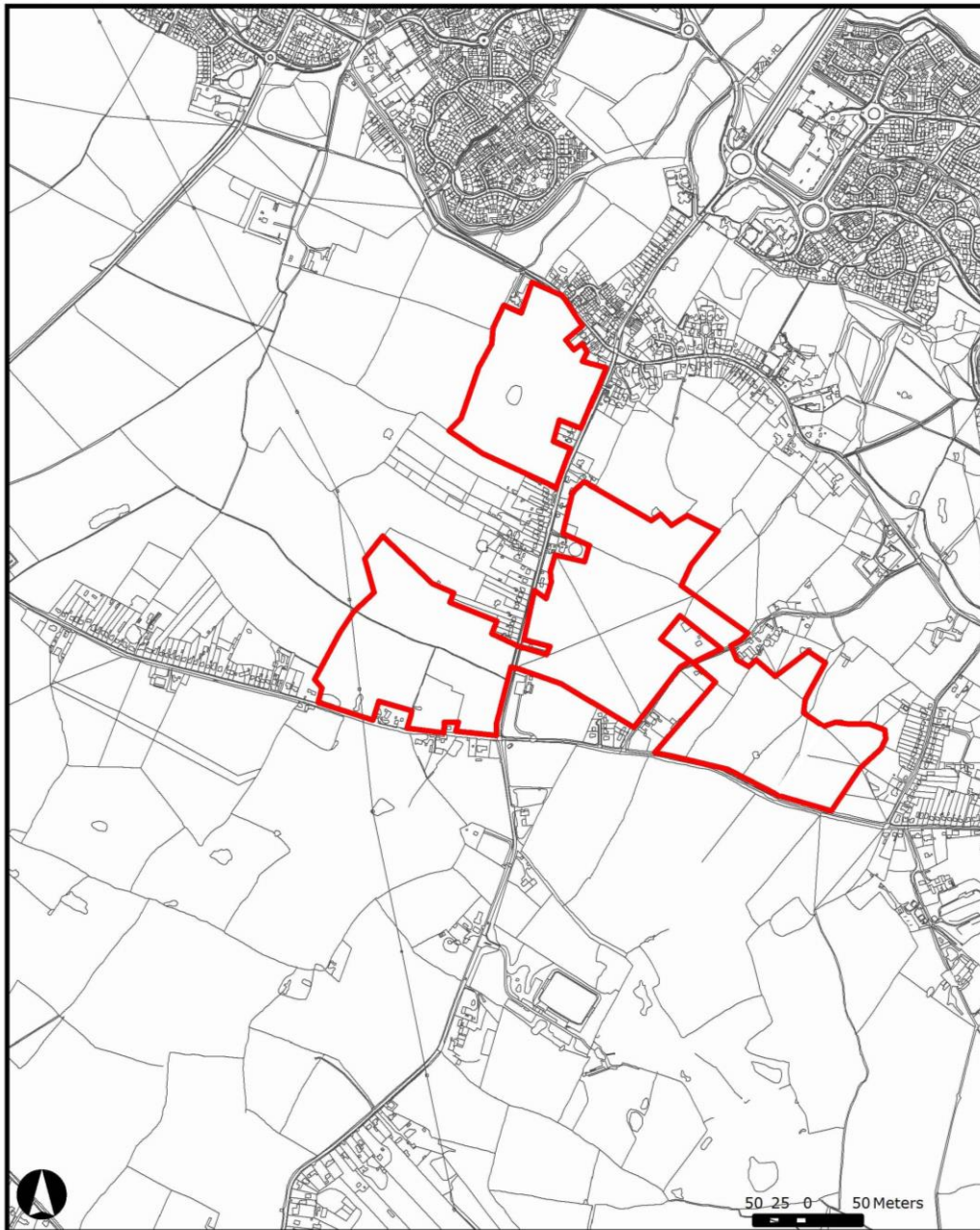
Telephone: (01233) 330387

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Annex 1



Ashford Borough Council



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Land at Pound Lane, Magpie Hall Road, Bond Lane and, Ashford
Road, Kingsnorth, Kent

15/00856/AS

Appendix

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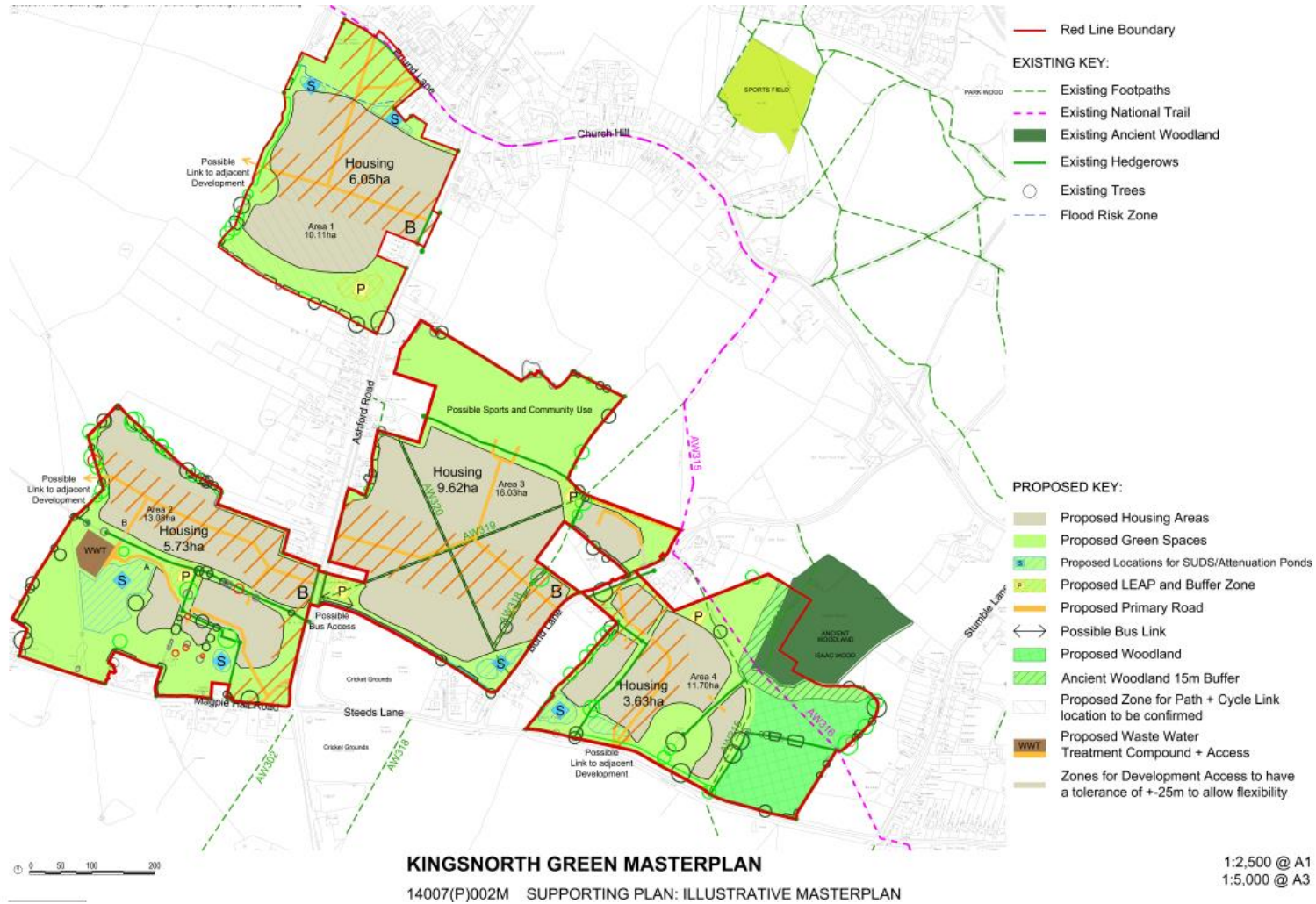


Figure 1
 Kingsnorth
 Green
 Masterplan
 14007 (P) 002M

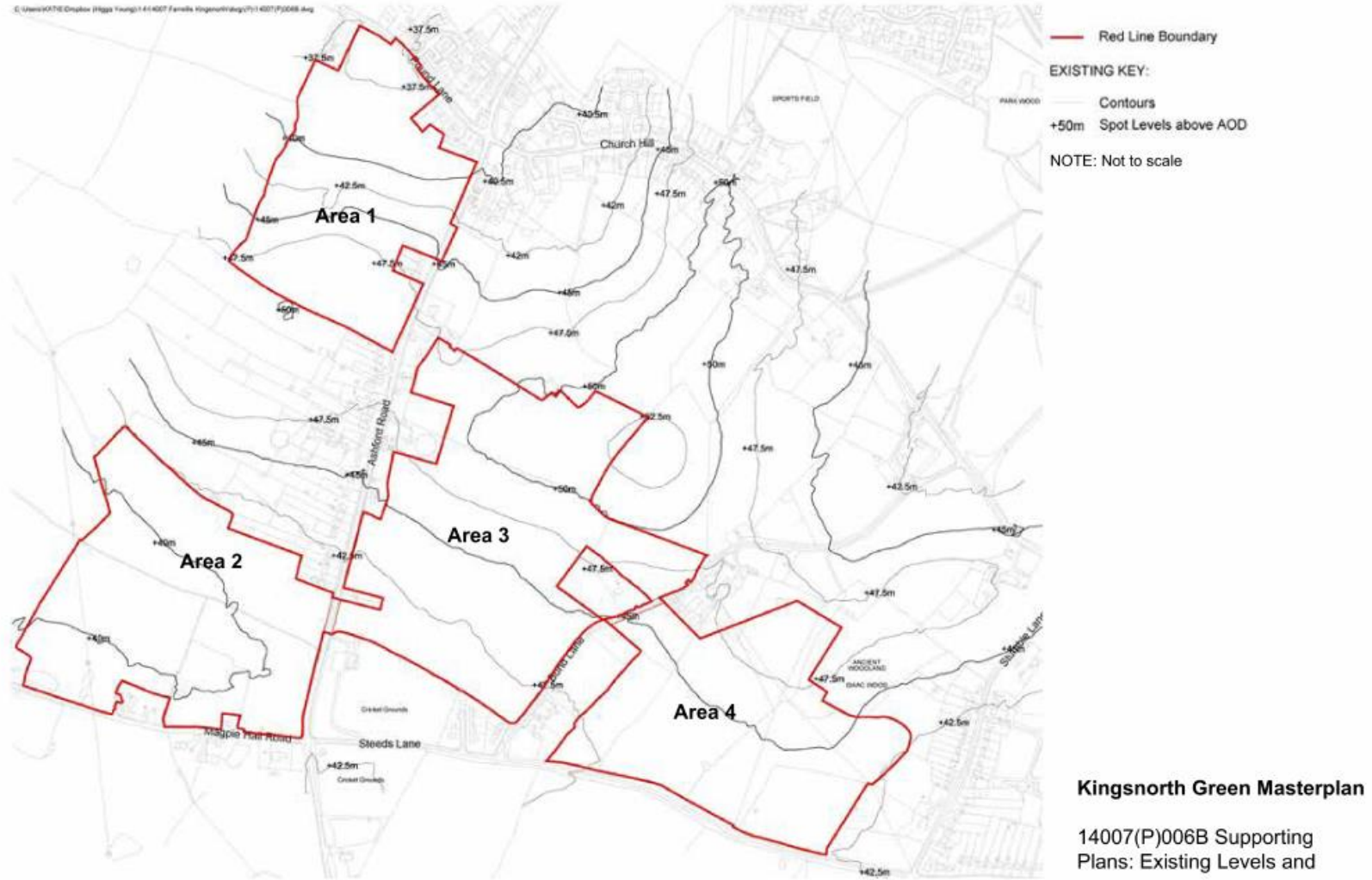


Figure 2 Existing Levels 14007 (P) 006B

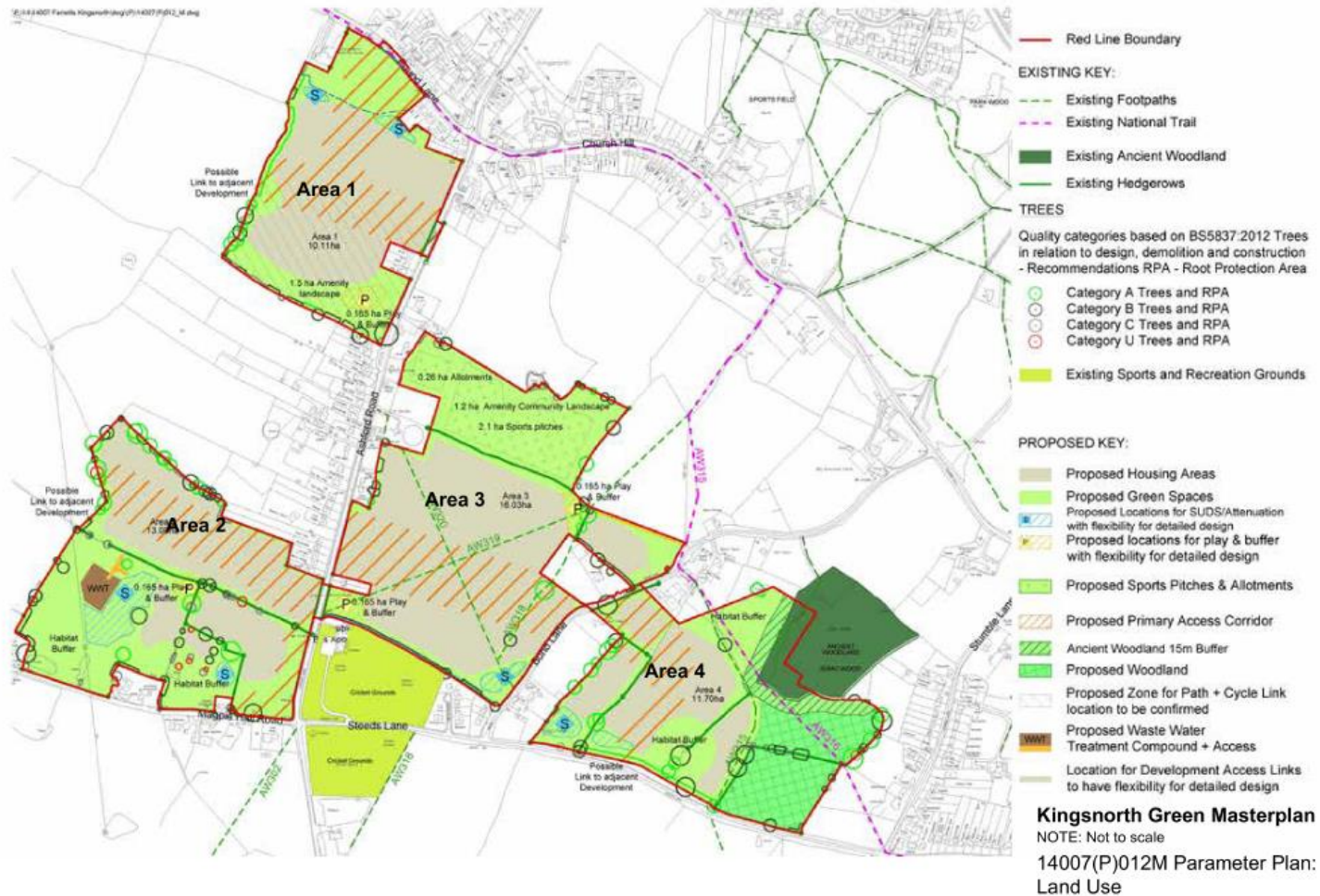


Figure 3 Masterplan 14007 (P) Parameter Plan: Lane Use

Policy S4

4.44 This site lies to the north of the Steeds Lane/ Magpie Hall Road axis and either side of the Ashford Road. The site is in predominantly agricultural use with scattered homes and clusters of houses with a more linear pattern of development along Ashford Road adjoining the site. The predominant character is one of gently undulating farmland rising towards the north of the site to a small ridge from which there are good views of the surrounding countryside. To the north of the site there are more trees reflecting a stronger field pattern and sense of enclosure. This area is an important part of the wider setting of Kingsnorth village Conservation Area. To the south, the more formal landscape of the cricket field and the cluster of homes at the southern end of Bond Lane contrast with the mainly agricultural land around on both sides of the Ashford Road.

4.45 The main highway framework is the crossing of the north/ south Ashford Road and the east / west Steeds Lane/ Magpie Hall Road whilst towards the eastern side of the site, Bond Lane is a pleasant meandering rural lane.

4.46 This site is proposed for residential development with an indicative capacity of 400 dwellings, although a final site capacity should be determined following a detailed and comprehensive site masterplanning exercise that should inform any planning permission for development on the site. Masterplanning of this site shall need to take account of any emerging proposals for Sites S3 and S5 in this Plan, in particular the approach to the provision of infrastructure and services in the area. There is potential for residential development in three distinct parts of the site. The land north of the cricket ground forms the principal area of new development but smaller, secondary areas west of Ashford Road and east of Bond Lane can also contribute to the creation of a new settlement which has different and varied characters as part of it and which are part of a wider vision for how the area in general can be brought forward in a sustainable, high quality way.

4.47 The importance of avoiding coalescence in this area is emphasised elsewhere in this Plan, and so the northern extent of built development here needs to be carefully controlled. Development should sit below the ridge line that lies south of Kingsnorth village, with the ridge and the space between it and the village itself forming a strategic open buffer to protect the setting of Kingsnorth and create a sense of separation from the new development. The protection and enhancement of existing landscaping in this area is a key policy objective here and should be reflected in landscaping proposals for the development of the site.

4.48 In the area north of the cricket ground, the opportunity exists for a mix of residential densities but within an overall mean net density of around 20 dph. This should reflect a rural, village style character that would be appropriate in this location whilst allowing for some pockets of slightly higher density commensurate with many village layouts.

4.49 To the east of Bond Lane the setting is more rural and a significant and well defined gap of open countryside is needed between the area proposed for development and the community at Stumble Lane to avoid the areas coalescing. The Ancient Woodland at Isaac Wood forms a natural and visual boundary to the site and it will important that there is a significant landscaped and open buffer between the woodland and the built footprint here. Consequently, low density homes in large plots are appropriate in the range 10 – 12 net dph.

4.50 To the north of the properties in Magpie Hall Road, the land is ecologically sensitive and forms part of the drainage areas from the higher land to the north, so development potential here is more limited. This land also directly links to the areas proposed for ecological and drainage mitigation associated with the neighbouring Court Lodge Farm site and the wider extension of Discovery Park (policy S3). Therefore, development is proposed north of the watercourse that passes through this area, to be accessed from a new road which will include provisions for buses, pedestrians and cyclists, that will eventually link through to the proposed Local Centre at Court Lodge. Development will help to animate this route and should wrap around the contours avoiding the higher ground to the north. Development here should also be at relatively low residential densities reflecting the characteristics of existing properties on Ashford Road and Magpie Hall Road.

4.51 Given the size and varying nature of different parts of the site and the need for great care in designing the relationship with neighbouring uses and countryside, the masterplan for the site needs to define the precise developable areas of the site and these will form the basis for setting actual net residential densities. Initially, masterplanning will need to establish a reasonable relationship between each area of new development and existing homes – for example, by sensitively designing and locating public open spaces and surface water drainage areas. More widely, the masterplanning will establish the detailed form of the place and the way its layout relates to the cricket ground at its heart. A comprehensive masterplan will help to build confidence for existing residents about those areas that will be developed and those that will be protected for the long term.

4.52 A landscape strategy will be needed as a key part of the masterplan. It will set out where public space and play areas will be provided; where landscape buffers are to be created, their scale and the planting proposals therein; the location of sustainable drainage features; areas of protected habitat; footpath links to the wider area and a viable, long term management plan for all these areas.

4.53 There are several listed buildings close to the boundary of the site (two on Ashford Road, two on Magpie Hall Road and two on Bond Lane). Their settings need to be preserved. There may be also be archaeological constraints on the site and therefore, a historic landscape survey and assessment will be needed.

4.54 The primary vehicle accesses to the site should be from Ashford Road. Traffic management measures put in place as part of this development at points north and south of the development area to mark the entrance to this enlarged community to control speeds and improve the environment of the main thoroughfare should be considered. This will enable junctions onto the Ashford Road to be of a less intrusive scale and design. The highway access created to serve development to the north of Magpie Hall Road will need to be designed to serve as the start of a road linking to the adjoining proposed Court Lodge development area. Land will need to be reserved and funding made available to complete the construction of this road to the site boundary. This will help to improve the road network in the area and spread traffic movements around the south of the town.

4.55 Similarly a package of traffic management measures will be needed on the more minor roads – Magpie Hall Road; Steeds Lane and Bond Lane – to help manage and limit traffic flows to levels that are appropriate given their rural nature and lack of pavements/ lighting, etc. Within the development itself, a network of routes should be established to inform a less urban character commensurate with the generally lower density and village-style form of development.

4.56 Provision of sports and leisure facilities will be required to meet the community needs arising from the development. This could be met in part through improvements to the existing cricket club and its facilities.

4.57 Public rights of way cross the site linking to Kingsnorth village to the north and the wider countryside to the south-east and west. A network of footpaths and cycleways is needed within the site and linking to the wider area, including links in an east-west direction to the Court Lodge site. Similarly, the layout of roads within the site should take account of the potential opportunities for future bus services to create connections with Court Lodge and Chilmington to the west and the Town Centre and Station to the north.

4.58 The scale of development allocated here in this Plan will not support local shopping on its own but the passing trade along Ashford Road provides an opportunity for a local convenience shop to serve new and existing residents. The detailed location and access arrangements for a suitable site fronting the Ashford Road will be established at the masterplanning stage. Similarly, the present scale of development would not support the provision of a new primary school as part of this allocation but proportionate contributions will be required.

4.59 Given the location, number of units proposed and size of the site, 30% of the dwellings shall be provided as affordable housing, in accordance with Policy HOU1.

4.60 In allocating this site, it is acknowledged that a more sustainable form of development that would sustain its own services and facilities may be achieved by a greater scale and extent of development in the future. The land south of Steeds Lane presents an opportunity to extend this allocation in the future so that a new Local Centre to complement that to be created at Court Lodge Farm may be formed, and a more self-sufficient scale of development achieved with a more distinctive identity and character of place created. The masterplan for the site required by this policy should also acknowledge the potential future expansion of this area, particularly in establishing potential connectivity and the treatment of the boundary with Steeds Lane. The potential of the area south of Steeds Lane should be considered as part of the formal review of this Local Plan.

Policy S4 - Land north of Steeds Lane and Magpie Hall Road Land north of Steeds Lane and Magpie Hall Road is proposed for residential development, with an indicative capacity of 400 dwellings. Development proposals for this site shall be in designed and implemented in accordance with an agreed masterplan for the general layout and delivery of development and related infrastructure on the site. The masterplan shall include details of the following elements:-

a) Design and layout principles – a series of models or codes that set out the prevailing scale and form of the urban environment to be created in each of the three separate areas of the site (north of the cricket ground; east of Bond Lane and west of Ashford Road). This will include the mean net residential densities to be created in each area as well as road hierarchies, streetscape treatments and building height to street width ratios.

b) Highway access proposals – details of junction arrangements on Ashford Road, Steeds Lane and Bond Lane.

c) Traffic management – details of any traffic / speed management measures proposed on any adopted highway within the site.

d) Ecology – Appropriate species and habitat surveys will be carried out, details of which will inform ecological mitigation measures to be provided on the site and proposals for their future implementation, maintenance and monitoring.

e) Landscaping and open space – details showing where strategic areas of landscaping and open space will be provided, including the retention of a significant open buffer area between the northern extent of the built part of the development and Kingsnorth village as shown on the policies map; and between the eastern extent of the built part of the development and the site boundary.

f) Drainage – the layout and treatment of surface water drainage through the use of SuDS should be provided as an integral part of the landscape design and open space strategy along with acceptable maintenance arrangements and, west of Ashford Road, be compatible with drainage proposals serving the proposed Court Lodge development. The development should provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider and provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes.

g) Pedestrian / cycleway routes - provide a network of pedestrian and cycle routes throughout the development with connections to existing rural routes and public rights of way and to the new development at Court Lodge.

h) Community facilities – Public open space and suitably equipped play areas needed to serve the development, taking the opportunity to create a sense of the heart of the community being based around the cricket field at the main traffic corridor – Ashford Road. A local convenience store should be located here in a way that can take advantage of passing trade. A specific set of projects related to the scale of needs arising from the development will be identified in consultation with the local community and the cricket club. In addition, the development shall also:- i. Provide a proportionate financial contribution to the delivery of Highway England’s scheme for a new Junction 10a. ii. Provide a link road from the Ashford Road to the boundary with the adjoining Court Lodge Farm development. Particular attention to the conservation and enhancement of Isaacs Wood (Ancient woodland) will be required.

Policy S5

4.61 This site lies to the south of Pound Lane and west of Ashford Road. It is flat, arable land that provides part of the setting of the village of Kingsnorth, which lies to the north and east. The site also adjoins the proposed Court Lodge Farm site allocation to the west (see policy S3).

4.62 The land rises gradually from north to south towards a shallow ridge that runs west – east either side of Ashford Road. Development of the site will need to take account of the strategic context provided by the nearby Court Lodge Farm and Steeds Lane/Magpie Hall Road proposed allocations and, in particular, the key objective of avoiding coalescence of development areas. Masterplanning of this site shall need to take account of any emerging proposals for Sites S3 and S4 in this Plan, in particular the approach to the provision of infrastructure and services in the area. To this end, the southern part of the site should remain free from development

so that it may form part of a broader swathe of open space that runs south of Kingsnorth (to the east) to the extension to the Discovery Park (to the west) and provides for the physical separation of Kingsnorth village from new developments to the south. This area should be publically accessible with pedestrian and cycleway links created across it that will form part of a wider pedestrian / cycleway network linking Discovery Park in the west to the land south of Kingsnorth village in the east. A landscaping strategy for the site should reflect this requirement and the need to provide some visual separation from the adjoining proposed development at Court Lodge Farm.

4.63 The principal access to the site should be gained from Ashford Road with a secondary access to Pound Lane. The potential for vehicular access directly west to the proposed Court Lodge site should not be prejudiced in any proposed layout on this site, and pedestrian and cycleway links should be provided to the site boundary to achieve connectivity to the proposed Court Lodge Local Centre in due course. The potential for signalling the Pound Lane / Church Hill / Ashford Road crossroads and closing the western arm to vehicles should be investigated once the link from Ashford Road to Pound Lane has been delivered.

4.64 The Whitewater Dyke flows close to the northern boundary of the site and a full Flood Risk Assessment will need to be undertaken to inform a detailed layout for development on the site. Similarly, given the topography of the site, proposals for sustainable drainage systems will need to form part of the layout on the site to ensure that runoff conditions are at least no worse than in an undeveloped state.

4.65 It is important that the amenities of the residents of the handful of existing properties on the southern side of Pound Lane are protected in the layout and orientation of any new development. This should mean that there is adequate separation and screening provided as part of any development on this site.

4.66 The proximity of the site to Kingsnorth village, the Park Farm District Centre and the proposed Court Lodge Farm Local Centre means that it would not be necessary for this site to accommodate additional new local recreational, educational or community facilities. However, proportionate financial contributions to deliver, improve, extend or refurbish existing or planned facilities as appropriate will be sought to mitigate the additional demands generated by development here. Informal and publically accessible open space should be provided as part of the undeveloped land at the southern end of the site.

4.67 It will be important for development here to pay regard to the nature of nearby existing and planned housing in terms of establishing an appropriate scale and density. To the north of Pound Lane, Riverside Close accommodates a series of mainly terraced properties whilst the nature of the properties on Pound Lane itself and along Ashford Road tends to be mainly detached or semi-detached. In

accordance with policy HOU1, 30% of the dwellings on this site shall be provided as affordable housing and there should be a mix of dwelling types and sizes to reflect the nature of the surrounding area.

Policy S5 - Land South of Pound Lane

Land south of Pound Lane is proposed for residential development. The capacity of the site will be determined following a comprehensive masterplan exercise, but is proposed with an indicative capacity of 150 dwellings.

Development proposals for this site shall:-

- a) Retain the southern part of the site free from built development, with the creation of pedestrian and cycleway links across the land from Ashford Road to the western site boundary.**
- b) Provide primary vehicular access from Ashford Road and a secondary access to Pound Lane. Proposals shall also enable the ability to provide a vehicular connection to the boundary with the adjoining Court Lodge Farm development.**
- c) In addition to the pedestrian and cycleway connection in (b) above, provide a network of pedestrian and cycleway links through the built part of the site including a connection to the site boundary with the adjoining Court Lodge development.**
- d) Provide a landscaping plan for the site, to be agreed by the Borough Council, to create a significant visual break with the adjoin Court Lodge development and to screening to the houses and gardens of any adjoining residential properties.**
- e) Be subject to a full Flood Risk Assessment, to be agreed by the Environment Agency and the Borough Council. The layout and treatment of surface water drainage will need to ensure that there is no adverse flooding or drainage effects to any neighbouring properties. In addition the development shall also: i. Provide a proportionate financial contribution to the delivery of Highway England's scheme for a new Junction 10a.**

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Planning Committee

Wednesday the 14th November 2018 at 7.00pm

Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 17th October 2018
4. Requests for Deferral/Withdrawal – none.
5. Site Visit - 17/01589/AS - Land adj and rear of 5 and 7, Kings Avenue, Ashford, Kent - Full Planning Application for Construction of Seven 2 bedroom apartments and a 2 bay car port
6. TPO/18/00008 – Confirmation of Tree Preservation Order No. 8, 2018 - Land East of Lantern House, St Stephens Walk, Ashford
7. Schedule of Applications
- (a) **18/01196/AS - The Surgery, Ivy Court, Recreation Ground Road, Tenterden, Kent ,TN30 6RB - Alteration and extension to the existing GP Surgery with associated parking**

3 additional comments in support of the application received raising the following additional points:

- This should be supported and should have been proposed before additional housing in the area were given the go-ahead.
- The design and construction are sensible considering the timescales, site constraints, other new buildings in the vicinity and the need to use the premises during the works.
- There are considerable benefits which need to be weighed up against the visual harm.
- Without the expansion where are patients to be accommodated.
- There is no other way to expand the surgery other than increase the height.
- Nearby Waitrose is 3 storeys in height
- There would only be harm to the view of the church from one vantage point

- Substantial commercial development has already taken place within this part of the Conservation Area which is not of a particularly high heritage value.
- The bulk and massing would be balanced against the remaining large open spaces and mature trees nearby.
- There should only be a modest level of benefit as the harm is less than substantial. The benefit would far outweigh the harm.
- Surgery has recently won an outstanding rating from the CQC.
- The NPPF favours such development
- The surgery covers a far wider area than Tenterden
- The proposed changes to the building are imaginative and of a high standard.

(b) 15/00856/AS - Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Kent - Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure. Provision of local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks

The description of the development has been amended to make clear that all matters are reserved except for means of access, height and density. In addition, the applicant has confirmed that a convenience store not exceeding 280 sqm will be added to the proposals within Area 2 immediately to the west of Ashford Road.

For the avoidance of doubt the Wastewater Treatment Works no longer forms part of the application and the development will connect to the SWS foul sewerage system.

The description is therefore amended as follows:

"Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure, with all matters reserved except for means of access, height and density. Provision of a convenience store and local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water

attenuation, water supply, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks."

Further comments from Kingsnorth Parish Council:

Kingsnorth Parish discussed this application at their parish council meeting last night and have the following comments to make which we would like you to consider and share with members of the planning committee.

Kingsnorth Parish council is aware that this site is included in the submitted Local Plan, is needed to meet ABC's required five year land supply and that the application is recommended for approval subject to conditions as set out in the report.

The comments below are intended to be constructive and to make this development the best it can be for both the people moving into it and the existing community.

KPC don't like the name, Kingsnorth Green, we already have a Kingsnorth Village Green so they should change it and possibly engage the community in that process.

This is farmland and some nod to that former usage should be included in the design and landscaping.

The siting of the open spaces is not always clear and needs to be firmed up and once done given protected status so no further development can take place.

Connectivity with the existing village needs to be built in and all weather surface paths provided and funded by the developer on key routes that KPC would like to be consulted on.

There were lots of highway related concerns and the references to linking with other new developments like Court Lodge and Chilmington Green without the detail to inform any decision making from a Parish Council perspective, KPC strongly requests key stakeholders have a presentation on how these highways, water management systems and green spaces all link together and some clearer guidelines on phasing on all the schemes as it is the cumulative implications of development that are a major concern to residents.

By looking at all the schemes we could think more creatively about how we protect and manage our green spaces and fund key pieces of infrastructure.

KPC has grave concerns over the implications this development and the other large development sites in the parish will have on the existing roads many of which have no footpath and would like to see a contribution from developers towards

widening where possible and the provision of footpaths at least on one side of the road or an alternative safe pedestrian route with an all-weather surface, possibly lit, included in the conditions attached to the application.

Clarity over the proposed route across Pound Lane is requested as a matter of urgency as again this links several developments.

KPC requests that traffic lights are installed at the crossroads Church Hill, Ashford Road prior to any construction taking place and that no construction traffic uses Church Hill.

There is a presumption that Kent Wildlife Trust or a management company will manage the informal open spaces in Court Lodge and we assume something similar for this application. KPC would like to be directly involved in these discussions and where appropriate be considered as the most suitable organisation to take on the management of these open spaces and recreational facilities as this will provide a mechanism for protection and income in the future.

Sports England suggest that the development should provide either directly or indirectly sports facilities, KPC would be requesting a contribution for our proposed sports facility in the Entrance Park to Park Farm.

8 further letters of objection, making the following points:

- Lack of infrastructure to meet developments in Ashford
- Are all these houses in Ashford necessary
- The area is prone to flooding
- Impact on wildlife
- Loss of green fields as an amenity for existing residents
- Increase in traffic particularly at the Church Hill/Pound Lane/Ashford Road junction.
- Development will eventually join up with Chilmington Green
- House prices will be devalued
- Impact on the character of Pound Lane
- Loss of trees and hedges
- Closing Pound Lane would have a detrimental impact on the Queens Head PH, but traffic lights at the junction would be welcome
- The new access to Pound Lane is not required as the housing market will be depressed as a result of Brexit

- Impact on protected species and other wildlife in Pound Lane due to the access
- Impact of additional traffic will impact on safety in an already busy area
- Impact on health due to noise, light pollution and fumes
- Development would be out of character with the rural character of the area

Letter from the agent for the adjoining site at Court Lodge making reference to the S106 contributions and asking that the Court Lodge development should be considered as being the recipient of some of the monies. The letter also requests that the S106 should designate the land for the link roads between Areas 1 and 2 and adjoining Court Lodge as highway land with a call mechanism to be exercised by the Highway Authority. They ask to be involved in the drafting of this as the adjoining landowner.

In response to this, Kent County Council Highways has stated that the application is in outline so the exact location of the road is not known at this stage. Instead, they recommend an additional condition requiring that prior to the submission of any reserved matters application in Sites S4 and S5, details of the proposed roads from Ashford Road to the Court Lodge development shall be submitted and approved in consultation with the Local Highways Authority.

(HDM&SS: The heads of terms will be discussed with the relevant parties and a condition relating to the roads will be added).

Highways England:

Collision Data: Although we do not necessarily agree with the methodology of assessment, we are content that crash data has been obtained and analysed, including the M20 Junction 10.

Impact Assessment: No objection subject to a condition stating that no more than 200 dwellings of the development hereby permitted shall be occupied until the Bellamy Gurner improvement to the A2070, Waterbrook Avenue/ The Boulevard roundabout shown on Bellamy Roberts drawing No's 3651/RM/002A, 3651/RM/003A and 3652/RM/002A (or such other scheme that substantially accords with the principles of the scheme, as may be approved in writing by the local planning authority and Highways England and KCC Highways) have been completed and opened to all traffic.

Reason: To ensure that the A2070 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirement of road safety.

The contribution amount in respect of M20 J10A is payable as follows:

- 50% of the total contribution to be payable prior to the commencement of the development (including any associated servicing or infrastructure specifically related to the development of the site).

- 25% of the total contribution to be payable prior to the completion of one-third of the development 'units' (x number of houses/floorspace, etc).
- the remaining 25% to be payable prior to the completion of three-quarters of the development 'units'. HE has also requested that the contributions for M20 J10A should be as follows:

(HDM&SS: A condition will be added and the contribution added to Table 1 under Section 21.

Site notices for the amended plans were erected on site on 5th November 2018.

Notices were served on the owners on 8th November 2018.

Amendments to the report

Page 112 Para 17 – Affordable housing is 30%.

Policy HG5 of the Ashford Borough Local Plan 2000 – Sites not on the Proposals Map – should be included in the Policy section.

Para 148 – Final sentence to read “The applicant has confirmed that the on-site Wastewater Treatment Works that was originally proposed is deleted and that the development will connect to the main foul sewerage system”.

For the avoidance of doubt, the wording of the policies in the appendix on pages 291 – 234 is superseded by the modifications which are shown in full on pages 232-234 of the main report.

Additional conditions as follows:

50. Restricting occupation to 200 dwellings until the improvements to the A2070 Waterbrook Avenue/ The Boulevard roundabout have been completed.

51. Prior to the submission of reserved matters applications in Areas 1 and 2, details of the proposed roads from Ashford Road to the Court Lodge development shall be submitted and approved in consultation with the Local Highways Authority.

S106

In Section 6 of Table 1, Informal/Natural on-site provision to include an element of public art to be agreed.

Section 21 of Table 1 to be amended to include the payment structure requested by Highways England.

Additional Head of Term to be added to include the provision of the convenience store.

Recommendation amended to combine (B) and (C) as (B) as follows:

Subject to the expiry of the site notice for the amended plans and Subject to the expiry of the necessary notices to landowners and in the opinion of the HDSS&D and JDCM no further issues of significance being raised

Recommendation (C) becomes recommendation (D).

- (c) **18/00652/AS - Land south of Park Farm East, Hamstreet Bypass, Kingsnorth, Kent - Full planning application for 353 dwellings, new accesses from Finn Farm Road, Cheeseman's Green Lane and Brockman's Lane and creation of a T-junction between Finn Farm Road and Rutledge Avenue. Creation of a new access serving 1,3,5,7 and 9 Finn Farm Road. On-site highway works together with associated parking, infrastructure, drainage, open space, landscaping and earthworks**

As per paragraph 29, the applicants have now submitted a refined layout. In accordance with Recommendation (A) I will progress concluding acceptability through appropriate discussions with Kent Highways & Transportation.

Insertions

'including an element of public art to be agreed' to be inserted into (A) the Informal / natural Green Space Head of Term No.9. forming part of Table 1 & (B) inserted into the proposed hard landscaping condition 10.

- (d) **17/01917/AS - Thruxted Mill, Penny Pot Lane, Godmersham, Canterbury, Kent CT4 7EY - The demolition of the existing structures and hardstanding on the site and the erection of up to 20 dwellings with improved vehicular access and extensive areas of planting and landscaping. (All matters reserved except for access from Penny Pot Lane and quantum of development).**

3 further neighbour letters of representation received raising the following:

- The committee report makes no mention of the site's involvement in the BSE scandal in the 1990's. The potential harm to human health requires very specific testing and advice from DEFRA and has this been requested?
- Have any such sites nationally been developed for human habitation?
- Surrounding roads will be heavily affected and the additional traffic from the development would be a disaster to this rural lane. Construction traffic alone will damage the lane and makes a large development here woefully inappropriate.
- The proposal would increase the number of properties on Penny Pot Lane from 10 to 30 increasing traffic flows particularly during the construction phase. Road changes are restricted as it is bordered in places by ancient woodland.
- Increased strain on local infrastructure for schools and GP surgeries. No public transport in the vicinity of the site.

- The cost of the properties are likely to be beyond the reach of young families living in the area. The site is not necessary to meet housing delivery targets.
- Various organisations who are consultees have either objected or withdrawn support (i.e. CPRE, AONB Unit, KWT, KCC Ecological Advise Service, UK Power Network, Woodland Trust). Kent police state they were not consulted.

(HDM&SS: The objections are assessed in the report and have either been addressed, can be addressed through the imposition of conditions or relate to details that are for consideration at the reserved matters stage rather than in respect of this outline application).

1 objector has requested their comments be appended in full as they are unable to speak at committee. The points they raise are summarised above and the letter attached in full in annex 1 at the end of the update report.

1 letter received from solicitors representing a local resident raising the following:

- The Environmental Impact Assessment Regulations 2017 has not been applied and given the sensitivity of the development and characteristics of the impacts and EIA is likely to be required. A screening opinion does not appear to have been undertaken by the Council. The application falls within Schedule 10(b) of the EIA regulations and is located in a sensitive area as defined by these regulations. To determine the application in the absence of this would be premature and unlawful.

(HDM&SS: The application has been screened by officers in respect of the need for an EIA. Officers are of the opinion that an EIA is not required for this development.)

- Supporting surveys have raised concerns over the development.

(HDM&SS: These concerns have been addressed in the report, through proposed conditions and can be addressed at the reserved matters stage)

- Comments received from the Kent AONB Unit and the Council's Culture & Environment (open space) officer have been misrepresented as both object.

(HDM&SS): The AONB unit do not object to redevelopment in principle but has raised concerns over the indicative layout shown. This is not however for consideration at this stage and the quantum of development is up to 20 units and does not commit the Council to accepting 20 units at the reserved matters stage. Likewise the concerns with the scheme raised by the Culture & Environment Team are matters to be resolved under the reserved matters applications rather than at the outline stage.

- An unredacted viability assessment has not been made available to view and this is key to the decision recommended.

(HDM&SS): A redacted version of the viability statement removing commercially sensitive information had been provided by the applicant and is available to view on the Council's website. Likewise a redacted version of Bespoke Property Services assessment of this viability appraisal is publically available to view.

(e) 17/01646/AS - Former Goods Yard, Bramble Lane, Wye, Kent - Development of 14no. dwellings with associated access and parking

1 additional comment received objecting to the proposal but not raising any new material planning matters.

(f) 18/00572/AS - Delcroft, Woodchurch Road, Shadoxhurst, Ashford, Kent TN26 1LE - Outline planning application with all matters reserved for the construction of up to 12 residential dwellings alongside associated parking, access and landscaping works. Includes demolition of existing bungalow called Delcroft

Second Consultation (up to 12 units scheme)

Shadoxhurst Parish Council OBJECTS to the proposal.

Since the Parish Council wrote in raising objections to the 14-unit scheme, it has received some 90 community objections to this scheme. It requests that the Borough Council considers the strength of feeling in the local community. It draws parallels with recent planning refusals at Farley Close (17/01888/AS) and Tally Ho Road (18/00483/AS) where non-compliance with the Local Plan and policies were cited.

The PC, together with a significant number of residents raises the following objections:

Suitability of Site This site was originally assessed by ABC as DLP work Site WS70 as "unsuitable for development". Nothing in the present application demonstrates justification to change ABC's original assessment.

The scheme relies on the demolition of an existing single-storey property at the frontage to Woodchurch Rd to access the proposed "backland or infill" insertion of 2-storey houses; completely out-of-character with the locality. Furthermore, we believe that 14, now 12, units are well in excess of the accepted criteria for this type of development.

Access and Road Safety

Whilst KCC Highways have no outstanding Objections, there is significant Community concern regarding both the additional junction onto Woodchurch Rd, close to the adjacent sharp bend and junction by the village hall, as well as vehicular and pedestrian access within the site.

Compliance with Local Plan and Policies

The applicant's "Planning Statement" as issued by DHA April 2018 made assumptions related to the nascent Local Plan which were flawed at the time and which are now seriously out-of-date following later Planning Inspector's post-hearing advice on LP Review published in June 2018. Reconsideration with applicable Plans & Policies seriously changes the case supporting this development.

Equally, the "Planning Statement" relies on Housing Supply statistics from 2017; Ashford's Housing topic paper SD08 – June 2018, together with the relevant observations in the LP Examination Inspector's post-Hearing Advice – 29th June 2018 – both tend to neutralise the claimed benefits of this development towards housing supply.

The Planning Inspectors removed five sites from the Local Plan and reduced other site allocations as they saw that the 5-year Housing land supply was being met, without the need for those houses. This site:

- was not allocated in the Local Plan; the sites amended should be considered first;
- is being 'developer led'; it should be 'local plan led'

The application is inappropriate and does not warrant being granted.

Affordable Housing

The scheme has recently been reduced from 14 units to 12; the original proposal did not meet the current ABC requirements for Affordable Housing and the revised plans (posted 16th October) do not show details of compliance either. The Application relies upon CS12 whilst HOU8 (40% affordable) is applicable.

(HDM&SS Comment: The 'up to 12 unit scheme' makes provision for 40% affordable housing in line with Emerging Policy HOU1).

Village Characteristics and Amenities

Building Materials. Many previous planning approvals in the village have rightly required that brick & tile construction materials match the prevalent village style; the currently illustrated designs are far from this standard.

(HDM&SS Comment: This is an outline planning application where design and appearance is a reserved matters.).

Transport Links In November 2017, KCC announced county-wide cuts to bus services and from June 2018 the Ashford – Tenterden Service 2A is reduced from hourly to 2-hourly; a fact known well before the present Application was written claiming an hourly service.

The representativeness of the traffic survey carried out is query as it took place in school holidays.

Utilities & Services. All utilities are already stretched, or in the case of mobile phone signals non-existent. There is no shop, no doctor, no school within walking distance; with the minimal bus service, car usage will be essential to access all these, including all commuting. The Local Plan gives no recognition to need for services to match growth and certainly in Shadoxhurst the recently completed/approved growth has seen no corresponding upgrade of services & utilities; this is a major concern for the Community in considering new development schemes.

Rural Integrity. This is an aspect which generates the greatest strength of Objection in the village. Residents' individual objections relate notably to:

- the disproportionate growth of the current village,
- reduction of greenspace and the movement of village boundaries towards Chilmington / Greater Ashford,
- a further reduction in the grazing land and uninterrupted rural vista northward from existing housing,
- replacement of existing bungalow in a single-property depth building line with "backland" development with an access encroaching closely on the existing single storey properties and their amenity; both those immediately adjacent and those in Lonefield & Woodchurch Road
- the Development is not Sustainable and will further diminish the character of the village, notably replacing a sector of single-storey with high-pitch 2-storey units and adding yet another significant access road on a very crowded stretch of road. There is a strong view that should development take place here at all, it must be limited to single storey only.

Scale and Size Whilst the developers have reduced the scheme from 14 to 12 units, our perspective is that there should be no houses on this field. The Community was much heartened by the recent decisions on the Farley Close North and Tally Ho Rd schemes. These perfectly reinforce our arguments for a Refusal Overdevelopment of a small village. Shadoxhurst is a community of some 500 houses. In the last 5 years, 21 houses have been completed at Maytree Place and Oak View. Since then:

- 45 new-build houses are currently being constructed on six sites in Shadoxhurst.
- There are current applications for 30 more being decided by ABC for probable completion in 2019.
- The growth of any village community needs to be slow and steady; matched, as stated above, by services & utilities, this is not happening with our village. The cumulative effects of such major growth on our community must be fully considered.

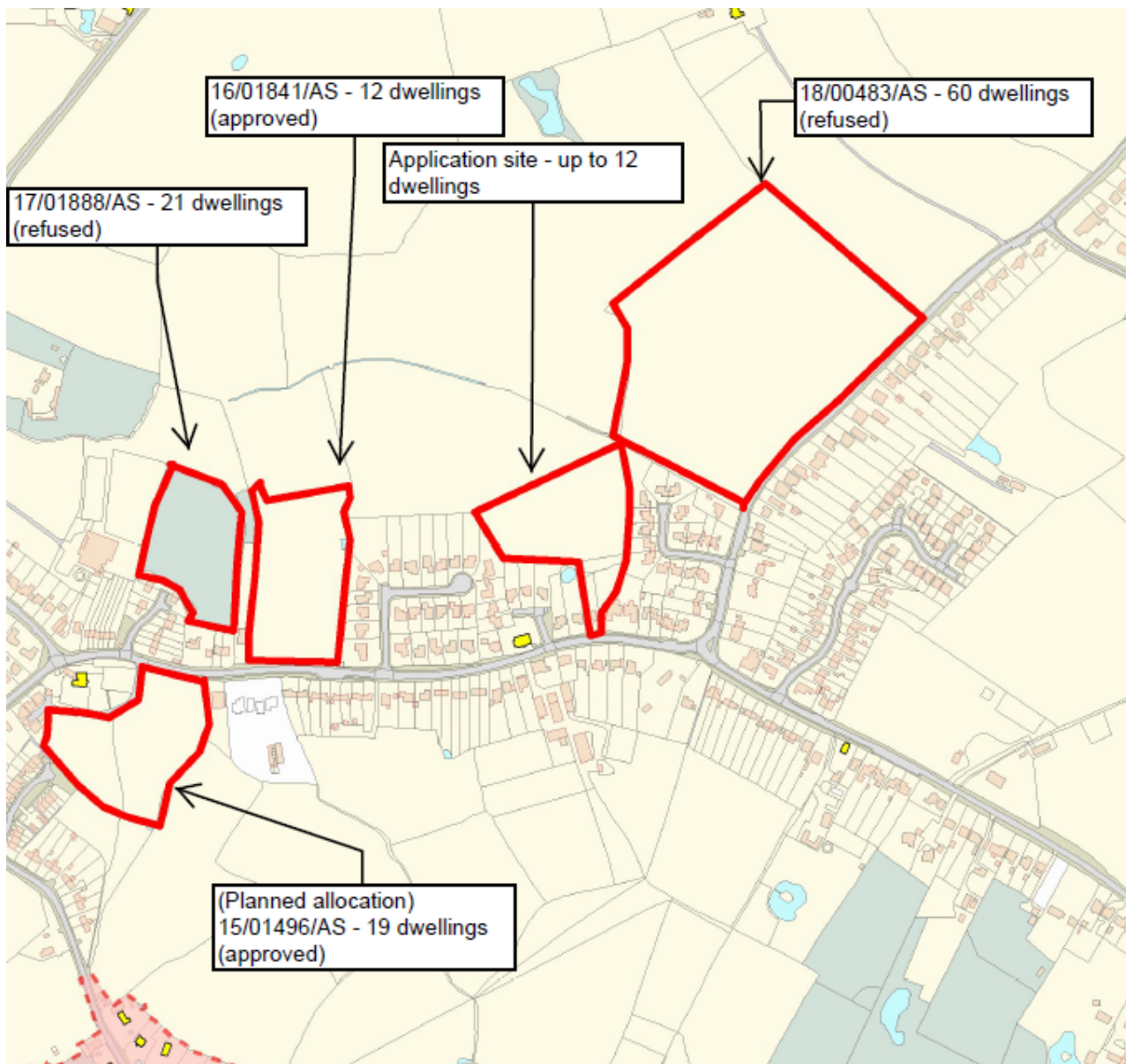
Village Confines. It is clear from the drawings submitted that the most northerly four dwellings push the building line further north beyond the existing acceptable line that would nominally traverse from 17 Lonefield to 12a Park Farm Close as 'infill'.

Separation of Settlements. Adherence to Policy SP7 in the ABC Local Plan is vital to Shadoxhurst, indeed we argue that ahead of the majority of Ashford's Parishes, with the planned growth of Chilmington Green and Kingsnorth extending towards us, we are at the greatest risk of losing our rural village identity. It is paramount therefore that our village must retain the maximum buffer and separation as at present. This development will 'chip away' and reduce this buffer and open the way for the rest of the same field and adjoining fields to be developed.

Social Factors. Whilst these may not be given much weight, there is considerable stress placed on people who chose to live in a village community with rural outlooks as the very reasons for moving there. Eroding these with no effective remedy other than accept the replacement of fields with houses and get on with it, is likely to drive people out of the village. The Council needs to consider the effects and impact on people in at least 15 bungalows and houses on destroying their rural amenities.

The Parish Council has made reference to a number of similar planning applications in the village.

To help provide context, I have included a Plan below which shows planned allocations and committed development in the village along with recent proposals that have been refused.



Shadoxhurst Parish Council has provided a further letter of objection raising concerns about drainage issues in the village. It requests that the current sewerage problems (detailed below) regarding the fracturing last night of a sewage main are highlighted to Members of the Planning Committee.

The Parish Council has previously raised concerns regarding construction activity over and around the existing High Pressure Sewerage Main return line crossing the site at land between the Hollies and Park Farm Close (16/01841/AS) and currently being built by Jarvis Homes. These concerns were largely ignored and, as was predicted, yesterday the line was fractured during building operations. This has resulted in a constant fleet of tankers removing village sewerage last night and today. There is much disruption and damage to properties adjacent to the badly sited pumping station with flooding on the road and now a second set of traffic lights (which are not coordinated with the existing ones).

In addition, the PC understands that surveying errors crept into the Jarvis Homes site and the drainage pipes laid for the 12 houses was found to be too deep. Currently for three weeks there have been traffic control lights while Jarvis Homes dig up the road to relay the Southern Water gravity fed main that flows to the pumping station behind Mace Terrace to a lower depth. This is a live main taking most of the Village's sewerage. The

High Pressure Main then pumps it all up towards Stubbs Cross and the pumping station there.

The PC repeats its original concerns that a 40+ year old line in the ground conditions (clay soil, high water table, etc) and long term traffic movement engenders a high risk of future ruptures (during and/or after construction). It requests an urgent independent Risk Analysis on this line and examination of solutions for its replacement in the context of this with Building Control.

The suitability and viability of the foul sewerage disposal, including the pumping station, are problems which extend beyond this site and pertinent to the consideration of the application currently under consideration at Delcroft.

The PC considers that until the Utilities are properly resolved in Shadoxhurst, there should be a moratorium on future decisions to construct additional housing pushing well beyond the sewerage capacity in the village. More and more housing added to an aging system without a proper risk analysis is folly.

The Planning view is probably that it is for the Developers to ensure that the system can cope and put it right if it can't. However ABC must take responsibility for the increasing growth and under HOU5 a) which states:

"the scale of development proposed is proportionate to the size of 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....."
This includes utility provision and Southern Water admit that we are at capacity in Shadoxhurst.

Neighbours - 49 letters of objection have now been received raising similar issues to those listed within the committee report and above.

Amendments to Table 1

Heading – Delete ‘Land north of Farley Close’ and replace with ‘Delcroft’

Library Bookstock Trigger Point – All the contribution upon occupation of 50% of the dwellings.

Monitoring fee needs to be included in Table 1 as follows:

<p>Monitoring Fee</p> <p>Contribution towards the Council’s costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1,000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the 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</p>
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			obligations to be monitored.
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Further email correspondence received relating to utility infrastructure including the sewage infrastructure/capacity, potable water supply and power. This correspondence follows the fracturing of the high pressure sewage main on the site adjacent the Hollies and Park Farm Close. It is alleged that the local infrastructure cannot sustain any more house building.

Annex 1

- (d) **17/01917/AS - Thruxted Mill, Penny Pot Lane, Godmersham, Canterbury, Kent CT4 7EY - The demolition of the existing structures and hardstanding on the site and the erection of up to 20 dwellings with improved vehicular access and extensive areas of planting and landscaping. (All matters reserved except for access from Penny Pot Lane and quantum of development).**

“OBJECTIONS TO PLANNING APPLICATION - Being a resident living within 300 metres of the proposed Development, I would like the following to be taken into account when considering the Outline Application for Planning Permission. I have summarised the objections to assist the Committee as follows:

1. **Road / Access** – The current residential properties in Penny Pot Lane number 10. The development would increase the number of properties to 30. Although it is accepted that the Lane is not for residents only, the amount of traffic in the Lane will increase by 3 times not accounting for visitors and deliveries, or construction traffic.

This is a single track road with adhoc passing spaces and will not cope with the increased traffic. The proposal allows for 64 parking spaces so the developers must envisage that amount of vehicles using the development at any one time.

Changes or improvements to the road system are restricted by the fact it is bordered in places by Ancient Woodland.

2. **Local Infrastructure** – The NHS comments in the application predict at least 47 occupants requiring a contribution to local services of £16,920. While the developers may have the resources to make this contribution at the outset, it does not allow for the ongoing strain on the local GP Surgery.

The KCC Education Authority have commented that they can “demonstrate a forecast lack of provision caused by this development which will require school expansion”.

There is no public transport in the Lane.

3. **Housing for Local People** – The average cost of a 2 bedroom property in the area is £240,000. The likely cost of the larger units will be substantially more. These cost are beyond the reach of young families living in the area.

The Authority have already identified appropriate sites for development to allow the Authority to meet National targets for housing. This site is not necessary to meet those targets.

4. **Objections** – Having reviewed the application and comments, various organisations who are “consultees” and whose opinion should therefore be

considered seriously, have now raised objections or withdrawn support for the proposal. These include CPRE, ANOB Partnership, Kent Wildlife Trust, KCC Ecological Advice Service, UK power Network, Woodland Trust, Kent Downs ANOB Unit. Kent Police have indicated that they have not been consulted and would require conditions on the granting of permission.

There is significant opposition to the development from local residents.”

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Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **14th November 2018**.

Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

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

Also Present:

Cllrs. Bartlett, Feacey, Pickering.

Head of Development Management and Strategic Sites; Principal Planning Officer; Chilmington and Design Team Leader; Strategic Applications Team Leader; Local Transport and Development Planner - Kent County Council Highways and Transportation (MH); Local Transport and Development Planner - Kent County Council Highways and Transportation (AM); Tree Officer; Director (Place and Space); Head of Planning and Development; Head of Culture; Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

224 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he was a Member of KCC.	226 – 17/01589/AS 227 – TPO/18/00008 128 - 18/01196/AS 15/00856/AS 18/00652/AS 17/01917/AS 17/01646/AS 18/00572/AS
Bennett	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	128 – 15/00856/AS
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society. He also declared that he lived in Magpie Hall Road but he did not own property there.	128 – 15/00856/AS 15/00856/AS

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Clarkson	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	128 – 15/00856/AS
Clokier	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society and the Tenterden and District Residents Association.	128 – 15/00856/AS 18/01196/AS
Dehnel	Made a Voluntary Announcement as he was a member of Kingsnorth Parish Council.	128 – 15/00856/AS 18/00652/AS
Heyes	Declared an Other Significant Interest as he lived close to the site. He would speak as Ward Member and then leave the Chamber, which he did.	128 – 17/01589/AS
Hicks	Made a Voluntary Announcement as she lived on Magpie Hall Road, but at the opposite end from the site. She also declared that she was a member of Kingsnorth Parish Council.	128 – 15/00856/AS 15/00856/AS 18/00652/AS
Ovenden	Made a Voluntary Announcement as he was a Member of Wye Parish Council	128 – 17/01646/AS
Wedgbury	Made a Voluntary Announcement as he was a member of Kingsnorth Parish Council.	128 – 15/00856/AS 18/00652/AS

225 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 17th October 2018 be approved and confirmed as a correct record.

226 Site Visit - 17/01589/AS - Land adj and rear of 5 and 7, Kings Avenue, Ashford, Kent

One of the Ward Members attended and spoke in objection to the application.

Resolved:

Refuse on the following grounds:

The proposal would be contrary to adopted policies CS1 and CS9 of the Local Development Framework Core Strategy (July 2008), saved Policies EN16 and HG5 of the Ashford Borough Council Local Plan 2000, Policies SP1, SP6, HOU3a and TRA3a, of the Ashford Local Plan 2030 (Submission Version December 2017), Supplementary Planning Guidance/Document (Residential Parking and Design Guidance SPD 2010) and to Central Government advice contained in the Chapter 12 (achieving well designed places) National Planning Policy Framework (July 2018), and is therefore considered development harmful to the interests of acknowledged planning importance for the following reasons:

1. The proposals represent an overdevelopment of the site resulting in a cramped appearance out of keeping with the surrounding area.
2. The proposals lack sufficient car parking which will lead to an increase in parking on Kings Avenue causing inconvenience to existing residents and potential future residents of the development as well as existing local road users
3. The proposed access to the site is very constrained and access by any vehicle other than the private car would be difficult and would prevent access by emergency vehicles.

227 TPO/18/00008 – Confirmation of Tree Preservation Order No. 8, 2018 - Land East of Lantern House, St Stephens Walk, Ashford

Resolved:

To confirm the Order notwithstanding the objection.

228 Schedule of Applications

Resolved:

That following consideration of (a), (b) and (c) below,

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

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decisions be made in respect of Planning Applications as follows: -

Application Number	18/01196/AS	
Location	The Surgery, Ivy Court, Recreation Ground Road, Tenterden, Kent ,TN30 6RB	
Grid Reference	88581/33298	
Town Council	Tenterden Town Council	
Ward	Tenterden South	
Application Description	Alteration and extension to the existing GP Surgery with associated parking	
Applicant	Ivy Court GP Surgery	
Agent	Mr Graham, The Duncan and Graham Partnership, 8 Cecil Square, Margate, Kent, CT9 1BD	
Site Area	0.12 ha	
(a) 8/2X, 3S	(b) S	(c)

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Three additional comments in support of the application had been received.

In accordance with Procedure Rule 9.3, Dr Mirza, on behalf of the applicant, spoke in support of the application. He said Ivy Court Surgery was recognised as an innovative practice, and were well aware of the need for more effective healthcare. The recent outstanding CQC rating highlighted the surgery as being responsive to patient needs. Patients needed this expansion to continue receiving first class health care. The national drive focused on care being delivered closer to home, with an increasing number of services moving to primary care. Expansion was required to deliver on this national plan. The provision of these services would serve Tenterden and surrounding areas. Without the extension patients in these areas would not receive these services closer to home. Many patients were frail and unable to travel to Ashford for treatment so it was vital to deliver care closer to home. Delivery of the extension would facilitate provision of new patient groups, classes and clinics. There was a current recruitment crisis in general practice and evidence showed that doctors often returned to work in their area of training. The surgery planned to take on large numbers of medical students, which would increase the number of future doctors working in the Ashford area. Hosting groups, services and medical students demanded more space. Without expansion the surgery could only provide healthcare for the current population and could not cater for new local

housing developments. Refusal of this application would lead to a state of stagnation. The CCG and NHS England had identified the surgery as disadvantaged in terms of health care space, with a substantial sum provisionally agreed to redevelop the surgery and this could not be postponed. The funding would not be available again. Dr Mirza asked Members to support the application.

One of the Ward Members for an adjacent ward spoke in support of the application.

Members considered that in the surrounding area there were a number of three storey buildings. The proposed alterations and extension were of good quality design. Currently the surgery was operating well over its capacity.

Resolved:

That Members considered the less than substantial harm to the Conservation Area is outweighed by the public benefits of the proposal as set out in Para. 106 of the NPPF and as a consequence Planning Permission should be granted.

Permit

Subject to the following conditions:-

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

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

- 2 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of development and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- 3 The area shown on the drawing number 15.036 17 as vehicle parking spaces shall be provided before the use of the first and second floors are first brought into use and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

- 4 Prior to the new first and second floor accommodation first being brought into use

the bicycle parking shown on drawing number 15.036 17 shall be completed and shall thereafter be retained.

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

- 5 In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.
- a, No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and approved tree survey, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*).
- b, If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 6 A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of development. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

- 7 Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following information:
- Details to demonstrate that the surface water run off generated by the development can be accommodated and disposed of without an increase in on or off site flood risk (for all rainfall durations and intensities up to including the climate change adjusted critical 100 year storm);
 - Identification of the proposed discharge points from the system, and;
 - A timetable for provision of the system and arranges for future maintenance (including type, frequency and responsibility for maintenance).

The works shall be carried out and maintained in working order in accordance with these approved details.

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

- 8 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- a) Parking and turning areas for construction and delivery vehicles and site personnel
- b) Timing of deliveries
- c) Provision of wheel washing facilities

The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 9 Each non-residential building hereby approved shall be constructed achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall (good/very good/excellent) standard comprising the following minimum elements:

- i) 'Excellent' standard in respect of energy credits
- ii) ('Maximum/excellent') standard in respect of water credits
- iii) ('Excellent/very good') standards in respect of material credits

Prior to development commencing, the following details shall be submitted to the Local Planning Authority for written approval:

- i) Details of a 'Design Stage' assessment and related certification, and,
- ii) Details of how the development will reduce carbon dioxide emissions to a level 10% below the predicted total energy demand through the use of on-site sustainable energy technologies such as renewables and/or low carbon technologies.

Following completion of the final building, a BREEAM 'Post Construction Stage' assessment and related certification confirming the BREEAM standard that has been achieved, and stating the amount of residual carbon emissions and how they are proposed to be dealt with to ensure that the development is carbon neutral (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority.

Following any approval of a 'Post Construction State' assessment, the approved measures and technologies to achieve the BREEAM (good/very good/excellent) standard and to ensure that development is carbon neutral shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

Reason: In order to ensure that the energy efficiency through sustainable design and construction is achieved

- 10 Measures to enhance biodiversity shall be submitted to and approved in writing to the Local Planning Authority prior to works commencing above foundation level. These could include but shall not be limited to the following:

- Bat boxes erected within the adjacent vegetation.
- Bird boxes erected on to the building/adjacent vegetation
- Any landscaping planned incorporate native species.

The approved measures shall thereafter be provided on site and retained thereafter.

Reason: To enhance biodiversity in accordance with Paragraph 175 of the NPPF, adopted policy CS11 and emerging policy ENV1.

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

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

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

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

Notes to the Applicant

- 1 Working with the Applicant

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

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise

in the processing of their application

- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

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

- 2 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

- 3
- i) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
 - ii) There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
 - iii) No hedging or shrubs should be planted within 1.5 metres of the edge of the public footpath.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer **no other** permission or consent or right to close or divert any Public Right of Way at any time without

the express permission of the Highway Authority.

That members considered that the less than substantial harm to the Conservation Area is outweighed by the public benefits of the proposal as set out in Para. 106 of the NPPF and as a consequence Planning Permission should be granted.

Permit

Subject to the following conditions:-

That members considered that the less than substantial harm to the Conservation Area is outweighed by the public benefits of the proposal as set out in Para. 106 of the NPPF and as a consequence Planning Permission should be granted.

Application Number	15/00856/AS
Location	Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Kent
Grid Reference	00255/38868
Parish Council	Kingsnorth
Ward	Weald East
Application Description	Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure, with all matters reserved except for means of access, height and density. Provision of a convenience store and local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks.

Applicant	Pentland Homes Ltd and Jarvis Homes Ltd	
Agent	Ian Bull Consultancy Ltd	
Site Area	51ha	
(a) 807/112R Amnds: 837/46R	(b) PC – R Amnds R	(c) Shad PC – R; GCS PC – X; Bils PC – R; MWS PC – R; KCC Highways – R; HE – R; KCC SuDs – S; ABC Proj – S; EA – X; KCC Prow – R; KCC Her – R; Hist Eng – X; ECC Bio – R; Nat Eng – X; SE – R; ABC ES – X; SE Rail – R; HSE – X; WKPS – R; BHS – X; SWS – X; KWS – R; CPRE – R; Amnds: Bils PC – R; KCC Highways – R; HE – R; KCC SuDs – X; EA – X; KCC developer contributions – X; KCC Her – X; Hist Eng – X; KCC Bio – R; Nat Eng – X; ABC ES – X; WKPS – X; SWS – X; KMG – R; RA – X; KP – X; Amnds: KCC Highways – X; KCC Her – X; KCC Bio – X; NHA – X; SWS - X

The Chilmington and Design Team Leader drew Members' attention to the Update Report. The description of the development had been amended and there were further comments from Kingsnorth Parish Council. There were 8 further letters of objection and a letter from the agent for the adjoining site regarding S106 contributions. Highways England had provided further comments, and there were various amendments to the report, additional conditions and amendments to the S106 provisions. There was also a renumbering of the slides shown as part of the screen presentation.

In accordance with Procedure Rule 9.3, Ms McGeever, a local resident, spoke in objection to the application. She lived on land directly opposite the proposed

development site. She had not had a chance to look at the outline proposal because there had been insufficient time. The proposal went forward on 8th November and she only found out about it at a Parish Council meeting the previous evening. She would be directly affected by these building works and believed the complexity and seriousness of the proposals needed more time for consideration. There were many pages in the report and Ms McGeever questioned whether Members had had sufficient time to scrutinise the application and read the report themselves. The lack of people who had commented on the application was indicative of the fact that people didn't know the application was in the public domain. Only 8 or 10 people had objected when in reality there were hundreds of objectors, or there had been in 2015. Ms McGeever understood that the developers of the two Kingsnorth sites were not communicating with each other. In order to get a well-designed and thought out development, those concerned should be talking to each other otherwise there would be separate, piecemeal development. The infrastructure requirements needed to be considered by the Council and the developers. Ms McGeever asked the Committee to delay this application so that everyone had time to consider the proposals more fully.

In accordance with Procedure Rule 9.3, Mr Bull, the agent, spoke in support of the application. He said the application had been promoted through the emerging Local Plan, which identified the site for residential development in policies S4 and S5. The Local Plan had been considered by Inspectors at the Local Planning Examination in June and their post-hearing advice did not raise any objections to those policies. The outline application accorded with policies S4 and S5 and those policies must be afforded significant weight in the determination of the application. This site formed part of the Council's 5 year housing land supply and would deliver open market and affordable housing. Although there were some local objections, there were no substantive issues raised by any statutory consultees. The development would be accessed via the existing highway network with improved junctions. These improvements would deliver significant benefits to the network. KCC Highways did not raise any objections. Highways England had issued a holding objection although this would now be lifted, following submission of the requested information. The Statement of Common Ground confirmed that all parties were satisfied that the strategic highway network could accommodate all Local Plan proposed development. The development would connect to the public foul drainage system and include a comprehensive SUDs system. The developers had held two public exhibitions and met the Parish Council. They would continue to work with local stakeholders throughout the detailed design and delivery. The Officer's report concluded that in addition to compliance with Policies S4 and S5, the scheme would significantly boost the supply of housing in a sustainable location. The report recommended approval subject to conditions. The S106 agreement would deliver affordable housing, development contributions and off-site infrastructure. Mr Bull asked Members to support the Officer's recommendation.

The Ward Member attended and spoke on the application and the need for masterplanning and not treating individual sites in isolation from each other.

The Chilmington and Design Team Leader drew Members' attention to proposed Condition 6 which would require a detailed masterplan workshop to be undertaken prior to the submission of the first reserved matters application.

Resolved:

- (A) **Subject to the expiry of the site notice and no further representation of any significance being made, and No further representations being received from those with an interest in the land raising any new issues not covered in this report, and**
- (B) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable the Head of Development Management and Strategic Sites or the Joint Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development Management and Strategic Sites or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit,**

Table 1

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
1.	<p><u>Affordable Housing</u></p> <p>Provide not less than 30% of the units as affordable housing, comprising 10% affordable / social rent units and 20% Affordable Home Ownership Products (including a minimum of 10% shared ownership) in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved</p>	<p>Up to 165 units comprising:</p> <p>10% affordable / social rent units and 20% Affordable Home Ownership Products (including a minimum of 10% shared ownership.</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.		
2.	<p><u>Children's and Young People's Play on site</u></p> <p>Provision on site of a children and Young Peoples play facility plus door step play.</p>	<p>£541 per dwelling for capital costs (Areas 2, 3 and 4)</p> <p>£663 per dwelling for maintenance (subject to agreeing details of the maintenance regime).</p>	Upon occupation of 75% of the dwellings in Areas 2, 3 and 4.
3.	<p><u>Children and Young People's Play off-site</u></p> <p><u>Project in Kingsnorth to be determined.</u></p>	<p>£649 per dwelling for capital costs in Area 1.</p> <p>£663 per dwelling for maintenance</p>	Upon occupation of 75% of dwellings in Area 1.
4.	<p><u>Outdoor Sports</u></p> <p>Contribution towards local outdoor sports provision off site. Project to be confirmed at either Court Lodge or Chilmington sites.</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings.
5.	<p><u>Strategic Parks</u></p> <p>Contribution towards local strategic parks provision. Project to be confirmed at Chilmington.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings.
6.	<p><u>Informal/Natural Space</u></p> <p><u>On-site provision of</u></p>	On basis of 550 dwellings, a minimum	Upon occupation of 75%

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<u>2.65ha to include an element of Public Art.</u>	of 2.65hectares of informal/natural public open space to be provided on site to the value of £362 per dwelling for capital costs. and £325 per dwelling for maintenance as per play areas.	of the dwellings.
7.	<u>Allotments</u> Contribution towards – project to be confirmed on site	£258 per dwelling for capital costs £66 per dwelling for future maintenance as per play areas.	Upon occupation of 75% of the dwellings
8.	<u>Cemeteries</u> Project to be confirmed	£284 per dwelling for capital costs £176 per dwelling for maintenance	Upon occupation of 75% of the dwellings.
9.	<u>Community Building</u> Off site contribution towards an existing facility in Kingsnorth, exact project to be determined.	£1,870.83 per dwelling for capital costs £528.33 per dwelling for maintenance.	Upon completion of 75% of the dwellings.
10.	<u>Primary Schools</u> Contribution towards the new 2FE Primary School at Court Lodge	£4,535.00 per 'applicable' house £1,134.00 per 'applicable' flat	First 50% of the sum on 25% of homes occupied with the remainder on full occupation.
11.	<u>Primary School Land</u> Contribution towards the	£2,363.93 per 'applicable' house	First 50% of the sum on 25% of homes occupied with the remainder on full

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	land at Court Lodge should this prove necessary.	£590.98 per applicable flat	occupation.
12.	<u>Secondary Schools</u> Contribution towards the new secondary school at Chilimington	£5,091.60 per 'applicable' house £1,272.90 per 'applicable' flat	First 50% of the sum on 25% of homes occupied with the remainder on full occupation.
13.	<u>Community Learning</u> Provision of additional IT equipment and additional services at Adult Education centres local to the development	£34.45 per dwelling	Upon occupation of 75% of the dwellings
14.	<u>Youth Services</u> To provide outreach working and IT equipment	£27.91 per dwelling	Upon occupation of 75% of the dwellings
15.	<u>Libraries</u> Contributions for additional bookstock, shelving and service reconfiguration at Stanhope and Ashford libraries and for the new mobile library service in the area.	£108.32 per dwelling	Upon occupation of 75% of the dwellings
16.	<u>Social Care</u> Contribution to the provision of social care services at the new Chilmington Green Community Hub	£77.58 per dwelling Delivery of 6 Wheelchair Adaptable Homes as part of the affordable housing on the	Upon occupation of 75% of the dwellings

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
		site 7.58 per household	
17.	<u>Health Care</u> Payment to the CCG for Extension to Kingsnorth Surgery	£423,000	Upon occupation of 75% of the dwellings.
18.	<u>Archaeology</u> To provide heritage interpretation measures and funding for a part time community archaeologist for 2 years.	£60,000 for heritage interpretation measures £40,000 for a part time community archaeologist for a period of two years.	
19.	<u>Bus Services</u> Improvements to bus services between the site and Ashford Town Centre to be paid to KCC.	£400,000.00	£120,000 in year 1 £100,000.00 in year 2 £80,000.00 in year 3 £60,000.00 in year 4 £40,000.00 in year 5
20.	<u>Romney Marsh Roundabout</u> Contribution towards junction capacity improvement	[£1,871,058.00]	Prior to the commencement of Area 2 or by occupation of the 151 st dwelling (whichever is sooner)
21.	<u>Junction 10A</u> Contribution towards construction of junction 10A of the M20 To be paid through an agreement with Highways	£1,917,916.00 based on 5.5 DUs plus index linking. 50% prior to commencement fo	Section 278 agreement to be completed before the grant of planning permission. Payment of the contribution as per the

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	England under section 278 of the Highways Act 1980.	development 25% payable, prior to the completion of one third of the development and 25% payable prior to the completion of three-quarters of the development	section 278 agreement
22.	<u>Closure of Bond Lane</u> Bond Lane to be closed in accordance with the Transport Assessment via a S278 Highway Agreement with Kent County Council		Section 278 agreement to be completed before the grant of planning permission.
23.	<u>Residential Travel Plan Monitoring Fee</u> Contribution towards KCC's cost of monitoring compliance with the Travel Plan	£5,000.00	£1,000 per annum
24.	<u>Footpath Upgrade</u> Contribution towards the creation of a cycle link to Church Hill	£26,000.00	Occupation of 100 units
25.	<u>Footpath Upgrade</u> Contribution towards the upgrading of AW318 and AW319 to cycleway	Amount to be confirmed for capital cost and maintenance	Occupation of 200 units
26.	<u>Monitoring Fee</u> Contribution towards the	£1,000 per annum until development is	First payment upon commencement of development and on the

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	Council's costs of monitoring compliance with the agreement or undertaking.	completed	anniversary thereof in subsequent years
27.	<u>Setting up of management company</u>	Management company for the community space and facilities to be established.	Prior to the submission of a Reserved Matters submission.
28.	<u>Link between Policy S5 and Court Lodge</u> To safeguard the land for the road linking Policy S5 to Court Lodge to ensure the land is not used for any other purpose other than as a road	Safeguard the land for a road	Prior to the submission of a Reserved Matters submission for any land within Policy S5, land shall be identified for a vehicular connection to Court Lodge and no development shall be carried out which would prejudice the provision of the road.
29.	<u>Quality monitoring</u> Contribution towards the Council's cost of monitoring	£20,000 per annum until development is completed.	First payment upon commencement of development and on the anniversary thereof in subsequent years until the development is complete.
30.	<u>Provision of a Convenience Store</u>	To construct and make available for rent a convenience store of up to 280 sqm prior to the occupation of the 200 th dwelling and to actively market the store for not less than 3 years or until first occupation.	
31.	Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into. 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.		

Planning Obligation		
Detail	Amount(s)	Trigger Point(s)
<p>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>		

- (C) Grant Outline Planning Permission subject to planning conditions, 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 1st October 2018.**
1. Standard outline condition A
 2. Standard outline condition B
 3. Development carried out in accordance with the approved plans
 4. Phasing plans to be submitted
 5. Development in accordance with the ES
 6. Detailed masterplan workshop to be undertaken prior to the submission of first RM application
 7. Construction Environment Management Plan
 8. Parking details to be submitted
 9. Bicycle storage
 10. Pound Lane/Church Hill/Ashford Road signal junction to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.
 11. Magpie Hall Road/Ashford Road/Steeds Lane junction realignment to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.
 12. Visibility splays on Ashford Road to be provided prior to the occupation of any dwellings in Area 2 or 3.
 13. Visibility splays and Bond Lane widening to be provided prior to occupation of any dwellings in Area 3.
 14. Steeds lane access and visibility splays to be provided prior to occupation of any dwelling in Area 4.

15. Bus stops, raised kerbs and shelter to be provided on Ashford Road prior to commencement of Area 2 or by occupation of 151st dwelling, whichever is earlier.
16. Existing bus stop and shelter on Ashford Road to be moved north prior to commencement of Area 2 or by occupation of 151st dwelling whichever is earlier.
17. Travel plan to be submitted prior to occupation of first dwelling.
18. Detailed plans of footway upgrades to be submitted.
19. Details of external appearance
20. Level thresholds
21. Hard and soft landscaping to include advance planting
22. Landscape management plan
23. Landscaping implementation to include advance planting
24. Design and implementation of public community space and facilities.
25. Protection of trees
26. Details of earthworks
27. Detailed SUDs strategy to be submitted.
28. No infiltration to the ground permitted.
29. Verification report to be submitted.
30. Details of foul drainage to be submitted.
31. High speed fibre optic broadband to be provided.
32. Archaeology – programme of building
33. Archaeological field evaluation
34. Historic landscape assessment
35. Fencing to protect heritage assets.
36. Heritage Conservation and Interpretation Strategy.
37. Site wide biodiversity mitigation strategy
38. RM to include biodiversity statement

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39. Biodiversity Enhancement Strategy
 40. Landscape and Ecological Management Plan
 41. Internal sound levels – residential
 42. Noise rating level – night
 43. Noise rating level – day
 44. Electric charging points
 45. Space standards
 46. Refuse
 47. Broadband
 48. Reserved matters application to include footpath and cycleway links
 49. Reserved matters to comply with DAS (character areas)
 50. No more than 200 dwellings of the development hereby permitted shall be occupied until the Bellamy Gurner improvement to the A2070, Waterbrook Avenue/ The Boulevard roundabout shown on Bellamy Roberts drawing No's 3651/RM/002A, 3651/RM/003A and 3652/RM/002A (or such other scheme that substantially accords with the principles of the scheme, as may be approved in writing by the local planning authority and Highways England and KCC Highways) have been completed and opened to all traffic.

Reason: To ensure that the A2070 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirement of road safety.
 51. Restricting occupation to 200 dwellings until the improvements to the A2070 Waterbrook Avenue/ The Boulevard roundabout have been completed.
 52. Prior to the submission of reserved matters applications in Areas 1 and 2, details of the proposed roads from Ashford Road to the Court Lodge development shall be submitted and approved in consultation with the Local Highways Authority.

Notes to Applicant

1. S106 Agreement

2. 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

- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

In accordance with Procedure Rule 15.5 Cllr Wedgbury requested that his vote against the motion to approve be recorded.

Application Number	18/00652/AS
Location	Land south of Park Farm East, Hamstreet Bypass, Kingsnorth, Kent
Grid Reference	020004/38255
Parish Council	Kingsnorth
Ward	Weald East

Application Description	Full planning application for 353 dwellings, new accesses from Finn Farm Road, Cheeseman's Green Lane and Brockman's Lane and creation of a T-junction between Finn Farm Road and Rutledge Avenue. Creation of a new access serving 1,3,5,7 and 9 Finn Farm Road. On-site highway works together with associated parking, infrastructure, drainage, open space, landscaping and earthworks		
Applicant	Taylor Wimpey UK Ltd and Persimmon Homes Ltd		
Agent	Barton Willmore LLP, The Observatory, Southfleet Road, Ebbs fleet, Dartford, United Kingdom, DA10 0DF		
Site Area	21.51 ha		
(a) 191/ 8 X, 14 R	(b) X	(c)	ABC Culture X, ABC Housing X, PO (Drainage) X, CCE X, CCG (Ashford) X, EA X, EHO X, HE X, KCC (Ecol) X, KCC (Dev Contribs) X, KCC Heritage X, KH&T X, KCC (LLFA) X, POL X, SW X, Stagecoach X, UK Power X

The Strategic Applications Team Leader drew Members' attention to the Update Report. The applicants had submitted a refined layout and there was an insertion into Table 1.

In accordance with Procedure Rule 9.3, Ms Wilford, the agent, spoke in support of the application. The development proposals had come forward in line with the site allocation after engaging in extensive pre-application discussions with Officers and statutory consultees on the form and layout of the development proposals. The applicant had also engaged in a stakeholder workshop, a public exhibition and the Kent Design Review Panel. The proposals were a natural extension to the development at Bridgefields. The access arrangements had been subject to extensive discussions, particularly with Kent Highways Service, who supported the improved junction arrangement over the Hastings railway. A new pedestrian route had been secured, providing continuous connection over the Hastings railway bridge and along Finn Farm Road, connecting with Bridgefields and Kingsnorth. The built development was set outside areas of flood risk. The EA, KCC and Ashford Drainage raised no objection to the proposals on drainage grounds. 30% of the homes would be affordable in line with policy. All homes would meet building regulations in excess of the emerging policy requirement of 20%. All homes would comply with the Council's internal/external space standards and emerging parking

standards. There were extensive areas of public open space on the site's western boundary, providing an extension to the Green Corridor. Cycle and pedestrian routes were also incorporated, as well as a large area of equipped play. The development respected the setting of the site and adjacent development. The proposals would secure the delivery of a high quality development and Ms Wilford asked Members to endorse the Officer's recommendation to approve.

The Ward Member attended and spoke on the application.

Resolved:

- (A) Subject to resolution, to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, of (i) any outstanding matters of fine detail relating to layout, streets and spaces and the approval of amended plans as appropriate, and (ii) any remaining on-site / off-site highway matters (including those proposed to be the subject of mitigation set out in Table 1) with Kent Highways & Transportation and/or Highways England, and,
- (B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	<p>Affordable Housing (on site)</p> <p>Provide not less than 30% of the units as</p>	<p>Provide on-site not less than 30% of the units as affordable housing comprising</p>	TBC

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	affordable housing	<p>33 % Affordable Social rent units and 66% Affordable Home ownership products (including a minimum half of which is Shared Ownership). The affordable housing shall be managed by a registered provider of social housing approved by the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	
2.	Primary Schools Contribution to KCC towards a New 2FE Primary School at Court Lodge Kingsnorth	<p><u>£1,515,970.82 total</u></p> <p>(£1,134 per applicable flat & £4,535 per applicable house)</p> <p>1-bed homes less than 56 sqm GIA excluded from definition of</p>	TBC

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
		'applicable'	
3.	<p>Primary School Land</p> <p>Contribution to KCC towards 2.05ha land acquisition costs at Court Lodge, Kingsnorth for a new 2FE primary school should this prove necessary.</p>	<p><u>£790,142.16 total</u></p> <p>(£2,363.93 per applicable house & £590.98 per applicable flat)</p> <p>1-bed homes less than 56 sqm GIA excluded from definition of 'applicable'</p>	TBC
4.	<p>Secondary Schools</p> <p>Contribution to KCC towards the Provision of an additional 2FE at the new Chilmington Secondary School</p>	<p><u>£1,566,562.90 total</u></p> <p>(£4,115.00 per applicable house & £1,029.00 per applicable flat)</p> <p>1-bed homes less than 56 sqm GIA excluded from definition of 'applicable'</p>	TBC
5.	<p>Strategic Road Network: (A) Junction 10A & (B) improvement of visibility at the Sheepfold Lane junction</p> <p>(A) Contribution to HE towards</p>	<p>(A) Proportionate contribution</p>	<p>(A) Section 278 agreement to be</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<p>construction of junction 10A of the M20 to be paid through an agreement with Highways England under section 278 of the Highways Act 1980</p> <p>(B) Negotiation, provision and maintenance of an improved visibility splay over HE land to assist with the safe exit from Sheepfold Lane given the approach speeds of traffic travelling northwards on the A2070 towards the junction</p>	<p>TBC (unless shown to be unjustified)</p> <p>(B) TBC</p>	<p>completed before the grant of planning permission. Payment of the contribution as per the section 278 agreement</p> <p>(B) Section 278 agreement with HE to be completed</p>
6.	<p>Local primary and community health service.</p> <p>Contribution to CCG (Ashford) towards capacity expansion of Kingsnorth Medical Practice</p>	£269,000	TBC
7.	<p>Local Road Network 1: Romney Marsh Roundabout (RMR)</p> <p>Contribution to KCC towards improvements</p>	[£554,108] or such other proportionate	TBC

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	that are a direct result of the impact of the scheme on the RMR	sum as may be justified	
8.	Local Road Network 2:		
	(A) Strategy for the procurement, funding and provision of temporary / permanent pair of bus stops and pair of bus shelters including an Traffic Regulation Order necessary to achieve bus clearways	(A) To be agreed	(A) To be agreed
	(B) Funding the costs of making a Traffic Regulation Order to close the identified stretch of Finn Farm Road to vehicular traffic	(B) To be agreed	(B) To be agreed
	(C) Entering into a s.278 Highways Act agreement to deliver lockable bollards, signage, cyclist on demand light control at Finn Farm Road bridge together	(C) To be agreed	(C) To be agreed

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<p>with (as may be required by KH&T) surfacing alterations and white line removal to the stretch of Finn Farm Road to be closed to vehicular traffic</p> <p>(D) Enter into a s.278 Highways Act agreement to provide a new path over Finn Farm Road bridge westwards to connect to the eastern end of the path system that ceases at the Finn Farm group of converted buildings</p>	(D) To be agreed	(D) To be agreed
9.	<p>Informal/natural Green Space</p> <p>On-site provision of a minimum 1.70 hectares of useable informal space through a combination of Buttesland Copse (the primary contributor) and the Linear Park (providing a top-up</p>	<p>1.1ha (Buttesland Copse)</p> <p>0.6ha top-up (from the Linear Park)</p> <p>Total: 1.70ha to be privately managed and be designed to a capital value of £127,786 with management</p>	TBC

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	area of space) to include an element of Public Art to be agreed	provision of £114,725 in lieu of commuted maintenance plus on-going management funding from residents	
10.	Allotments Contribution towards off-site provision in lieu in the locality	£114,372 total (£91,074 capital value scheme with commuted maintenance sum of £23,298)	TBC
11.	Outdoor Sports Pitches Contribution towards the Finberry hub of facilities which will provide outdoor sport provision including a 3G pitch	£676,895 (£560,917 capital value contribution with associated commuted maintenance sum of £115,978)	TBC
12.	Strategic Parks Contribution sought towards specific projects TBC at Conningbrook Park, Ashford	£68,129 total (£51,538 capital value contribution with associated commuted maintenance sum of £16,591)	TBC
13.	Community Learning Contribution to KCC towards Adult	£12,161,45 total	

Commented [LJ1]: Can't we get allotments on-site?
Commented [RM2R2]: Doubt it in the space available

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	Education Centre local to Kingsnorth to provide IT, equipment and additional services	(£34.45 per dwelling)	TBC
14.	Social Care Contribution (1) Contribution to KCC towards improvements to Fairlawns Respite Centre, Ashford	£19,912.73 total (£56.41 per dwelling)	TBC
15.	Social Care Contribution (2) Provision of adaptable homes as part of the affordable housing provision	x 4 wheelchair adaptable homes (location, size to be agreed) in order to meet social care needs. 2 x 2-bedroom homes to be constructed as wheelchair accessible	TBC
16.	Library book-stock Contribution to KCC towards Stanhope Library for additional book-stock and shelving	£64,773.79 total (£183.50 per dwelling)	TBC
17.	Youth Services Contribution to KCC towards additional equipment at Kingsnorth to enable	£9,851.68 total (£27.91 per dwelling)	TBC

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	Outreach Service provision		
18.	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years
19.	<p>Governance</p> <p>Management and maintenance arrangements for all areas to be maintained (excluding the Ecological Area) via service charge to residents including details of resident participation & representation</p>	To be agreed	TBC
20.	<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>		
21.	<p>The contributions to KCC are to be <u>index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment</u> (Oct-16 Index 328.3) and are valid for 3 months from the date of KCC's request after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.</p>		

(C) PERMIT

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

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Development phasing plan to be submitted
4. Construction Management & Logistics Plan (including Code of Construction Practice, hours of working, site personnel parking, wheel washing, hours for any construction traffic to travel to the site via Violet Way Kingsnorth) to be approved
5. Approved parking to be provided, interior of shared car barns not to be altered through subdivision by additional fences or walls & permitted development rights removed for attachment of doors or shutters to car barns
6. Bicycle storage to be provided with submission of further details as necessary
7. Visibility splays as required to be provided & protected by KH&T
8. Travel plan
9. Provision of level thresholds
10. Hard landscaping (including details of materials, fencing, bollards, seating and the provision of a finger sign to features of landscape interest at an appropriate point at Buttesland Copse and a parish notice board)
11. Soft landscaping, including 10 year period of maintenance
12. Tree pit details
13. Protection of retained trees and hedgerows
14. Details of earthworks
15. SUDs & minimum floor levels for housing development areas
16. Foul drainage
17. High speed fibre optic broadband to be provided.
18. Archaeology
19. Biodiversity mitigation strategy (including implementation)

20. Bat and bird boxes
21. Materials, fenestration and boundary details
22. Landscape and Ecological Management Plan (including proposed long term management of the identified Ecology Area)
23. Internal sound levels – residential
24. Electric charging points at houses, flats over parking and apartments
25. Remediation
26. Water efficiency
27. Highways adoption related to phases (including Main Street providing access to Bridgefield)
28. Monitoring
29. Sensitive lighting
30. Proposed governance of open and informal space and any other areas (excluding the Ecology Area)

Notes to Applicant

1. S.106 agreement
2. Working with the applicant
3. Materials to be of high quality
4. Proposed purchasers to be aware of inability of car barns to be altered through attachment of doors
5. Proposed purchasers to understand the arrangements for the proposed governance of space, including space forming the frontage to plots, and take professional advice as necessary

Application Number 17/01917/AS

Location Thruxted Mill, Penny Pot Lane, Godmersham, Canterbury, Kent CT4 7EY

Grid Reference 09418/50974

Parish Council	Godmersham	
Ward	Downs North	
Application Description	The demolition of the existing structures and hardstanding on the site and the erection of up to 20 dwellings with improved vehicular access and extensive areas of planting and landscaping. (All matters reserved except for access from Penny Pot Lane and quantum of development).	
Applicant	Trevor Heathcote LLP	
Agent	DHA Planning Ltd, Eclipse House, Eclipse Park. Sittingbourne Road, Maidstone, Kent ME14 3EN	
Site Area	1.94 hectares	
(a) 3/28R & 1S	(b) Godmersham - S; Petham - R; Waltham - R; Canterbury CC - R	(c) KH&T - X; KCC ECO - X; SW - X, KCC SuDS - X; PO (Drainage) - X; AONB Unit - +; KCCDC - X; KCC Heritage - X; NHS - X; KWT - R, EP - X; SSoS - X; Culture & Env - X; Kent Police - X; UK Power Networks - X; CPRE - R; Ramblers - X; Woodland Trust - R; Forestry Commission -; KCC PROW - X; NE - X; EA - X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. There were three further letters of representation from neighbours, and one objector had requested that their comments be appended to the Update Report in full. A letter had also been received from solicitors representing a local resident.

In accordance with Procedure Rule 9.3, Dr Meaden, a local resident, spoke in objection to the application. There were many reasons to object to this proposal. The traffic assessment was flawed. For local people it was irrelevant to compare estimated traffic of ten years ago with the levels of future traffic. Residents' concern was whether this housing development would significantly increase traffic above present levels, which it certainly would do. The Mill site was extremely isolated from all services and infrastructure, including public transport. Thus, this site fitted the NPPF definition of being unsustainable. The NPPF also stated that building on an AONB should only be allowed under exceptional circumstances and there were none in this case which would make it vital to build houses on this site. When details of

this planning application were first published, no mention was made by any main agencies or groups involved that the site had been used after 1998 for the rendering of highly infected farm animals suffering from BSE. This was an inexcusable information deficit by these groups who should have had access to the relevant information. Dr Meaden said that he was familiar with the history of the Mill, and during the BSE crisis local people had reported the dumping of carcasses and animal material around the yard. Dr Meaden's concerns regarding BSE and CJD were still relevant to this day as the Prion agents involved were almost indestructible, could be spread in a number of ways and could lay dormant for many years. If planning permission was allowed, the Council would need to demonstrate that the site could be made 100% safe for residential use, with special conditions imposed relating to BSE. They would need to consult with the UK Medical Research Council's Prion Unit. The Officer's report showed no evidence of making the necessary provision for dealing with Prions. Dr Meaden strongly advised that this site should be cleaned up by the permit holders and allowed to revert to natural woodland.

In accordance with Procedure Rule 9.3, Ms Hawkes, the agent, spoke in support of the application. This application was purely about the principle of redevelopment of a brownfield site, rather than securing consent for a detailed layout at this stage. It was recognised that this was a problem site, located within the AONB, which had been utilised previously as an animal rendering plant. The site had been vacant in excess of 10 years and, due to significant site contamination issues, it required extensive remediation prior to being utilised again. Prior to submission, the applicant engaged in the Council's formal pre-application process. The informal written advice received was supportive of the proposed reuse for residential purposes. The applicant had due regard to this advice, prior to finalising the application documentation. Pre-application liaison was also carried out with the Parish Council to engage them in the development proposals at an early stage. It was noted that the Parish Council did not object to the current planning application. Ms Hawkes drew Members' attention to the fact that there were no trees on the application site, but the development was adjacent to the Denge Woods complex, which comprised ancient replanted woodland. To date, the applicant had provided a total of 20 reports, letters or plans on landscape and ecology matters. The ecological impact assessment stated that in order to avoid damage to the adjacent ancient replanted woodland, the development needed to be retained within the footprint of the existing earth bunds and avoid incursion into the root protection areas of trees along the woodland edge. The illustrative layout demonstrated that this was exactly what was proposed. The benefits of providing a sensitive landscape-led scheme on this site were considerable as the site had had significant contamination issues. The issues could only be resolved through a viable redevelopment scheme, otherwise the site would remain in a state of increasing decay. Restricting redevelopment to the previously developed part of the site and the provision of a buffer zone could be secured by condition. It was considered that the redevelopment of the site for residential purposes complied with local planning policies.

Resolved:

- (A) Subject to the prior completion of a Section 106 agreement or undertaking in respect of the planning obligations detailed in Table 1, in terms agreeable to the Head of Development Management & Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated Authority to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to negotiate the terms of the S.106 obligations to reflect the viability of the scheme, including to determine appropriate Initial (Pay Regardless) Contributions, the thresholds and percentages of Deferred Contributions, and to omit any of the Deferred Contributions that are subject to pooling should this compromise the ability to collect for projects from other sites, and all ancillary matters to ensure that reasonable and proper contributions are made by the development bearing in mind the viability position and further valuation advice, and to make or approve changes to the obligations, conditions and notes as they see fit (for the avoidance of doubt including adding additional conditions or deleting conditions)

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	<p><u>Affordable Housing</u></p> <p>Contribution towards offsite affordable housing in lieu of onsite provision of 40% and on the basis of a subsequent split of 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership.</p>	<p>To be calculated based on the cost of onsite provision of the size and type of affordable housing units that would have been provided on site.</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>
2.	<p>Children's and Young People's Play</p> <p>Contribution towards a multi-sports court</p>	<p>£649 per dwelling for capital costs</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
		£663 per dwelling for maintenance	
3.	<u>Informal/Natural Space</u> Project to be confirmed	£434 per dwelling for capital costs £325 per dwelling for maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
4.	<u>Outdoor Sports</u> Contribution towards the provision of a multi sports court.	£1,589 per dwelling for capital costs £326 per dwelling for maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
5.	<u>Strategic Parks</u> Contribution towards new entrance signage at Conningbrook Country Park	£146 per dwelling for capital costs £47 per dwelling for maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
6.	<u>Allotments</u> Project to be confirmed	£258 per dwelling for capital costs £66 per dwelling for future maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
7.	<u>Cemeteries</u> Project to be confirmed	£284 per dwelling – Capital £176 per dwelling - maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
8.	<u>Libraries</u> Contribution for additional bookstock	£48.02 per dwelling	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
9.	Health Care Project: Extension to Wye surgery	£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed dwelling or larger	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
10.	Improvement to village hall car park	£15,000 (total)	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
11.	Public Right of Way - Surface improvements to adjacent PROW / Byway – AE89	£5000	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
12.	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is completed	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers

Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.

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, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid.

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

(B) Grant Outline Planning Permission

Subject to the following conditions and notes:

Implementation

1. Approval of the details of the layout, scale, landscaping, internal access arrangements and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

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

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 2 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of this permission.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and so that the viability of the scheme can be re-appraised.

Approved Plans

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

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

4. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development

through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Architecture

5. No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation of any of the units.

Reason: In the interest of visual amenity.

Highways

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number H-03 RevP1 and hereby approved have been provided in accordance with that plan. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety

7. The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking and/or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

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

8. No site clearance, preparation or construction works shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holidays.

Reason: To protect the amenity of local residents.

9. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:
- a) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
 - b) Details of areas for the storage of plant and materials;
 - c) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
 - d) Provision of measures to prevent the discharge of surface water onto the highway.

The approved Management and Transport Plan shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

10. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling
- a) Footways, with the exception of the wearing course
 - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).
 - c) All wearing courses shall be completed within a year of the occupation of the dwellings to which they relate.

Reason: In the interests of Highway and pedestrian Safety.

11. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot (or communal space in the case of apartment buildings) in accordance with approved details that shall be submitted to the Local Planning Authority for approval at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall be retained in perpetuity.

Reason: To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, any car barns provided in accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

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

13. Prior to the first occupation of any of the units hereby permitted the following shall be carried out and opened for public use in accordance with details previously submitted to and approved in writing by the Local Planning Authority:

- The provision of the parking bay on Penny Pot Lane as shown on Drawing Nos: H-03 RevP1A & DHA/11340/03 RevB.

Reason: In the interest of highway safety

14. The first 5 metres of each access from the edge of the highway shall be constructed from a bound surface.

Reason: To prevent material being deposited onto the public highway.

Drainage

15. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority prior to or at the same time as the reserved matters. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying

calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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

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

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

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

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

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

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

18. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

19. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall then be carried out in strict accordance with the details approved and shall subsequently be maintained in accordance with these details.

Reason. To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

20. The details submitted pursuant to Condition 1 shall show the provision of a water-butt to all dwelling houses and any single flats provided with a private amenity space.

Reason: To allow for the storage of rainwater on site for watering of soft landscaping and thereby reduce the demand for mains water on site.

Environmental Protection

21. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
- A desk-top study carried out by a recognised expert in the field to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority in consultation with other relevant agencies shall be fully established before the desk-top study is commenced and it shall conform to

any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

- A site investigation shall be carried out by a recognised expert in the field to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
 - ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
 - iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety.

Note: For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 331111).

22. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared.

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. Foul drainage should be discharged to mains sewers where possible. Only clean uncontaminated surface water may be discharged to ground. We would require details of all proposed foul and surface water drainage to be submitted with any application made for a specific site.

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

Reason. To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

Hard and Soft Landscaping/Trees

25. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction -

recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.

- d. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- f. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- g. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- h. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: In order to protect and enhance the appearance and character of the site and locality.

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

Reason: In the interest of visual amenity.

27. Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved in writing by the Local Planning Authority. The

boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

Reason: In the interests of visual amenity

28. No dwelling shall be occupied until an adoption / landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens as well as details relating to the adoption of the public highway and sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The approved adoption / landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas, sewerage systems and the public highway are provided in an acceptable manner are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

29. No development shall take place until full plan and cross-section details of any proposed earthworks, including works to the bunds, have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. Development shall only be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area

Development Restrictions

30. The reserved matters shall show built development on the existing area of Previously Developed Land only.

Reason: As planning permission is only granted in this sensitive and unsustainable location as the benefits of bringing this brown field site back in to a more appropriate alternative use outweighs the harm.

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

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

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

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

33. Details submitted pursuant to condition 1 above shall show a housing mix that is consistent with the local housing needs of Godmersham / Chilham.

Reason: In order to ensure the development provides an appropriate housing mix to reflect the housing needs of the locality in accordance with policy CS13 of the Core Strategy.

34. Details submitted pursuant to condition 1 above shall show a buffer of a minimum of 15m in depth deep to the adjacent ancient woodland. The buffer shall be measured from Natural England's ancient woodland inventory (AWI) into/towards the application site. Details of the treatment of this buffer area along with ongoing maintenance schedules and who will be responsible for the ongoing management of this buffer area shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and thereafter carried out in accordance with the approved details.

Reason: To ensure no harm is caused to the ancient woodland as a result of this development.

35. Prior to any works being carried out on site protective fencing along the entire edge of the buffer referred to in condition 34 above shall be erected in accordance with details previously submitted to and approved in writing by the Local Planning Authority (LPA). The fencing shall be retained in situ during the demolition / construction phases of the development and no works shall take place within this protective buffer unless details have been previously submitted to and agreed in writing by the LPA and the works shall then be carried out in strict accordance with the approved details.

Reason: To ensure no harm is caused to the ancient woodland as a result of this development.

36. Details submitted pursuant to condition 1 above shall show no built development, gardens, open space or other recreational facilities within the

protected buffer area as required by condition 34 above. It shall also show how the edge of this buffer is to be treated within the development following the construction phase and this shall thereafter be retained and maintained in perpetuity.

Reason: To ensure no harm is caused to the ancient woodland as a result of this development.

Space Standards / Access

37. The details submitted pursuant to Condition 1 of this permission shall show buildings which are a maximum 2-storey height and form. Where second floor accommodation is proposed this must be provided wholly within the roof space. The details shall also show how each unit accords with the National Prescribed Space Standards for internal space and the Council's s adopted Residential Space & Layout SPD for external space or any other standard agreed by the Local Planning Authority.

Reason: To ensure that the scale of new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future residents.

38. The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all dwellings (and/or thresholds with shallow ramps where level thresholds cannot be provided).

Reason: To ensure that dwellings will be accessible

Heritage

39. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded

Ecology

40. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interest of visual amenity, residential amenity and for matters of ecological interest.

41. Prior to the occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will enhance the ecological value of the site / surroundings

42. The development shall be carried in strict accordance with the proposed mitigation and enhancement measures as set out in the Reptile Mitigation Strategy dated May 2018.

Reason: To ensure no harm to protected species and matters of ecological importance.

43. Any vegetation clearance shall only take place between September and February.

Reason: To ensure no harm to nesting birds and to safeguard matters of ecological importance.

44. Prior to any clearance works commencing on the site a badger site walkover survey shall be undertaken by a suitably qualified ecologist and the details of this along with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The site clearance and development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure no harm to protected species and their habitat and to ensure matters of ecological importance are safeguarded.

Refuse

45. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

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

Sustainability

46. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

47. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

Broadband

48. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

Reason: In the interests of providing good broadband connections

Notes to Applicant

1. Working with the Applicant

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

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

In this instance;

- The applicant responded positively to matters raised in relation to drainage, landscaping, ecology, parking and highways.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

3. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
5. The applicant's attention is drawn to the Environment Agency's letter dated 16 January 2018.
6. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

Application Number	17/01646/AS
Location	Former Goods Yard, Bramble Lane, Wye, Kent
Grid Reference	04873/47144
Parish Council	Wye with Hinxhill
Ward	Wye
Application Description	Development of 14no. dwellings with associated access and parking
Applicant	Pathway Project 1 Limited
Agent	Mr J Bell, CQ Planning, 29 The Risings, London, E17 3PH

Site Area	0.48 ha	
(a) 103/41R, 1+-	(b) X	(c) KAS/R, KHS/R, NR/, SWS/+, KCC LLFA/R, BTOD/R, KCCE/R, EA/X, EHM/R, KCC Ed/X, Housing/-
(a) 103/30R	(b) R	(c) KAS/X, KHS/X, NR/X, SWS/-, KCC LLFA/X, BTOD/X, KCCE/X, EA/X, EHM/ , KCC Ed/-, Housing/X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. One additional comment of objection had been received.

In accordance with Procedure Rule 9.3, Ms Freeman, a local resident and Chair of Governors of the Lady Joanna Thornhill Primary School, spoke in objection to the application. There were numerous objections to the application, all of which had been covered in objection letters and the Officer's report, but the main objection related to pedestrian safety, both in relation of current and future residents. The only means of access to the proposed site was via Wye Station car park. The entrance to the car park at the junction with Bramble Lane was already a hazardous area, as it was used as a turning circle by cars. The proposed road through the middle of the car park, to access the development, had no line of sight onto Bramble Lane and severely affected the visibility splay, putting pedestrians at risk. Approximately 85 – 90 children and adults crossed the junction every day, and many children were unaccompanied. Regarding safety of potential residents of the proposed estate, a letter from Network Rail dated 5th September stated that Network Rail required unrestricted access over the road way and the development for all vehicles, referring specifically to the need to use large commercial vehicles. The frequency and size of vehicles could pose a potential risk to users of the car park and stationary vehicles. There was no footpath accessing the proposed development, only the proposed roadway. To access the development, residents would have to walk over the roadway, through the unlit train station car park, with the roadway being used by commuters, traffic entering and exiting the proposed development and large Network Rail vehicles. With all these factors, the proposed development posed a significant risk to pedestrian safety.

In accordance with Procedure Rule 9.3, Mr Bartley, on behalf of Wye Parish Council, spoke in objection to the application. The Parish Council agreed strongly with the Officer's assessment against this application, and asked Members to note the range and strength of objections lodged against this unsafe and harmful application. The design was of dismally poor quality and lacked basic amenities. This was a crammed development, on a noisy site, beside a busy railway line, on a doubtful legal and physically impractical basis, through a congested unlit car park, with no

pavement, via a sub-standard junction, on a bend with poor site lines, which was prone to flooding and inconsiderate parking. Unit 1 was adjacent to a sewerage pumping station. The Officer's report identified the impact and harm the proposal would cause the residential amenity and the AONB. At first glance this site may appear to be a small piece of wasteland, but in fact it had a vital role to play in supporting residential development elsewhere on suitable sites in Wye and in facilitating the ever-increasing use of Wye railway station. Therefore, the car park was a crucial piece of transport infrastructure, which needed to serve a wide catchment area. However, it was inadequate, and hence the Neighbourhood Plan reference to safeguarding and expanding the car park. This site was planned positively as evidenced by the formal Site Assessment process under WYE05, which concluded that "not considered suitable for residential development, but would be suitable for car park extension as proposed in Ashford Borough Council Local Plan Policy 2000 Policy S69F. Para 36 in the Officer's report acknowledged the origin and continuity of this conclusion. Mr Bartley urged Members to refuse this application, and said the Parish Council would continue to support Officers at the forthcoming appeal.

Resolved:

- (A) Subject to the delegation of powers to officers to amend the projects identified in Table 1 and to omit the reason this ground of refusal subject to agreement from the appellant to sign the S106 agreement/enter into a Unilateral Undertaking and provide justification thereafter to the Planning Inspectorate in respect of these projects thereto.**

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	<p><u>Outdoor Sports Pitches</u></p> <p>The S106 would contribute towards the purchase and laying out of additional land to supplement the existing facilities at the recreation ground off Bridge Street Wye to support existing sports club needs. Notably Wye Monarchs, Wye Junior Football Club and Wye Cricket Club including associated legal, planning,</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before the occupation of 75% of the dwellings</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	surveying and associated decontamination, drainage and landscaping as required.		
2	<p><u>Informal/Natural Green Space</u></p> <p>The S106 would contribute towards improved public access to the riverbank at Bridge St recreation ground including access to additional land currently within the waste water works including the associated costs and fees such as legal, design etc.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
3	<p><u>Children's and Young People's Play Space</u></p> <p>The S106 would contribute towards a set of new play equipment for the Bridge Street Recreation Ground 'Playpark' (0-8 years)</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
4	<p><u>Allotments</u></p> <p>The S106 would contribute towards improved fencing (and rabbit fencing), grasscrete where vehicles are parked, improved access and building of raised beds for wheelchair users at the Beanfield and Churchfield</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	allotment sites.		
5	<p><u>Strategic Parks</u></p> <p>Ashford Borough Council are seeking contributions towards the development of Conningbrook Lakes Country Park. Bespoke seating, signage and interpretation is planned, to be designed and delivered by artists, at a potential cost of £30,000. The S106 would contribute towards the research and design stage.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
5	<p><u>Cemeteries</u></p> <p>The S106 would contribute towards a proposed extension to the Churchfield Burial Ground; the site will need a landscape plan and hard and soft landscaping</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
6	<p><u>Primary Schools</u></p> <p>Contribution towards works to the Junior Classrooms at the Lady Joanna Thornhill to accommodate additional students.</p>	£3324.00 per applicable house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
7	<p><u>Secondary Schools</u></p> <p>Contribution towards the Norton Knatchbull expansion of parking project</p>	£4115.00 per applicable house	Half the contribution upon occupation of 25% of the dwellings and

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
			balance on occupation of 50% of the dwellings
8	<p><u>Library Facilities</u></p> <p>Towards additional book stock for the new borrowers generated by this development at Wye Library</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>			

(B) Members Resolve that had they been able to do so, they would have Refused Planning permission for the development on the grounds set out below

1. The proposed development would be contrary to policies HG3 and GP12 of the Ashford Borough Council Local Plan (June 2000), policies CS1, CS2, CS9, CS15, CS18 of the Local Development Framework Core Strategy (July 2008), policies TRS2 and TRS17 of the Tenterden and Rural Sites DPD (October 2010), policies SP1, SP2, SP6, HOU5, HOU15, ENV3b, TRA5, TRA7, COM1 and COM2 and IMP1 of the Ashford Borough Emerging Local Plan (2030), the Council's Landscape Character Assessment SPD (April 2011), Residential Space and Layout (external space standards) SPD (October 2011), Public Green Spaces and Water Environment SPD (July 2012), Wye Neighbourhood Plan policies WNP1a, WNP1c, WNP2, WNP7, WNP8 and WNP10 and to Central Government guidance contained in the

National Planning Policy Framework (2018) and would therefore be harmful to interests of acknowledged planning importance for the following reasons:

2. The proposed dwellings by virtue of their scale, form and design would intrude into the open countryside beyond the existing built development on the adjacent Havilland's development. The design of the dwellings would fail to respond to their context and result in an incongruous form of development which would have a domesticating effect and fail to preserve or enhance the designated landscape.
3. The proximity of the dwellings to the railway line and sewage treatment works would result in noise and disturbance which would require windows to remain closed, leading to a poor level of amenity, to the detriment of future residents.
4. The first floor rear bedroom windows of plots 1-3 (inclusive) and 8 would, by virtue of the separation distance from numbers 29, 35, 40, 41 and 42 Havillands result in loss of privacy as a result of overlooking of the private garden areas for both existing occupiers of the former and future occupiers of the latter to the detriment of their residential amenity.
5. The first and second floor windows to the rear of plot 6 would result in overlooking of the private garden area of the future occupiers of plot 3 to the detriment of the residential amenity of future occupiers.
6. Plots 1-5 (inclusive) and 7-11 (inclusive) would fall short of the required external amenity space required under the Council's Residential Space and Layout SPD and emerging policy HOU15 to the detriment of the residential amenity of future occupiers.
7. The development would fail to provide safe access through the provision of a footway from the development to the existing footway on Bramble Lane through the station car park, resulting in harm to pedestrian safety to the detriment of future occupiers.
8. There is no reasonable prospect of the qualitative improvements to the station car park to facilitate a vehicular access for private motor or larger refuse vehicles to enable the development to have safe access to the public highway.
9. The necessary planning obligation in respect of:
 - i. allotments
 - ii. cemeteries
 - iii. children's and young people's play space
 - iv. informal/natural green space
 - v. outdoor sports pitches

- vi. strategic parks
- vii. primary schools
- viii. secondary schools
- ix. library facilities

has not been entered into so that the proposed development is unacceptable by virtue of failing to mitigate its impact.

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and 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 considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Application Number	18/00572/AS
Location	Delcroft, Woodchurch Road, Shadoxhurst, Ashford, Kent TN26 1LE
Grid Reference	97588 38124
Parish Council	Shadoxhurst

Ward	Weald South
Application Description	Outline planning application with all matters reserved for the construction of up to 12 residential dwellings alongside associated parking, access and landscaping works. Includes demolition of existing bungalow called Delcroft
Applicant	Mrs Thackray, FDC Group, Dovecot Barn, Stowting Court Road, Stowting
Agent	Taylor Hare Architects, The Cowshed, Overland Lanbe CT3 2LE
Site Area	1.71 hectares

(a) 1st Consultation: 84/79 R	(b) Parish Council R	(c) 1st Consultation: KH&T X, HA R, KCC(Drainage) X, , PO (Drainage) X, KCC (Bio) R, SW X, KWT X
2 nd Consultation: 58R		2 nd Consultation: KH&T X; EP X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Further objections had been received from Shadoxhurst Parish Council.

In accordance with Procedure Rule 9.3, Ms Webb, a local resident, spoke in objection to the application. There was a strong weight of objection among local residents to the application. This was originally removed from the Local Plan as unsuitable for development, and residents still believed that was the case. It was disappointing that Officers were in favour of this development. The number of houses in the village was now over 500, and the village needed steady growth, not major surges. Granting this application tonight would mean that, with other developments going on in the village, 67 more houses would be added to the village. If the forthcoming appeal was lost, there would be another 88 houses. This was not measured growth, and utilities and infrastructure could not sustain such growth. The position of this development was crucial, extending outside of the village confines to the north and the vital green corridor which was needed to separate Shadoxhurst from Chilmington and the Court Lodge development in the future. If this development went ahead, no doubt the Tally Ho Road proposal would also be reinstated. The current practice of raising the foundation height to offset flooding

issues had the effect of raising roof lines and houses were more imposing than ever. Most of the adjacent properties to this site were bungalows. Overdevelopment in the village was a major consideration. Part of the refusal for Farley Close was due to the recognition of the pressure on the infrastructure. The community was saddled with the daily effects of the construction traffic and this needed to be more reasonable. 2019 could see the new development occupied, and together with the Chilmington development, this would add to the traffic coming through the village. The vitality of the village was already enhanced without the need for further development. Many new developments already exited onto Woodchurch Road. Access onto Woodchurch Road would require the demolition of a bungalow which was needed by local residents as affordable housing. The junction was still dangerous. Ms Webb said this was a much loved rural area, and the green spaces and dark skies should be protected.

In accordance with Procedure Rule 9.3, Mr Harvey, the agent, spoke in support of the application. There were three main themes from the report. Firstly, there were no technical objections from statutory consultees, on highways, ecology, flood risk, wildlife or drainage grounds. No issues had been raised, subject to conditions being imposed. Secondly, the amount of development proposed was considered by Officers to be appropriate. This scheme had been reduced from 14 to 12 units with a resulting density of 7 dwellings/ha. This was an appropriately small scale, low density development, commensurate with the size of the village. This left space for the retention of existing landscaping and new landscaping, even when comfortable family dwellings were included. The Officer considered that the landscape impact of the scheme to be minimised by both the retained and proposed landscaping and by the development being contained by the built areas of the village around the site in question. Thirdly, the Officer considered the development of this site to be acceptable in principle. This scheme was of a scale which would represent a proportionately small scale and organic addition to the village. It would comply with the various elements of the emerging policy HOU5 and its scale meant it could be readily absorbed into the village. It would contribute towards the Shadoxhurst community and the wider rural community by generating contributions towards services, such as education and open space, and would introduce new affordable homes into Shadoxhurst. On the basis of these benefits and the lack of technical objections, Mr Harvey asked Members to grant approval for this scheme.

In accordance with Procedure Rule 9.3, Mr Ledger, on behalf of Shadoxhurst Parish Council, spoke in objection to the application. He considered that Shadoxhurst was in the firing line and questioned why the village was subjected to so many housing applications. Policy SP7 was vital to retain the green buffer zone and the wildlife corridor required to separate the village from Chilmington. This development was a significant erosion of a gap between settlements, resulting in the loss of individual identity or character. The application did not meet all the Local Plan policies, nor some of the emerging policies either, and Officers admitted that it did not comply with the Development Plan. Mr Ledger queried why Officers were recommending that this backland development be granted. He believed that para 124 of the report was not correct, as the application did not comply with HOU5. In particular, there

were limited services in the village, with no shop, surgery, school and a limited bus timetable. Sustainable methods of transport to access services were severely curtailed. The development did not sit sympathetically in the wider landscape. It was not consistent with the local character and built form, placing 2-storey executive housing next to single storey, modest bungalows. The close proximity of houses would harmfully impact on neighbours through size, overlooking and potential noise. The report suggested that the development would boost the supply of housing although the Inspector had reduced the target number in Local Plan sites. Wellbeing and cohesion was being eroded by the addition of a dangerous road access. The report concluded that there was no harm to the village. Mr Ledger produced a doctor's letter concerning neighbours very close to the proposed site, detailing the potential damage to their health from this application. Mr Ledger asked Members to refuse this application as he considered it was wrong on many levels.

Resolved:

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.**

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	<p><u>Affordable Housing</u></p> <p>Provide as close as possible to 40% of the units as affordable housing.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more</p>	<p>Of which up to 10% affordable rent and up to 30% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	than 80% market rent and in accordance with the registered provider's nominations agreement.		
2	<p><u>Strategic Parks</u></p> <p>Contributions towards the provision of seating at Conningbrook Lakes Country Park.</p>	<p>£146 per C3 dwelling for capital costs.</p> <p>£47 per C3 dwelling for future maintenance</p>	Upon occupation of 75% of the dwellings
3	<p><u>Outdoor Sports Pitches</u></p> <p>Contribution towards the provision of a single mast exercise/activity net for the recreation ground at Hornash Lane and maintenance thereof.</p> <p>Contribution towards the acquisition of land adjacent to the existing recreation ground at Hornash Lane to extend the amount of land available for sports provision to meet increasing demands.</p>	<p>£1,589 per C3 dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	Before completion of 75% of the dwellings
4	<p><u>Informal/Natural Green Space</u></p> <p>Contribution towards provision of, or improvements to, the park furniture, pathways and parking facilities at the recreation ground at Hornash Lane and maintenance thereof.</p>	<p>£434 per C3 dwelling for capital costs</p> <p>£325 per C3 dwelling for future maintenance</p>	Before completion of 75% of the dwellings
5	<p><u>Children's and Young People's</u></p>		

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	<p><u>Play Space</u></p> <p>Contribution towards provision of, and/or improvements to, the play equipment (for all ages) at the recreation ground at Hornash Lane.</p>	<p>£649 per C3 dwelling for capital costs</p> <p>£663 per C3 dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
6	<p><u>Cemeteries</u></p> <p>Contribution towards fencing, signage and maintenance of Shadoxhurst Church Cemetery.</p>	<p>£284 per C3 dwelling for capital costs</p> <p>£176 per C3 dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
7	<p><u>Library Bookstock</u></p> <p>Contribution towards the additional bookstock supplied to the mobile library service that attends Shadoxhurst.</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
8	<p><u>Primary Schools</u></p> <p>Contribution towards the expansion of John Wesley Primary School.</p>	<p>£3,324 per C3 dwelling house</p> <p>£831 per C3 flat.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
9	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is completed	
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>			

(B) Grant Outline Planning Permission

Subject to the following conditions and notes:

Implementation

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

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

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

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and

Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

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

Architecture

4. No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation of any of the units.

Reason: In the interest of visual amenity

Highways

5. The details submitted pursuant of Condition 1 shall include details of the new junction onto Woodchurch Road and visibility splays based on the Transport Statement and Speed Survey data submitted as part of this application. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

6. The details submitted in pursuance to Condition 1 shall show adequate land, reserved for parking and/or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to

other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

7. No site clearance, preparation or construction works shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holidays.

Reason: To protect the amenity of local residents.

8. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:

- a) Routing of construction and delivery vehicles to / from site;
- b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
- c) Details of areas for the storage of plant and materials;
- d) A programme of works including details of the timing of deliveries
- e) Details of temporary traffic management / signage
- f) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
- g) Provision of measures to prevent the discharge of surface water onto the highway.

The approved Management and Transport Plan shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

9. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling.
 - a) Footways, with the exception of the wearing course

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

c) All wearing courses shall be completed within a year of the occupation of the dwellings to which they relate.

Reason: In the interests of Highway and pedestrian Safety.

Drainage

10. Prior to the commencement of the development details of the proposed means of foul water disposal and the maintenance of such, shall be submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water and such approved works shall be carried out before occupation of any dwelling and thereafter retained and maintained as such.

Reason: To ensure the satisfactory disposal of sewage and avoid the risk of pollution.

11. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (Herrington Consulting, April 2018) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as

they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

12. Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phase of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

Environmental Protection

14. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken prior to the commencement of development, and where remediation is necessary a remediation scheme must be prepared. Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (LDF Core Strategy Policy CS1 and CS4).

Hard and Soft Landscaping /Trees

15. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Report on Inspection of Trees dated 29 March 2018; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - j. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - k. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
 - l. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - m. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - n. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - o. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - p. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such

trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: In order to protect and enhance the appearance and character of the site and locality.

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

Reason: In the interest of visual amenity.

17. The landscaping proposals submitted pursuant to Condition 1 shall include details of the proposed native boundary hedge and trees along the northern boundaries of the site with open countryside.

Reason: To ensure a robust and appropriate buffer with open countryside so that the development sits sympathetically in the landscape.

18. Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

Reason: In the interests of visual amenity

19. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

Ecology

20. No development shall take place until details of the wild flower meadow and landscape buffer have been submitted to and approved in writing by the local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation in the interests of biodiversity.

21. No development shall take place (including any ground works, site or vegetation clearance) until a detailed ecological mitigation plan and management plan has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Updated Ecological scoping survey and any recommended specific species surveys.
 - b) Purpose and objectives for the proposed works.
 - c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
 - d) Maps showing the location and types of ecological enhancements.
 - e) Aims and objectives of the management.
 - f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - g) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.
 - h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
 - i) Details of the body or organisation responsible for implementation of the plan.
 - j) Ongoing monitoring and remedial measures.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

Space Standards

22. The details submitted in pursuance of condition 1 shall show accommodation that complies with the Nationally Described Space Standards and external private space that complies with the Council's Residential Space and Layout SPD.

Reason: In the interest of the amenity of future occupiers.

Lighting

23. No external lighting shall be installed until a detailed lighting scheme has been submitted to, and approved in writing by the Local Planning Authority.

This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority.

The lighting scheme must be bat sensitive and the details submitted must clearly demonstrate that the proposed lighting scheme will have minimal impact on foraging /commuting bats

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

Reason: To protect the appearance of the area and local residents from light pollution

Development restrictions

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

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

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

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

Levels

26. The finished floor levels for living accommodation shall be set no lower than 150mm above existing ground level.

Reason: To reduce the risk of internal flooding from surface water during a flooding event.

Refuse

27. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

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

Sustainability

28. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

29. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

Broadband

30. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

Reason: in the interests of providing good broadband connections

Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals. 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 to address issues raised.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.
 4. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
 5. The applicant is advised that the initial assessment by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

6. The applicant is advised that the detailed drainage design should incorporate an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016. The detailed design should also consider and address the maintenance of water quality before discharge to watercourse.
7. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

8. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

Please contact membersservices@ashford.gov.uk

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Application Number	PA/2022/2851
Location	Land East of Ashford Road, Kingsnorth
Grid Reference	E600168 / N139123
Parish Council	Kingsnorth
Ward	Kingsnorth Village & Bridgefield
Application Description	Outline application for up to 15 dwellings, a replacement Medical Centre and Pharmacy, together with all necessary infrastructure to consider access.
Applicant	Malcolm Jarvis Homes Ltd
Agent	Mr Ian Bull
Site Area	5.10 Hectares

(a) 62/ 2'S', 15'R'	(b) PC - R	(c) EA - +; NE - X; KCC Her - X; KCC Bio - X; KCC EcoDev - X; KCC Highways - X; KCC SuDs - X; FC - +; KFR - +; KP - X; NHS - +; IDB - X; SWS - X; UKPN - +.
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Introduction

1. This application is reported to the Planning Committee because it is classed as a major application and therefore, under the Council's scheme of delegation, normally would require determination by the Planning Committee. However, in this instance, the application is now the subject of an **appeal against non-determination** following the expiry of the time period for decision. The Committee is asked to agree the Recommendation that is set out in the report: this will then form the Council's case for a Planning Hearing that the Planning Inspectorate will hold in October 2023.
2. On 22 May 2023 the applicants submitted an appeal to the Planning Inspectorate (PINS) against the non-determination of the application within the appropriate time period. The appeal Hearing is scheduled to run for one day on 10 October 2023. That date has been imposed on the Council by PINS. The pre-Hearing build-up, with which the Council must now comply, raises a number of resource and time constraint difficulties. It has required

this report to be made to the July Committee in order to comply with the tight timescales involved in presenting the Council's Statement of Case for the Inspector.

3. This report sets out the Recommendation that I would have made to Members when reporting the application to the Committee.
4. Obviously, the Council cannot now determine the application: that task falls to PINS given the appeal that has been made. This Report will form the basis of the Council's Statement of Case and assist with a required 'Statement of Common Ground' that will need to be agreed with the applicants. It will also inform negotiations on any draft s.106 agreement (or a unilateral undertaking) to be put before the Inspector at the Hearing as well as draft planning conditions for the Inspector's consideration.

Background

5. Outline planning permission for up to 15 dwellings, a medical centre and pharmacy, associated landscaping and infrastructure with all matters reserved except for access was refused by the Council on 16 April 2021 (ref: 21/00126/AS). The reasons for refusal are set out below;-

The proposal is contrary to policies SP1, SP2, SP6, SP7, S4, S5, HOU5, EMP1, ENV2, ENV3a and ENV5 of the Ashford Local Plan 2030 and central government guidance contained in the NPPF and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

- a. The development would result in the loss of a significant open buffer area, as identified in policy S4 as the 'green buffer' to separate settlements at the northern extent of the strategic site.
- b. The impact of development on the 'green buffer' would result in the coalescence of Kingsnorth village and the proposed Kingsnorth Green at site policy S4 - Land North of Steeds Lane and Magpie Hall Road and would result in the loss of individual character and identity, contrary to policy SP7.
- c. The development would fail to comply with policies ENV3a and ENV5 as it would not take regard to the pattern and distribution of settlements and existing landscape features that contribute to the definition of the local landscape character.
- d. Development is proposed on an area identified as a potential future addition to the Ashford Green Corridor within the Ashford Green Corridor Action Plan, contrary to policy ENV2.

- e. The development would fail to conserve and enhance the natural environment, would harm the character and appearance of the surrounding landscape, would not be safely accessed from the local road network, and would therefore fail to comply with policies HOU5 and EMP1.
 - f. The development does not propose mitigation against the further deterioration of the water quality of the Stodmarsh European designated sites.
 - g. Inadequate evidence has been provided to justify why potential primary healthcare site options within the South of Ashford Garden Community, and therefore within established strategic sites, have been discounted.
 - h. The proposed access would not meet an acceptable 50 metres stagger distance between the centre lines of the proposed junction at this site and the proposed access at S5 - Land South of Pound Lane and would cause harm to highway safety.
6. The applicant subsequently submitted an appeal against the Council's decision to PINS on 12 October 2021 (Appeal ref: APP/E2205/W/21/3284706). The appeal was heard at an appeal Hearing in June 2022.
 7. Prior to the appeal Hearing the County Council, as Local Highway authority, agreed a resolution with the applicant to the highway reasons for refusal (reasons 'e' (in part) and h"). This agreement was submitted to the Inspector via a Statement of Common Ground. These highway related reasons for refusal were consequently not considered by the Inspector at the Hearing.
 8. The appeal was dismissed on 10 August 2022. The Inspector concluded the following (with my underlined emphasis);-*"In conclusion, there would be some conflict with policies as set out, mainly relating to the scheme's green buffer location, and the impact on character and appearance, and conflict with the development plan overall. When weighed against the combined substantial benefits including the Council's housing land supply position this harm would be outweighed by the benefits. However, the scheme would adversely affect the integrity of Stodmarsh habitats sites and I have found that policies in the Framework that protect habitats sites provide a clear reason for refusing the development. Therefore, the appeal is dismissed."*
 9. I have set out in my report below further details of the Inspector's decision. A copy of the decision letter is provided as **Annex A**.
 10. The development subject of this report is the substantially same as that proposed previously in the application refused by the Council and dismissed

by the Inspector solely on grounds of nutrient neutrality. The only difference is the form of the mitigation strategy now proposed to address nutrient neutrality.

Site and Surroundings

11. The application site plan is shown in **Figure 1** below.

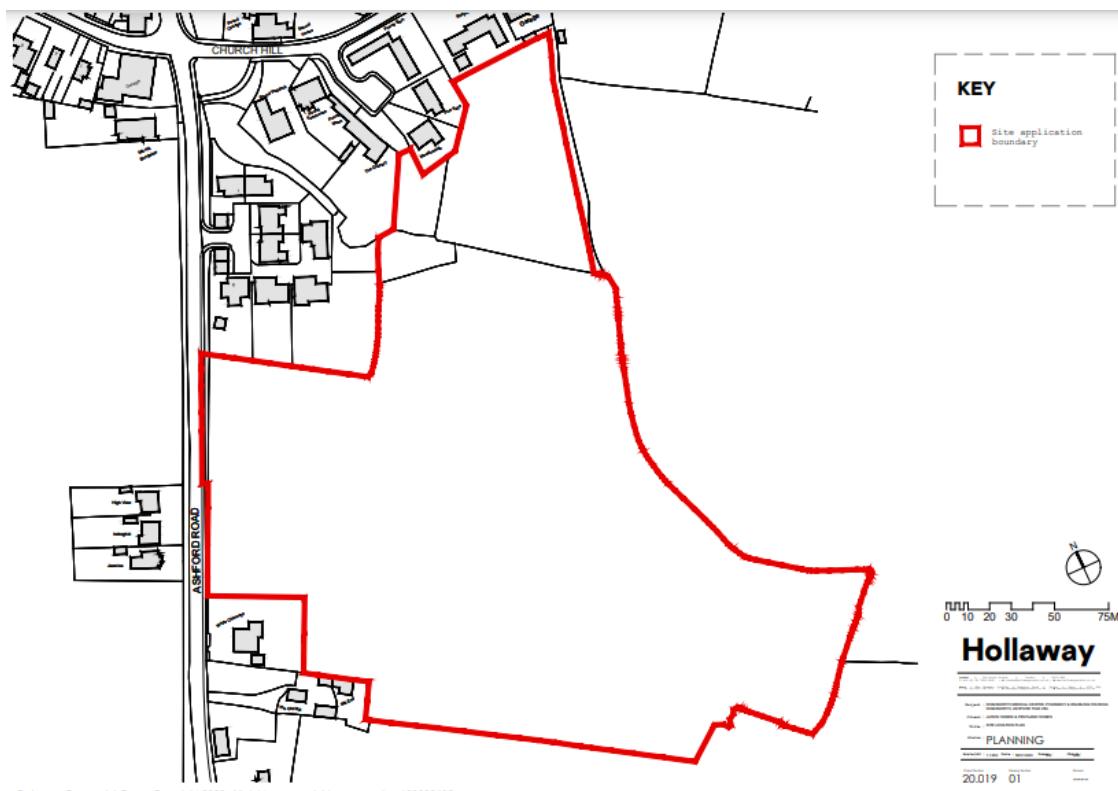


Figure 1: Application Site Plan

12. The site would be accessed from Ashford Road and comprises an area of undeveloped greenfield land. Adjacent to the site to the north is housing fronting onto Church Hill and Myrtle Court to the north-west with access to Ashford Road. To the west are properties fronting onto Ashford Road. To the west (beyond Ashford Road); south; and east are agricultural fields that are the subject of site allocations (S4 and S5) for residential development, refer to application ref: 15/00856/AS also on this agenda. The character of built development is generally of historic ribbon development, with the exception of the recent denser court-style housing development immediately north-west.

Proposal

13. The application is submitted in outline, with all matters reserved except for site access. The proposal is for up to 15 houses, a medical practice and pharmacy, with associated landscaping and infrastructure. The illustrative masterplan (**Figure 2** below) indicates that the medical practice (two-storeys

high) and pharmacy (one storey high) would be located in two buildings fronting Ashford Road with associated car parking proposed to the rear. The access road into the site would run in-between these two buildings.



Figure 2: Illustrative Masterplan

14. The houses and open space would be located to the east of the buildings fronting Ashford Road. The submitted parameter plans show the houses positioned in three groupings. The majority of the houses would be two storey high with pitched roofs, with a smaller area of one and a half storey high houses proposed in the south. Up to five of the houses would be provided as affordable housing. Due to the application being in outline, the exact number of houses at each height and their exact location, including the location of the affordable houses, is not yet known. The building heights parameter plan is provided in **Figure 3** below.
15. As can be seen, the south-eastern part of the site is identified as forming open space through which new paths would be provided with potential to forge a new connection eastwards towards the existing public right of way as well as southwards, into the development subject of application 15/00856/AS reported on this agenda, where land is shown in that application as forming an area of green space for community uses.
16. North of the proposed housing, the application site includes a green 'buffer zone' comprising open space and SuDS as well as a path connection through

to the residential area. **Figure 4 below** is taken from the applicant's Design and Access Statement and identifies this area.

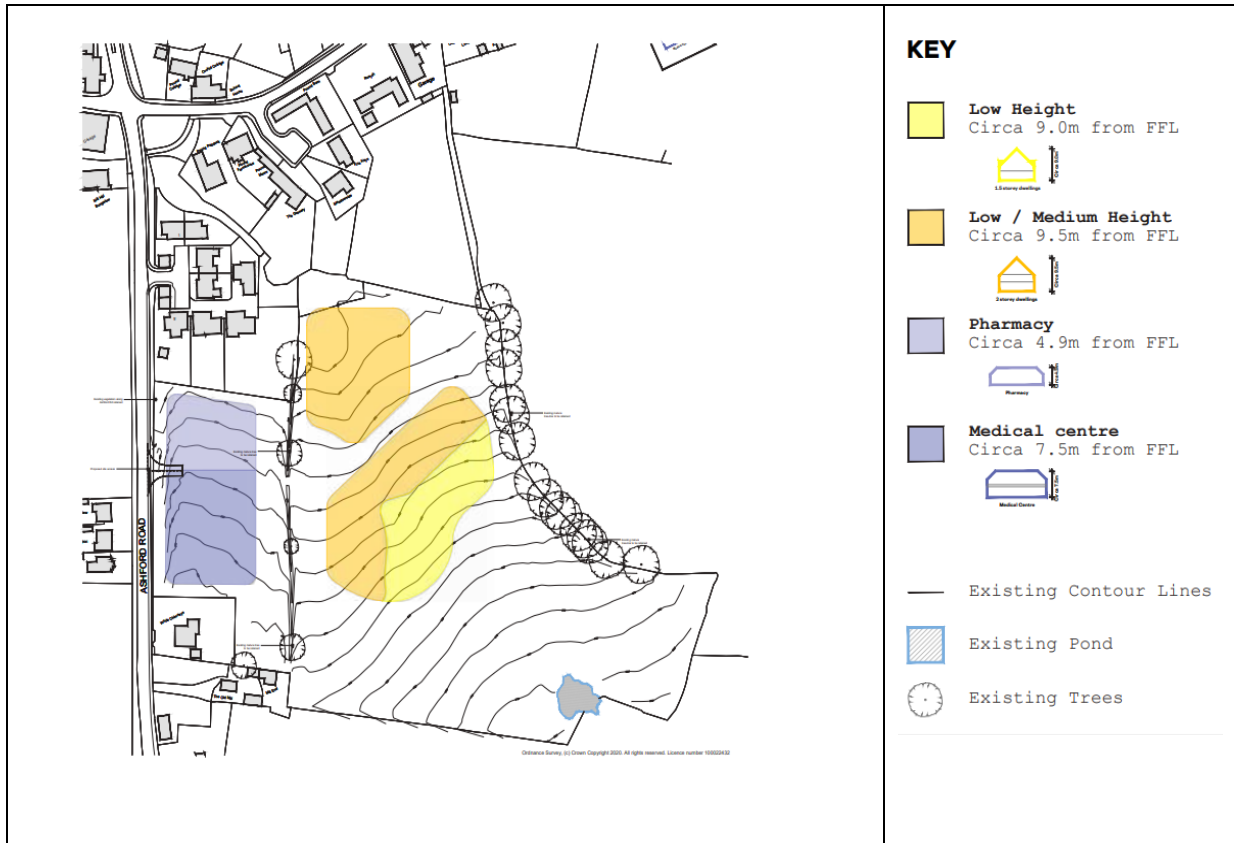


Figure 3: Building Heights Parameter Plan



Figure 4: Plan Showing Green Buffer Area

Supporting Documents

17. The following supporting documents were submitted with the application.
- Design and Access Statement
 - Ecological Scoping Survey
 - Ecological Scoping Survey Update
 - Flood Risk Assessment & Drainage Strategy
 - Great Crested Newt Report
 - Heritage Statement
 - Illustrative Masterplan
 - Nutrient Neutrality Assessment
 - Nutrient Neutrality Assessment and Mitigation Strategy Addendum - SuDS Guidance Update
 - Planning Statement
 - Shadow Habitats Regulation Assessment
 - Supporting Statement from Kingsnorth Medical Practice
 - Transport Statement

Other Relevant Planning History

18. 14/01175/AS - the formation of new vehicular access to field with 5-bar entrance gate - planning permission granted - 22 October 2014.
19. The following planning applications, currently being considered, relate to site specific Ashford Local Plan 2030 policies S3, S4 and S5, which are therefore relevant. Application 15/00856/AS below is no subject of an appeal against non-determination with an Inquiry date imposed on the Council by PINS in

October 2023 (please refer to the separate report on this agenda concerning that appeal).

Site Specific Policy S3: Court Lodge (ref 18/01822/AS) Outline planning application with all matters reserved for future consideration (aside from access) for the construction of up to 1000 new homes (C3), local centre comprising retail uses (up to 450 sqm A1-A5) flexible office space (up to 350 sqm B1) and community facilities including a primary school (2.4ha), a combined community hall and site management suite (up to 650 sqm D1). New means of vehicular accesses onto Pound Lane, Long Length, Magpie Hall Road, new pedestrian and cycle routes laying out of green infrastructure, including allotment gardens and areas of ecological habitats. Drainage infrastructure, earthworks and ancillary infrastructure. Site Specific Policy S4: Land North of Steeds Lane and Magpie Hall Road and Site Specific Policy S5: Land South of Pound Lane (ref 15/00856/AS) Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure. Provision of local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, waste water facilities, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks.

Consultations

20. The application has been subject to the following formal statutory and non-statutory consultation.

Parish Councils

21. **Kingsnorth** – support additional capacity for primary medical provision, however, consider the proposed location is not acceptable. The site is identified as part of a 'green buffer' in the Local Plan. It retains the identity of the historic village, provides a corridor for active travel, maintains ecological links and provides a key green space for residents. Concerns that green space to the north of the village and what is expected to come forward to the south will fragment that buffer. This would diminish the quality of green space for residents and habitat network for wildlife. The Parish Council provide more detailed comments on: the need for medical space - new ways of working; the

weight to be given to the Inspector's decision on the recent planning appeal; delivery of the medical centre; the separation of settlements issue (Local Plan Policy SP7); protected species; highway safety and Queen's Head crossroads traffic modelling; and; non-planning matters forming part of the applicants options appraisal.

National Consultees

22. **Environment Agency** – no response received.
23. **Natural England** – raise no objection subject to appropriate mitigation being secured to ensure the development does not have an adverse effect on the integrity of on Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site or damage or destroy the interest features for which the Stodmarsh Site of Special Scientific Interest (SSSI) has been notified. In order to mitigate these adverse effects and make the development acceptable, Natural England advise that the delivery and maintenance of the proposed sustainable drainage system (SuDS) should be appropriately secured.

Kent County Council

24. **Archaeology** – the applicant should provide an archaeological Desk Based assessment and set out the impact on any significant archaeology along with any impact on non-designated heritage assets. KCC recommend planning conditions, if planning permission is to be granted.
25. **Ecological Advice Service** – request further information in respect of Great Crested Newts (an environmental DNA survey of the pond within the site and details of any mitigation required, or a district level licensing agreement); an Outline Ecological Design Strategy that includes details about how biodiversity net gain would be achieved. KCC recommend planning conditions, if permission is to be granted.
26. **Economic Development** - seek financial contributions towards primary and secondary education, community learning, youth services, libraries and social care. KCC also recommend a condition to ensure high quality digital infrastructure is provided to serve the development.
27. **Flood & Water Management** – do not raise any objection. They provide comments about the future detailed design of the drainage strategy for the site and information required at detailed design stage. KCC recommend conditions to be attached to the planning permission, if granted.

28. **Highways** – advise that the methodology used to assess traffic generation and distribution is appropriate. KCC raise no objection, noting that trips from the medical centre and housing can be accommodated on the highway network. The access geometry is appropriate, as is the provision of a toucan crossing across Ashford Road.

Other Consultees

29. **Chilmington Management Organisation (CMO)** – the application infers that the medical practice will serve the whole of the South Ashford Garden Community (SAGC). The previous submission excluded Chilmington Green from the practice's boundary. This raises concerns about the potential impact on the Chilmington Green District Centre Hub. Express concern that this application might undermine the commitments agreed at Chilmington Green, affecting the viability of the community hub and the wider district centre. Suggest that if medical provision for Garden Community residents is to be provided on the application site, some residents would be required to drive, as the site is on the periphery of the SAGC. This does not support the environmental agenda of the SAGC. Active transport is included in the Transport Statement. It is important that sustainable transport measures are put in place to ensure suitable access from across the SAGC.
30. **Forestry Commission** – no response received.
31. **Kent Fire & Rescue** – no response received.
32. **Kent Police** – have made comments about how Crime Prevention Through Environmental Design can be incorporated into the detailed design of the development, if outline permission is granted, in particular in respect of site permeability; boundary treatment; shared surfaces; car parking; cycle and bin stores; lighting; landscaping and open space.
33. **NHS** – no response received.
34. **River Stour (Kent) IDB** – advise that the site lies outside of the IDB Drainage District. Note that surface water from the development would be discharged to an existing boundary ditch via an attenuation scheme. It is likely that any watercourse on this site will form part of the wider drainage network that discharges to the IDB District. The IDB request that a planning condition to ensure that a detailed drainage strategy is submitted that establishes the off-site implications for the proposed discharge to the boundary ditch, is attached to any grant of permission. It must be ensured that this drainage feature forms part of a contiguous network and is not a 'blind' feature with no onward connectivity.

35. **Southern Water** – advise that they can facilitate foul sewerage run off disposal to service the development.
36. **UK Power Networks** – no response received.

Residents

37. The application has been advertised by the display of a site notice, a press notice and notification letters sent to the occupiers of 62 properties in the vicinity of the site. 18 responses have been received, comprising 15 objections (including an objection from the Myrtle Court Residents' Group), 2 in support and 1 making general comment. The points raised are summarised below.

Objections

38. **Principle of development** - Further expansion of south Ashford is not warranted or needed. The development would result in unnecessary loss of Green Belt / loss of a designated green buffer. The site is not identified for development in the Local Plan. The medical centre would be better located on the neighbouring Court Lodge or Kingsnorth Green development sites.
39. **Highways & Transport** - The existing surgery is very accessible, the new location will be more difficult for existing patients to access, there is no direct public transport or safe walking routes.. Highway and pedestrian safety concerns relating to the proposed new access and vehicle speeds along Ashford Road. Increased congestion, noise and air pollution, risk of accidents. Building work will disrupt the school run. Insufficient parking proposed for the medical centre and pharmacy, forcing parking onto surrounding streets. Inadequate provision for delivery vehicles. TA trip analysis should be provided for the pharmacy use.
40. **Design & Appearance** - Kingsnorth will further loose its village character. Houses and a large car park not in keeping with the area. The height of development would not in keeping with existing properties. Concerns expressed about visual impact.
41. **Drainage & Flood Risk** - The existing drainage system can only just cope with current water levels, it will not cope with the additional development. There is already a high risk of surface water flooding in area. The development would reduce the size of the flood plain and drainage capabilities in the area.
42. **Residential Amenity** - impact on existing neighbouring residents in terms of loss of public space and the presence of development to the rear of their

homes - loss of privacy, anti-social behaviour, loss of security, impacts on quality of life.

43. **Ecology & Biodiversity** - the surveys undertaken are insufficient. Concerns expressed about the impacts on wildlife and ecology through the likely presence of domestic cats and as a result of light pollution from the development. Loss of wildlife habitats.
44. **Previous Appeal Decision** – It is considered that the previous appeal decision does not set a precedent - planning policy has moved, there is now greater focus on the wishes of local communities and moving away from strict housing numbers. The Inspector identified planning harm that would be caused by the development. The Habitats Regulations Assessment does not address the Inspector's concerns.
45. **Other issues** –
 - a. the development would set a precedent to build on green space.
 - b. An engineering solution should be found to enable the medical practice to extend/develop a new surgery on its existing site in the floodplain. The drainage issues on the medical centre's existing site should be better managed. No professional assessment of flood risk of the existing medical centre site has been undertaken.
 - c. The questionnaire sent to residents about the proposed development was misleading, it did not mention the proposed housing.
 - d. Impact of the development on house prices.
 - e. The new medical centre would not serve the existing community due to its location.
 - f. This development should not be considered in isolation from the Kingsnorth Green and Court Lodge developments. Why has the medical centre not been proposed as part of the Kingsnorth Green development?
 - g. If permission is granted, funding to deliver the medical centre should be formally secured before any pre-construction/construction activities start.
 - h. Is there space for future expansion of the medical centre on the application site?

- i. Nutrient neutrality - concerns about the proposed foul drainage strategy - the unmitigated nutrient impact is likely to be far more adverse than presented.

Support

46. Support for long term health care for all Kingsnorth and south Ashford residents. Support the medical centre developing and offering more community services. The pharmacy at Tesco cannot cope with the volume of customers and the new pharmacy should help relieve pressure there.

General Comments

47. More information is needed about parking for the new housing – would there be disabled parking? What would stop people visiting the medical centre/pharmacy and parking in the residential areas of the site? Would there be affordable housing/shared ownership housing? Would there be any bungalows? What would be the EPC for the houses; would they be fitted with solar panels?

Planning Policy

48. The Development Plan for Ashford Borough now 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), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
49. The application site forms part of site allocation S4 (Land North of Steeds Lane and Magpie Hall Road) in the Ashford Local Plan 2030. This site allocation is located to the east of two other allocated sites known as S5 (Land South of Pound Lane) and S3 (Court Lodge), which are themselves located to the east of the Chilmington Green development that is under construction. Together, the developments comprise the 'South Ashford Garden Community'.
50. 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

SP7 - Separation of Settlements

S4 - Land North of Steeds Lane and Magpie Hall Road

S5 - Land South of Pound Lane

HOU1 - Affordable Housing

HOU5 - Residential Windfall Development in the Countryside

HOU14 - Accessibility Standards

HOU18 - Providing a Range and Mix of Dwelling Types and Sizes

EMP1 - New Employment Uses

EMP5 - New Employment Premises in the Countryside

EMP6 - Promotion of Fibre to the Premises (FTTP)

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV2 - The Ashford Green Corridor

ENV3(a) - Landscape Character and Design

ENV4 - Light Pollution and Promoting Dark Skies

ENV5 - Protecting Important Rural Features

ENV6 - Flood Risk

ENV7 - Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV11 - Sustainable Design and Construction – non-residential

ENV15 - Archaeology

COM1 - Meeting the Community's Needs

COM2 - Recreation, Sport, Play and Open Spaces

COM3 - Allotments

IMP1 - Infrastructure Provision

51. Site-specific policy S4 is set out in full below.

Policy S4 - Land North of Steeds Lane and Magpie Hall Road

Land north of Steeds Lane and Magpie Hall Road is proposed for residential development, with an indicative capacity of 400 dwellings. Development proposals for this site shall be designed and implemented in accordance with an agreed masterplan for the general layout and delivery of development and related infrastructure on the site. The masterplan shall include details of the following elements:-

- a. Design and layout principles – a series of models or codes that set out the prevailing scale and form of the urban environment to be created in each of the three separate areas of the site (north of the cricket ground; east of Bond Lane and west of Ashford Road). This will include the mean net residential densities to be created in each area as well as road hierarchies, streetscape treatments and building height to street width ratios;*
- b. Highway access proposals – details of junction arrangements on Ashford Road, Steeds Lane and Bond Lane;*
- c. Traffic management – details of any traffic / speed management measures proposed on any adopted highway within the site;*
- d. Ecology – Appropriate species and habitat surveys will be carried out. Results will inform ecological mitigation measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with policy ENV1. Particular attention to the conservation and enhancement of Isaacs Wood (Ancient woodland) will be required;*

- e. *Landscaping and open space – details showing where strategic areas of landscaping and open space will be provided, including the retention of a significant open buffer area between the northern extent of the built part of the development and Kingsnorth village as shown on the policies map, and between the eastern extent of the built part of the development and the site boundary;*
- f. *Drainage – the layout and treatment of surface water drainage through the use of SuDS should be provided as an integral part of the landscape design and open space strategy along with acceptable maintenance arrangements and, west of Ashford Road, be compatible with drainage proposals serving the proposed Court Lodge development. The development should provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider and provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes;*
- g. *Pedestrian / cycleway routes - provide a network of pedestrian and cycle routes throughout the development with connections to existing rural routes and public rights of way and to the new development at Court Lodge; and,*
- h. *Community facilities – Public open space and suitably equipped play areas needed to serve the development, taking the opportunity to create a sense of the heart of the community being based around the cricket field at the main traffic corridor – Ashford Road. A local convenience store should be located here in a way that can take advantage of passing trade. A specific set of projects related to the scale of needs arising from the development will be identified in consultation with the local community and the cricket club. It is expected that the cricket club will be retained for community use.*

In addition, the development shall also:-

- i. *Provide a proportionate financial contribution to the delivery of Highways England's scheme for a new Junction 10a and any other off-site highway improvements measures identified through agreed transport modelling in accordance with policy TRA8.*
- ii. *Provide a link road from the Ashford Road to the boundary with the adjoining Court Lodge Farm development.*

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD, 2009

Climate Change Guidance for Development Management, 2022

Dark Skies SPD, 2014

Fibre to the Premises SPD, 2020

Landscape Character SPD, 2011

Addendum to Landscape Character SPD, 2011

Public Green Spaces & Water Environment SPD, 2012

Sustainable Design and Construction SPD, 2012

Sustainable Drainage SPD, 2010

Other Relevant Documents

Ashford Landscape Character Study, 2005

Article 6(3) of the Habitats Directive; Habitats Regulations, 2017

Ashford Green Corridor Action Plan, 2017

NHS Ashford CCG Estates Strategy & Implementation Plan, Feb 2018

Government Advice

National Planning Policy Framework (NPPF) 2021

National Planning Proactive Guidance

53. 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:-

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Assessment

Planning issues other than nutrient neutrality

54. The application site is located within an area designated as a green buffer in Local Plan Policy S4 - Land North of Steeds Lane and Magpie Hall Road, the full wording of policy S4 is provided in the Planning Policy section of this report above.
55. The appeal against the Council's refusal of planning permission for a development substantially the same as proposed in this application was dismissed on the grounds that the development would adversely affect the integrity of Stodmarsh habitats sites. In his decision the Inspector concluded (with my emphasis) that:
56. *"The appeal site lies outside the settlement boundary and on an area of land identified as 'green buffer' as part of the site-specific allocation. The proposal would, therefore, be outside an area where the Local Plan focuses growth and would be a form of urban encroachment, diminishing the extent of the green buffer which is currently open and undeveloped. Nevertheless, the scheme's impact would be contained, and a large proportion of the green buffer would be retained, landscape impacts would be limited, and the resultant visual effects would be localised. The moderate harm to the character and appearance of the area I have identified means that I apply moderate weight to the conflict with policies SP1, SP2, S4, SP6, HOU5, SP7 and EMP1 of the Local Plan."*

57. *In respect of benefits associated with the proposal, the additional homes would align with the Framework's emphasis on boosting housing supply. Despite the relatively small number proposed, the Council are unable to demonstrate a five year supply of deliverable sites. As such, this matter carries significant weight in favour.*
58. *By the Council's own admission, the provision of health care facilities would be beneficial. Moreover, I have found that there is a pressing and urgent need for health care facilities in the area, and no alternative sites have been demonstrated as deliverable in the short term. The proposal would not only cater for existing residents and patients, but also future occupiers as a result of new housing developments envisaged in the Local Plan. As a result, these benefits carry substantial weight.*
59. *There would also be additional employment opportunities as part of the proposal due to the new medical facilities, as well as related education and training. These matters attract significant weight in favour.*
60. *The proposal would provide a relatively small number of affordable homes. It would provide temporary jobs during the construction phase and future occupiers would make both direct and indirect contributions to the local economy. The proposal could incorporate extensive areas of public open space and landscaping, as well as biodiversity enhancement. This would also benefit existing residents in the locality. Moreover, these areas could be designed to benefit pedestrian and cycle connectivity in the area. All these matters each attract moderate weight in favour.*
61. *In conclusion, there would be some conflict with policies as set out, mainly relating to the scheme's green buffer location, and the impact on character and appearance, and conflict with the development plan overall. When weighed against the combined substantial benefits including the Council's housing land supply position this harm would be outweighed by the benefits. However, the scheme would adversely affect the integrity of Stodmarsh habitats sites and I have found that policies in the Framework that protect habitats sites provide a clear reason for refusing the development. Therefore, the appeal is dismissed.*
62. Therefore, whilst the Inspector agreed with the Council, that the scheme would cause harm and would conflict with the development plan, he concluded, in the planning balance, that the benefits the development would deliver in the form of public open space, new health facilities and housing, including affordable housing, would outweigh the harm.
63. There have been no changes in local or national planning policy since the submission of the previous planning application and the Appeal decision

Therefore, the Inspector's conclusions in the appeal are a material consideration that carries significant weight in the Council's assessment of this application.

64. The development proposed on the site: - 15 dwellings, a medical centre and pharmacy; the proposed site access; and the amount of greenspace, is exactly that same as that proposed in the previous application considered by the Inspector. I note the comments made by residents in terms of the height of development but the proposed scale of buildings remains unchanged from the appeal decision.
65. I can, therefore, only realistically conclude that the decision reached by the Inspector about the planning acceptability of the development equally applies to this repeat application and that a refusal of the application on the same grounds as previously put forward by the Council could not, realistically, be able to defended at the appeal.
66. The Inspector placed "substantial weight" on the benefits of the proposed healthcare facilities in reaching his conclusion on the planning balance. This is, therefore, a material consideration in my assessment of the fresh application for development of the site.
67. As such I consider it necessary to recommend to the Inspector appointed to deal with the non-determination appeal to the effect that should the Inspector reach a similar planning balance conclusion a planning condition be attached to the outline permission to require that construction should commence on a maximum of five of the proposed dwellings before a contract has been let and construction has commenced on the proposed medical centre and pharmacy.
68. I am mindful that without such a condition then the circumstances could arise where the planning benefits that PINS has weighed in the planning balance exercise in support of a grant of permission do not actually materialise. My view is that the suggested five proposed dwellings represents a reasonable trigger but I have built into my Recommendation flexibility to be delegated to officers to adjust that trigger if necessary through the discussion on draft conditions which will be necessary with the applicant prior to and at the scheduled appeal Hearing.
69. It will be important to secure the provision of the Green Buffer space forming the northern section of the application site. This will assist in preventing the coalescence of new development with the existing village in accordance with Policy SP7 of the ALP 2030 as well as site allocation Policy S4. As Figure 2 in this report identifies, south of the proposed homes another large area of open space is proposed and, taken together with the development of the adjacent land forming application 15/00856/AS also on this agenda, helps further

deliver the aspired to green buffer in Policy S4. Clearly, the Inspector's decision on the previous appeal involves encroachment into the larger area of green buffer aspired to in Policy S4 but, nevertheless, the scheme does otherwise propose the realisation of green areas retained free of homes or other buildings to the benefit to residents as well as helping avoid coalescence. The hard and soft landscaping, SUDs and long term management proposals for such areas will need to be secured through a combination of s.106 obligations and planning conditions.

Nutrient Neutrality

70. The site is located within the Stour River Catchment. The River Stour feeds into Stodmarsh Lakes to the east of Canterbury. Stodmarsh Lakes are a set of lakes that are afforded a range of protection including, a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI). Parts are also designated a National Nature Reserve (NNR).
71. In July 2020, Natural England (NE) issued an Advice Note to Ashford Borough Council titled 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'. This Advice was then updated in November 2020 and again on 16 March 2022. The Advice note sets out that there are excessive nitrogen and phosphorus levels in the Stodmarsh Lakes, and so the water within the Lakes is in an unfavourable condition and has the potential to further deteriorate.
72. In line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development proposing overnight accommodation (including housing) within the Stour River catchment, and/or which would discharge to particular Waste Water Treatment Works within the catchment, should be the subject of an Appropriate Assessment (AA) under the Habitat Regulations.
73. The AA is required to determine the effect on the integrity of Stodmarsh Lakes. In order for an AA to conclude that there is no significant effect, the decision maker must be satisfied that the development can achieve nutrient neutrality.
74. Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended) provides that: "In the light of the conclusions of the assessment, and subject to regulation 64 [which does not apply], the competent authority may agree to the plan or project [i.e. grant planning permission] only after having ascertained that it will not adversely affect the integrity of the European site"

75. In the case of planning appeals, the Inspector is the decision maker and the competent authority under Regulation 7 of the Conservation of Habitats and Species Regulations 2017 (as amended) and is therefore responsible for carrying out the AA of the appeal proposal, with the assistance of staff at the Inspectorate.
76. Therefore, the Inspector - having taken Natural England's advice into account – will need to be satisfied that there is no adverse effect on the integrity of the designated sites. The Inspector will also need to be satisfied that the mitigation measures necessary to achieve nutrient neutrality can be fully implemented and secured in perpetuity.
77. The applicant's nutrient neutrality assessment and mitigation strategy states that *"whilst the site is nitrogen neutral, it is not phosphorus neutral without mitigation. Sustainable Drainage Systems proposed across the site will reduce the nutrient loading in surface water from the development allowing it to achieve nutrient neutrality."*
78. The applicant's report has been reviewed by the Council's consultants, AECOM Ltd, who had produced a technical report dated June 2023, to inform any Habitat Regulations Assessment (HRA) made by this Council as the determining authority. AECOM advised that the applicant's nutrient neutrality assessment demonstrates that the development should be able to be nutrient neutrality using the proposed SuDS as mitigation. However, in order to ensure certainty for the AA, AECOM advised that further clarifications were required regarding the greenspace proposed on the site and the proposed management/maintenance of the on-site SuDS.
79. AECOM's advice was received after the applicant submitted the non-determination appeal. Consequently, the Council has not requested additional information from the applicant nor undertaken any further consultation with Natural England or the Environment Agency. The submission of the appeal means that the Council is no longer the competent authority under Regulation 7 of the Conservation of Habitats and Species Regulations (England and Wales). The role of Competent Authority passes, instead, to the Inspector who is therefore now responsible for carrying out the AA.
80. The Inspector will, having taken Natural England's advice into account, therefore need to be satisfied that there would be no adverse effect on the integrity of the designated sites, and that the mitigation measures necessary to achieve that outcome have been robustly assessed and are capable of being fully secured in perpetuity. Any further consultation with Natural England and the Environment Agency on such matters should now be carried out by the Planning Inspectorate.

Planning Obligations

81. Regulation 122 of the Community Infrastructure Regulations 2010 states 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
82. I therefore recommend that the planning obligations set out in Table 1 should be sought through the Hearing decision making process and s.106 agreement process. I have assessed them against Regulation 122 and consider that they all **are necessary** to make the outline development **acceptable in planning terms, are directly related to the development** and are **fairly and reasonably related in scale and kind** to the development.

Table 1 - Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's **committee** report are considered to be **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. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL compliance statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>30% affordable housing on-site, comprising:</p> <ul style="list-style-type: none"> • 10% for affordable or social rent. • 20% for affordable home ownership (of which 10% of the total dwellings should be shared ownership). <p>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.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>	<p>2 affordable rent units</p> <p>3 shared ownership units (2 units to be shared ownership and 1 to be either shared ownership or an affordable homes ownership product - to be agreed with ABC Development Partnership Manager)</p>	<p>To be constructed and transferred to Registered Provider before occupation of 75% of the general market units</p>

2	<p><u>Accessible and Adaptable Dwellings</u> Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% [total of 3 dwellings] of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>20% M4(2) across the whole site.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>
3	<p><u>Allotments</u> Project detail (off site):</p> <p>Financial contribution towards allotments within the Kingsnorth Parish or South Ashford Garden Community</p>	<p>£258.00 per dwelling for capital costs</p> <p>£66.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>Before occupation of 75% of the dwellings</p>
4	<p><u>Amenity Open Space Land</u> Project detail:</p> <p>To provide the Amenity Open Space Land, including footpaths to and through such spaces and the identified buffer zone in the northern area of the application site in accordance with the relevant reserved matters.</p> <p>The developer to ensure the Amenity Open Space Land is delivered available for use free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Amenity Open Space Land to be managed/maintained in perpetuity</p>	<p>On site: all those parts of the site comprising verges and all areas (not privately owned) in and around dwellings/medical centre/pharmacy buildings, excluding public open space/play space</p>	<p>The Amenity Open Space Land relevant to the dwellings to be provided before occupation of 75% of the dwellings in the relevant phase</p> <p>The Amenity Open Space Land relevant to the /medical centre/pharmacy buildings to be provided</p>

	with management arrangements to be agreed with the Council.		before first occupation of the medical centre / pharmacy buildings.
5	<p><u>Art and Creative Industries</u> Project detail: Project within the Kingsnorth Parish</p>	<p>£338.00 per dwelling for capital costs</p> <p>Indexation: BCIS General Building Cost index 2019</p>	Before occupation of 75% of the dwellings.
6	<p><u>Children and Young People’s Play Space</u> Project detail (off site): Financial contribution towards a site within the Parish of Kingsnorth in response to the Play Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified.</p>	<p>£649.00 per dwelling for capital costs</p> <p>£663.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	Before occupation of 75% of the dwellings.
7	<p><u>Indoor Sports Provision</u> Project detail (off site): Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the ‘Hubs’</p>	<p>£449.00 per dwelling for capital costs</p> <p>(capital only –</p>	Before occupation of 75% of the dwellings.

	identified in the Local Plan 2030.	contributions are derived from the latest Sport England Calculator). Indexation: BCIS General Building Cost index 2019	
8	<p><u>Informal Natural Green Space</u> Project detail (off site):</p> <p>Financial contribution towards a site within the Parish of Kingsnorth in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified.</p>	<p>£434.00 per dwelling for capital costs</p> <p>£325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	Before occupation of 75% of the dwellings.
9	<p><u>Outdoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>£500.00 per dwelling for capital costs</p> <p>£358.00 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings.

		<p><i>(For capital contributions - calculations are derived from the latest Sports England Calculator)</i></p> <p>Indexation: BCIS General Building Cost index 2019</p>	
10	<p><u>Quality Monitoring</u></p> <p>Contribution towards monitoring, to ensure that the approach to design quality is delivered on site in accordance with the details approved as part of the planning permission, including any subsequent details approved pursuant to any conditions related to the planning permission.</p>	<p>One off payment of the following:</p> <p>£90.00 per dwelling</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>The total amount due will be payable on commencement of the development.</p>
11	<p><u>Strategic Parks</u></p> <p>Project detail:</p> <p>Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs</p> <p>£47.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building</p>	<p>Before occupation of 75% of the dwellings</p>

		Cost index 2012	
12	<p><u>Voluntary Sector</u> Project detail: Project within the Kingsnorth Parish</p>	<p>£87.00 per dwelling</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Before occupation of 75% of the dwellings.</p>
Kent County Council Planning Obligations			
13	<p><u>Adult Social Care</u> Project detail: Specialist Housing Provision in the District, adaptation of community facilities, technology and equipment to promote independence in the home, multi sensory facilities and changing place facilities in the vicinity of the development.</p>	<p>£146.88 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>
14	<p><u>Community Learning</u> Project detail: Contributions towards additional equipment and resources for Adult Education Centres locally</p>	<p>£16.42 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>
15	<p><u>Education Land for Primary</u> Project detail:</p>	<p>£590.95 per flat</p> <p>£2363.93 per</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance</p>

	Contribution towards a new primary school site at Court Lodge or alternative location in the planning group	dwelling £0 for any 1-bed dwelling with less than 56 m ² gross internal area. Indexation: BCIS General Building Cost Index from Oct 2016	before occupation of 50% of the dwellings.
16	<u>Libraries</u> Project detail: Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area	£55.45 per dwelling Indexation: BCIS General Building Cost Index from Oct 2016	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.
17	<u>Primary Schools</u> Project detail: Towards new education places at the new 2FE Primary school at Court Lodge and/or within the Planning Group or neighbouring planning group.	Per Flat £1134.00 (New Build) Per Dwelling £4535.00 (New Build) £0 for any 1-bed dwelling with less	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings

		<p>than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	
18	<p><u>Secondary Schools</u> Project detail: Towards the provision of new secondary places at Chilmington Green and/or within the Planning Group</p>	<p>Per Flat £1172.00 (New Build)</p> <p>Per Dwelling £4687.00 (New Build)</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>
19	<p><u>Youth Services</u> Project detail: Towards additional resources for the Ashford Youth service to enable</p>	<p>£65.50 per dwelling</p> <p>Indexation: BCIS General</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of</p>

	outreach services in the vicinity	Building Cost Index from Oct 2016	the dwellings.
Other Obligations			
20	<p><u>Stodmarsh Mitigation - SuDS</u></p> <p>If the Inspector, as the competent authority, is satisfied that there is no adverse effect on the integrity of the designated sites, the Council requests that the mitigation measures necessary to achieve that outcome are robustly and fully secured. The following heads of terms are suggested.</p> <p>To provide SuDS on-site that will satisfy the objectives and requirements of the Appropriate Assessment in order to secure nitrogen and phosphorous neutrality for the Development and result in an absence of significant effects of the Development upon the integrity of the Stodmarsh Designated Sites taking account of the Natural England Nutrient Neutrality Guidance.</p> <p>To submit to the LPA for approval in writing the detailed design of the SuDS, including a monitoring, management and maintenance scheme (SuDS Proposal).</p> <p>The developer to appoint an 'Appointed Professional', at the developers cost, to inspect and advise the Council as to whether the SuDS have been satisfactorily completed</p> <p>The SuDS to be transferred to an approved body to monitor, manage and maintain in accordance with the SuDS Proposal, as long as the development remains in use.</p>		<p>To submit the SuDS Proposal to the Council for approval before the commencement of development.</p> <p>To complete the SuDS on site before the occupation of any dwelling.</p> <p>The SuDS to be monitored, managed and maintained in accordance with the SuDS Proposal, as long as the development remains in use.</p>

Monitoring			
21	<p><u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring and reporting.</p>	<p>£1000 per annum until development is completed</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment before commencement of development and on the anniversary thereof in subsequent years.</p>
<p><u>Notices</u> 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 and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE:</p> <ul style="list-style-type: none"> • Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change 			

Human Rights Issues

83. 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

84. 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 and this has been the case during the period from first submission up to the point of the appeal against non-determination being confirmed as valid. .

Conclusion

85. As set out in my assessment above, the proposed development is substantially the same as that considered by the Inspector in his recent appeal decision.
86. The only difference is the applicant’s strategy in respect of nutrient neutrality, which has been submitted to address the sole reason why the previous appeal was dismissed.
87. In light of the planning balance conclusions that the Inspector reached in his appeal decision, I conclude that the principle of the development has to be viewed as being acceptable as there has been no material change in relation to the site and its surroundings in the intervening period nor any material planning in planning policies or government planning advice.
88. However, following the submission of the appeal against non-determination, the role of competent authority now passes to the Inspector who becomes the Competent Authority responsible for carrying out the AA to determine whether the development would affect the integrity of Stodmarsh Lakes. The advice of AECOM Ltd to this Council to date has been that the applicant’s proposals are likely to be acceptable but some further clarification is needed from the applicant before an AA could be adopted when determining the application.

Recommendation

- (A) That in the light of the appeal against non-determination the Planning Inspectorate be advised that, had the Borough Council been able to determine the application, it would have been minded to grant outline planning permission, subject to;-
- (i) the applicant first entering into a section 106 agreement/undertaking in respect of the planning obligations detailed in Table 1 above in terms agreeable to the Strategic Development & Delivery Manager or the Development Management Manager in consultation with the Director of Law and Governance (with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit),
- (ii) the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development identifying 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 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 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, and
- (iii) subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised and refined as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of agreement with the applicant.
- (B) The Strategic Development & Delivery Manager or the Development Management Manager in consultation with the

Solici5ro to the Council and Monitoring Officer be authorised to present the Council's case to the Planning Inspectorate in accordance with (A) above with authority delegated to the Strategic Development & Delivery Manager or the Development Management Manager to add/amend/delete/approve obligations and/or planning conditions as he/she considers necessary.

- 1 Standard outline condition A
- 2 Standard outline condition B
- 3 Development carried out in accordance with the approved plans
- 4 Site shall be made available for enforcement inspection when required.
- 5 Construction permitted to commence on only five dwellings prior to funding being in place/ contract let/ construction commenced on the medical centre and pharmacy.
- 6 Surface water drainage and foul water drainage details
- 7 Detailed sustainable surface water drainage scheme
- 8 Surface water drainage system verification report
- 9 Provision of a toucan crossing on Ashford Road
- 10 Construction Environmental Management Plan
- 11 Details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture on the site
- 12 Land, reserved for parking and/or garaging to meet the needs of the development.
- 13 Provision of secure, covered cycle parking facilities for the dwellings, medical centre and pharmacy.
- 14 Construction of site access
- 15 Construction of visibility splays
- 16 Works between dwellings and the adopted highway

- 17 EV Charging points
- 18 Archaeological field evaluation work
- 19 Arboricultural Impact Assessment and Tree Protection Plan.
- 20 Full details of all hard and soft landscaping
- 21 Landscape management plan
- 22 Tree protection
- 23 Reptile mitigation strategy
- 24 Biodiversity enhancement strategy
- 25 Lighting design plan for biodiversity
- 26 Refuse and recycling
- 27 Details of materials
- 28 Details of all boundary treatments, to include gates, boundary walls and fences.
- 29 Unexpected contamination
- 30 Water consumption – dwellings
- 31 Nationally Described Space Standards
- 32 Fibre broadband to the premises (FTTP)
- 33 Removal of PD rights – GDPO Classes A, B and E

Note to Applicant

1. S106

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 PA/2022/2851)

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Appeal Decision

Hearing held on 7 and 8 June 2022

Site visit made on 8 June 2022

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2022

Appeal Ref: APP/E2205/W/21/3284706

Land East of Ashford Road, Kingsnorth

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Malcolm Jarvis Homes Ltd against the decision of Ashford Borough Council.
 - The application Ref 21/00126/AS, dated 18 January 2021, was refused by notice dated 16 April 2021.
 - The development proposed is outline application for up to 15 dwellings, a replacement Medical Centre and Pharmacy, together with all necessary infrastructure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. An illustrative masterplan¹ was submitted with the appeal which shows how the site might be developed in the event the appeal was allowed. The Council have had the opportunity to comment on this as part of the appeal. I am satisfied that this plan does not materially alter the substance of the application the Council originally considered and interested parties would not be unduly prejudiced. Therefore, I have accepted this plan.
3. The application was submitted in outline form, with only access to be considered at this stage, and I have dealt with the appeal accordingly. The planning application included several plans which show details of landscaping and layout. Like the aforementioned illustrative masterplan, I have treated these plans as illustrative only, and I have taken them into account only insofar as it shows how the site could be developed in future.
4. A Nutrient Neutrality and Mitigation Strategy (Nutrient Strategy) was submitted along with the appeal. However, during the Hearing it came to light that more recent guidance had been issued by Natural England which had the potential to affect the methodology and outcomes relating to the Nutrient Strategy and the proposal's impact on designated European sites.
5. As a result, I allowed the appellant to update the Nutrient Strategy following the Hearing to reflect the up-to-date guidance. The Council and Natural England were given an opportunity to comment on the updated Nutrient

¹ Entitled 'Illustrative Masterplan – revised for the appeal of Kingnorth Medical Centre on the 16th October 2021'

Strategy². Therefore, I am satisfied that no procedural unfairness arises. I deal with this in more detail in my reasoning.

Main Issues

6. The main issues in this case are:

- The effect of the proposal on the integrity of designated Habitats Sites (Stodmarsh), with particular regard to nitrogen and phosphorous nutrient levels, including any mitigation proposed.
- The suitability of the appeal site for the proposed development having regard to Local Plan policies, and the impact on character and appearance with particular regard to the 'green buffer', the 'Ashford Green Corridor', and potential coalescence.
- The effect of the proposal on the provision of health care facilities within Ashford Borough.

Reasons

Effect of the proposal on Stodmarsh - Nutrients

7. Stodmarsh³ comprises habitats sites, protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Its national and international importance relates mainly to the wetland habitats, reed beds and grazing marshes within it. They support wetland bird species and their wintering and breeding habitats. The integrity of these wetlands relies on both a high quality of water and stable water levels.
8. According to Natural England, some lakes within Stodmarsh are impacted by an excess of both nitrogen and phosphorus. This can lead to eutrophication which is having an adverse effect on Stodmarsh's water environment, to the detriment of the habitats and species that rely on it.
9. The water environment within the wider Stour catchment is of particular importance. This is because it is a potential pathway to Stodmarsh through nutrient inputs caused mainly by wastewater from housing and agricultural sources. This includes wastewater treated at Wastewater Treatment Works (WTW) which subsequently discharge into the Stour catchment. This has the potential to increase the nutrient burden, adversely affecting Stodmarsh.
10. The appeal site lies within the Stour catchment. The proposal would involve a form of development which would generate wastewater, along with potential for pollution due to surface water runoff. Consequently, there would be a potential pathway to Stodmarsh which could increase its nutrient load, and likely significant effects cannot be screened out. As a result of this, I am obliged under the Habitats Regulations as the competent authority to carry out an Appropriate Assessment.
11. As stated above, it is the quality of the water environment within Stodmarsh, affected by water which flows into it from the wider Stour catchment, which is

² Ref - 332410625/200.1 Rev A

³ Also known as 'European sites'. They comprise a Special Area of Conservation, Special Protection Area and Ramsar Site. Stodmarsh is also a Site of Special Scientific Interest and National Nature Reserve

the key consideration. As detailed in the NE guidance 2020⁴, due to excessive nutrients within some Stodmarsh waterbodies, they are deemed as being in an unfavourable condition. Therefore, the aim is to prevent further deterioration of water quality through further nutrient loading.

12. Natural England advises that competent authorities should carefully consider the nutrient impacts of proposals on habitat sites, and whether those impacts that may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. This is set out in the March 2022 advice by Natural England⁵ (NE guidance 2022). The concept of nutrient neutrality recognises that if there is no net increase in nutrient loading within the catchments of the affected habitats site as a result of proposals, then existing nutrient issues will not be exacerbated.
13. As set out in the 'preliminary matters' section of my decision, the appellant's current and revised position is that the proposal would be nutrient neutral. This differs from the evidence I heard during the Hearing, and the contents of the original Nutrient Strategy, which indicated that the proposal would result in a nutrient surplus, thus would not be nutrient neutral.
14. The appellant's proposition that the proposal would now be nutrient neutral is predicated on the NE guidance 2022. In comparison with the 2020 guidance that preceded it, the guidance differs in several areas. Insofar as is important in this appeal, the amount of nutrients exported from the site in its current, pre-developed state, has the potential to significantly affect the 'nutrient budget' so that, in the appellant's view, the proposal would be nutrient neutral, and mitigation would not be necessary.
15. In this regard, the entirety of the existing site has been classified by the appellant as 'general cropping' land; that is to say *agricultural areas on which arable crops are farmed*. The classification of the existing land is where the focus of uncertainty in determining the nutrient budget lies in this case, as reflected in Natural England's consultation response to this appeal.
16. In terms of appropriately determining current land use, NE guidance 2022⁶ states that it should be based on best available evidence (Natural England recommends a period of at least 10 years), research and professional judgment, accepting that any assessment is subject to a degree of uncertainty. However, a precautionary approach should be adopted by the decision maker.
17. The appeal site can generally be split into four distinct areas. It is generally common ground between the main parties, aided by submitted photographic evidence, that the larger central portion of the appeal site has been used for cropping for much of the time in excess of a period of 10 years. Based on this and from what I saw on my site visit, I have no reason to dispute this.
18. The same cannot be said for the western parcel of land, however⁷. When I visited the site, it had a rather unkempt appearance and, although covered with patchy rough grassland, displayed little evidence of formal agricultural

⁴ Natural England - *Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites* - 2020

⁵ Natural England - *Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites* – March 2022

⁶ Which included a document entitled '*Nutrient Neutrality Generic Methodology*' dated February 2022

⁷ To clarify – that is the parcel of land closest to Ashford Road which the appellant has also referred to as the 'eastern parcel'

use. I appreciate that submitted aerial photographs taken at different times over the last 10 years show the site as green and vegetated; however, that does not mean to say it was planted with crop and farmed. Aside from anecdotal evidence from the appellant suggesting 'regular planting and harvesting'; based on the evidence before me and my site visit, I am not able to conclude with a sufficient degree of certainty that this part of the site should be classed as general cropping land.

19. Moreover, even if the south-eastern field was used for agricultural purposes in the past as claimed by the appellant, it now resembles scrubland, indicative of land which has not been used for arable purposes for a period of time. Consequently, this part of the appeal site does not fit the general cropping land classification either.
20. In terms of the northern parcel of land, evidence of recent agricultural activity is limited, and relies mainly on aerial photographs from 2013 onwards which show areas of grassland, but nothing of substance to indicate regular agricultural use. Moreover, I have not been provided with specific details of the farming enterprise, nor sufficient evidence of a regular crop over a prolonged period.
21. Notwithstanding my findings concerning the adopted land classification, the appellant considers that the general cropping category best describes the site when the other listed categories are also taken into account. They use the example of the 'greenspace' category, which they contend would not be appropriate as it relates to land accessible by the public, which is not the case here.
22. However, 'greenspace' is one of 17 categories listed in the NE guidance which appear to be split generally into agricultural and non-agricultural uses⁸. Given that a significant component of nutrient loading can derive from agricultural sources, selecting an existing land use classification with an agricultural component is likely to yield different results to using a non-agricultural classification. Therefore, it seems to me that a key determinant in this case is the extent to which the appeal site should be classified as agricultural given the potential effect this has in calculating the nutrient budget. Using the alternative suggestion 'mixed agricultural' classification would therefore not address the fundamental concerns I have given that an agricultural use of any kind has not been adequately demonstrated.
23. As a result of the findings above, I have considerable doubts over the adopted land use classification across the entire site such that the pre-development nutrient calculation carried out by the appellant cannot be relied upon. Even accepting the inherent uncertainty involved in judgments concerning the classification of land, there is a lack of objective evidence to support the classification chosen, thus it is not adequately justified. As a result of this, the proposal would have the potential to adversely affect the integrity of Stodmarsh.
24. In terms of mitigation, due to the advancement of a scheme considered by the appellant to be nutrient neutral, no mitigation has been set out. However, it is worth noting that the original Nutrient Strategy, in concluding that the proposal would lead to potential nutrient loading, included mitigation.

⁸ Natural England - Nutrient budget calculator guidance document March 2022 contains list of classifications

25. This mitigation involved the storage of foulwater on site to be periodically removed from the site via a tanker to an appropriate WTW facility outside the Stour catchment. It involved no connection from the development to the existing foulwater sewage infrastructure. The second form of mitigation involved a surface water drainage wetland strategy.
26. Dealing with these briefly. Due to the NE guidance 2022 which has evidently altered the nutrient budget for the site, and given my concerns over the land use classification adopted, it is unclear to me whether there would be sufficient space within the site to adequately accommodate wetlands as a form of surface water mitigation if the assessment was undertaken again.
27. In addition, the mitigation would rely on the imposition of a planning condition requiring a strategy to remove wastewater off-site by tanker to an appropriate WTW. However, I have been provided with no written assurance that WTW outside the Stour catchment would be willing to take wastewater from the proposed development, nor of any obligation on them to do so. In addition, once tankers carrying wastewater were to leave the site, control of the deposit and subsequent processing of wastewater would fall outside the appellant's control. In this regard, the imposition of such a condition would fail the test of reasonableness and enforceability.
28. As a result of the foregoing, and in adopting the precautionary principle, I cannot be satisfied that the scheme could be delivered without adversely affecting the integrity of habitats sites. Stodmarsh. As a result, the proposal would conflict with Policies HOU5 and SP1 of the Ashford Local Plan 2013 (adopted 2019) (Local Plan) and paragraph 180 of the National Planning Policy Framework which requires that the natural environment and biodiversity is conserved, that there is no adverse effect on the integrity of habitats sites, and that if significant harm to biodiversity cannot be avoided, including with regard to mitigation, then planning permission should be refused.

Location, character and appearance

29. There is no dispute between the main parties that, for the purposes of planning policy, the appeal site lies in the countryside. Given its location close to the existing built-up confines of the Kingsnorth settlement, Policies HOU5 and EMP1 of the Local Plan do not preclude residential windfall and employment development, subject to a number of criteria, including matters relating to character and appearance.
30. The Local Plan contains a number of site allocations, some of which are subject to site-specific policies⁹. The allocations within the wider area taken together form the South Ashford Garden Community¹⁰. The appeal site lies within the allocation 'Land North of Steeds Lane and Magpie Hall Road' which is subject to site-specific Policy S4 of the Local Plan. Accompanying the policy is a map which outlines the entirety of the site allocation, detailing areas of potential 'indicative development', 'indicative accesses', as well as a 'green buffer'.
31. During the Hearing the Council accepted that the site-specific policies allow a degree of flexibility. It follows therefore, that the allocations map is an illustrative interpretation of the text contained within Policy S4 and it too should be viewed with flexibility in mind. Therefore, the site allocation map

⁹ As detailed in Chapter 3 of the Local Plan.

¹⁰ Part of the Government's Garden Communities programme

- cannot be viewed in isolation; rather, it should be read alongside the site-specific criteria detailed within Policy S4.
32. The position and extent of the green buffer on the site allocation map is generally reflective of the rationale provided in the supporting text to policy S4, which states that the space between the ridge lying to the south of the appeal site and Kingsnorth village should form a strategic open buffer.
33. Most of the proposal would occupy part of this green buffer. To my mind, the function of the green buffer in this location is primarily a visual and spatial one, in place to prevent coalescence between any development within the site allocation and Kingsnorth village. It is characterised by its general openness and a lack of built development, although it has limited value as useable green space given that there is limited public access to the green buffer and no evidence to suggest it is well used on an informal basis by members of the public.
34. From a wider landscape perspective, the appeal site is situated within the Bethersden Farmlands Landscape Character Area and within the Kingsnorth Wooded Pasture District Landscape Type as identified by the Ashford Landscape Character SPD (2011)¹¹ (LCSPD). The LCSPD identifies key characteristics, including the open undulating mixed farmland nature of the area, with arable and sheep grazing, and a mix of strong but gappy hedgerows with intermittent trees. The LCSPD indicates that this landscape has a moderate condition and moderate sensitivity with a recommendation to 'conserve and create'. I am satisfied that it does not form a 'valued landscape' as per paragraph 174(a) of the Framework.
35. The key characteristics of the landscape set out in the LCSPD generally match the observations I made on my site visit. However, as set out previously, not all of the land appears to be in agricultural use. In addition, the land generally rises to a plateau immediately to the south. Furthermore, the appeal site lies close to small areas of residential development located along Ashford Road, and further housing which abuts the site off Church Hill. This housing is partially screened by vegetation. As a result, the western portion of the appeal site generally has a semi-rural character influenced by the presence of housing and the noise of traffic travelling along Ashford Road, whereas the eastern portion of the site in general is distinctly more rural in character and appearance. Overall, the site retains a pleasant, verdant and open character.
36. Turning to the effects of the proposal; there is no doubt that the combination of housing, medical facilities, parking and the roads that connect these elements to Ashford Road would constitute a form of urban encroachment. Nevertheless, in context of the entirety of the green buffer, the proposal would occupy only 7% of this space. Therefore, the extent of urban encroachment into the green buffer would be moderate.
37. In respect of qualitative effects, the location and height of the existing ridgeline to the south is important here. As detailed on the submitted illustrative masterplan, the proposed buildings could be positioned downslope of the ridge so that the landform would mitigate the visual impact of the development when viewed from the south. Moreover, the proposed medical facilities, which are indicated as buildings with a larger footprint, could be located closer to Ashford

¹¹ Based on several previous landscape character studies as referenced in the LCSPD

Road (closer to existing built form), with the housing being located further to the east also away from the upper slopes and the ridgeline to the south. The proposed open space to the north and east along with existing and proposed landscaping would result in a development contained to an extent by topography, open space and landscape features.

38. A planning application is proposed to the south of the appeal site which is currently being considered by the Council¹² (Kingsnorth Green). The associated built form would occupy part of the 'indicative development areas' as set out in site-specific policies S4 and S5 of the Local Plan. However, the weight to be attached to this planning application as a material consideration in this appeal is diminished given it is undetermined and any details associated with it at this stage could well change, and there is no certainty that it will be granted planning permission.
39. In any event, despite the Council's concerns that the Kingsnorth Green development could open up views such that both the housing associated with the appeal site and Kingsnorth Green would be intervisible, there is nothing before me to suggest that the built form associated with Kingsnorth Green is likely to be located within the green buffer. Consequently, it seems unlikely that intervisible views would be obtainable given that the plateau would act to screen the two respective schemes, and a buffer between the two would be retained. Nevertheless, even if I was to accept the Council's assertion that intervisibility would be achievable, there would be a notable gap between the two elements such that they would largely appear separate.
40. I do, however, accept that the scheme would result in the loss of the green buffer at its narrowest point, close to Ashford Road. The scheme would infill this gap that exists between housing to the south of the site on Ashford Road, and the housing which lies to the north on Myrtle Court. The potential to reduce the visual connection between existing built form by setting proposed buildings back from the road and through additional landscaping is acknowledged. However, whilst I am satisfied that the scheme in its entirety would not lead to physical coalescence, an element of it would discernibly reduce the undeveloped gap that currently exists, creating a ribbon of development comprising the existing housing and the proposed scheme.
41. In respect of the northern portion of the appeal site, this could be retained as a green buffer, thus ensuring spatial separation between the appeal site and some of the housing along Church Hill. Moreover, there is no suggestion that the significance of the Kingsnorth Conservation Area (CA), which comprises the historic core of the village located to the northeast of the appeal site, would be harmed through development within its setting.
42. Whilst I do not accept that the green buffer is a landscape feature *per se*, it is evident that features of the landscape which contribute to the green buffer's character and appearance would need to be removed to accommodate the development. Based on the illustrative masterplan, this would include a small part of the hedgerow fronting Ashford Road to allow access (with the remainder being retained) as well as some hedgerows within the site in order to accommodate the layout. However, by and large, the proposal would conserve mature field boundary hedgerows as well as offering the potential to enhance these features and reduce existing gaps within hedgerows.

¹² Planning application reference - 15/00856/AS

43. In terms of visual impacts, the main impacts would be experienced when viewed from Ashford Road where some existing vegetation would be removed, and the site frontage opened up. Based on the illustrative masterplan, some of the buildings would be visible and prominent (particularly the medical facilities and new road infrastructure), although views from here would generally be transient, with the site mainly visible for pedestrians and drivers of vehicles travelling along the road. Nevertheless, this is one of the only points along Ashford Road where the openness of the green buffer is readily appreciable, thus to my mind its visual characteristics would be significantly reduced at this location, resulting in localised visual harm.
44. There would also be a change to the view of the appeal site from the rear of some residential properties on Myrtle Court and Ashford Road¹³, notwithstanding the presence of substantial vegetation screening in some cases. Given the high sensitivity of residential receptors, and accepting that views of the development could be softened by planting as part of the development, the openness of the green buffer would be significantly diminished for some. Nevertheless, only a limited number of properties would be affected, and obtainable views would be private, which means I attribute this impact only limited weight.
45. The main parties accept that views of the proposal from the wider area would be limited. This is reflected in the submitted Landscape and Visual Appraisal¹⁴ (LVA), and tallies with the observations I made on my site visit. In particular, views from sensitive receptors, such as users of the rural public footpaths to the south and west of the site, would largely be imperceptible due to the intervening topography and vegetation. Medium distance views of the proposal from other receptors would also be limited, with no more than slight adverse impacts over the long-term being recorded in the LVA.
46. Cognisant of all of the above, the harmful effects on the potential future addition to the 'Ashford Green Corridor' (AGC) would also be limited. Policy ENV2 of the Local Plan states that the protection and enhancement of the Green Corridor is a key objective. Unlike the green buffer, the policy specifically highlights it as a core element of Ashford's green infrastructure, providing multi-functional uses¹⁵.
47. It is apparent that the appeal site lies outside the current AGC. The plan accompanying this policy includes an arrow indicating the broad location of potential future additions to the green corridor¹⁶. This is a rather crude indication as to the potential location of the AGC in the future so that the extent and location of any future addition is unclear.
48. Even if I was to accept that the appeal site falls within an area of potential future growth in the AGC, the submitted illustrative masterplan indicates an area of enhanced open space with potential footpath connections to Kingsnorth and future development to the south. Therefore, the proposal could be designed to ensure public access and improved connectivity, addressing the AGCs principles. Of course, as with the green buffer, the potential for it to be used as part of the AGC would in part be compromised by the provision of

¹³ In particular those properties that abut the boundary of the appeal site

¹⁴ Document number - MHS227.20-D01

¹⁵ Paragraphs 9.19 and 9.20 of the Local Plan

¹⁶ Map 6 of the Local Plan

buildings and other infrastructure, but this harm would be counterbalanced by the fact it would occupy on a small area of potential future enhancement, and the enhancement the scheme would offer through the additional provision of useable open space and connectivity.

Conclusions on locational suitability of appeal site

49. The proposal would fall outside of the area allocated for housing, mostly within the green buffer. It would reduce the undeveloped and open nature of the gap that currently exists close to the existing housing along Ashford Road, as well as introducing new buildings and infrastructure further away from the road, in part of the green buffer which has a more rural character. There would be a resultant loss of openness, an urbanising effect, and some loss of separation between settlements.
50. However, the extent of harm would not be significant. Firstly, there would be sufficient space within the appeal site to ensure that the built form could be sited sensitively so as to be contained by existing topography and landscaping, along with the proposed areas of green space and landscaping which themselves would mitigate. As a result, gaps would be retained to the north and south of the appeal site between existing housing and development that may come forward as part of the Policy S4 allocation. In addition, the proposal would occupy a relatively small area of the wider green buffer, leaving a large proportion intact.
51. There would be some harm due to the visual impact of the proposal, particularly when viewed from Ashford Road, where the existing gap would be infilled by the proposed access and buildings. Even though landscaping would reduce these impacts, the loss of countryside would be apparent. However, this is one localised impact, and there would be limited harmful visual effects from other more distant viewpoints.
52. In summary, with reference to the effect on the countryside, the green buffer and its characteristics, the separation of settlements and landscape and visual impacts, I find moderate harm to the character and appearance of the area. As a result, there would be conflict with policies SP1, SP2, S4, SP6, EMP1, HOU5 and SP7 of the Local Plan. These policies, amongst other things, require development to be focussed on the indicative development areas of site allocation, to retain a significant open buffer between the northern extent of the development allocation and Kingsnorth village, the prevention of significant erosion of the gap between settlements and to respect the character and appearance of the surroundings.
53. Due to the moderate extent of encroachment, and the fact that the appeal site lies on a broad indicative area of future expansion of the AGC, the impact on the AGC would be limited, with any harm offset by the areas of open space proposed which could substantially improve the quality of accessibility in the local area. I find no conflict with Policy ENV2 of the Local Plan. I am also satisfied that the proposal would largely retain important features within the site. The urbanisation of the site and loss of some hedgerow when set against the additional planting proposed would demonstrate regard for the landscape characteristics and significance of the site, in line with policies ENV3a and ENV5 of the Local Plan.

Health care/Medical facilities

54. The existing facility serving Kingsnorth village and the surrounding area is Kingsnorth Medical Practice (KMP) which is located away from the appeal site. It has a footprint of *circa* 750m², and the future expansion of this facility appears to be limited due to on-site constraints, including flood risk. The limited available space for expansion¹⁷ would not be sufficient to cater for future growth and the existing premises are not able to adequately cater for existing patients. This was not challenged by the Council, and I have no reason to take a view contrary to the appellant in this regard. Consequently, I accept that new primary health care provision is necessary, and that KMP would not be a suitable site to facilitate this.
55. The Local Plan is predicated on the basis that infrastructure will be provided to support future development anticipated over the plan period¹⁸. Supporting the Local Plan is the Ashford Infrastructure Delivery Plan 2017 (IDP) which identifies background and context for future infrastructure delivery provision, including health and social care.
56. The IDP recognises that additional health infrastructure will be needed to support the new development set out in the Local Plan. However, at the time of producing the IDP, the Clinical Commissioning Group were unable to provide the Council with any firm proposals for additional health infrastructure requirements¹⁹. The Council confirmed during the Hearing that they were working with relevant agencies to ensure delivery of necessary health care provision. However, there has been no updated IDP and no evidence that an update is forthcoming.
57. An 'options appraisal' was submitted by the appellant as part of the planning application. As well as the aforementioned expansion of KMP, it also considered healthcare provision at different sites within the KMP catchment area²⁰. In terms of the site at Court Lodge²¹, a community facility is proposed within the planning application site boundary which could potentially accommodate a medical facility.
58. I give limited weight to the appellant's concerns about the financial cost of delivering a medical facility at Court Lodge. By their own admission, it would be 'less viable' as opposed to unviable, with no substantive evidence to support this claim. Moreover, whilst I accept a scheme at Court Lodge would be less convenient for some existing patients, it would nevertheless fall within the catchment area and would be well located within the South Ashford Garden Community, thus accessible for prospective future patients. Therefore, I give limited weight to this consideration.
59. However, in terms of the likely timescale for delivery of a facility at Court Lodge, the infrastructure necessary to facilitate delivery on this part of the site is not in place. The Council were unable to provide evidence for me to question the veracity of the appellant's assertion that there is no realistic prospect of a health facility before 2027. In light of the short-term need for a new facility, this site cannot be relied upon as an alternative.

¹⁷ Up to 231m² potential expansion at KMP as detailed in the evidence given by Dr J Kelly

¹⁸ Policy IMP1 of the Local Plan

¹⁹ See page 40 of the IDP

²⁰ As detailed in Diagram C of the Kingsnorth Medical Practice appeal statement/proof

²¹ Planning application ref – 18/01822/AS

60. In terms of the other main alternative site, a medical facility at Chilmington Green would be unsuitable for several reasons, including concerns over the likely timescale of delivery of the community hub within which the proposal would lie. Crucially however, this site is outside the KMP catchment area and therefore, not an appropriate location. In respect of the other sites considered by the appellant, they do not appear deliverable, and the Council provided me with no assurance to persuade me that they represent realistic alternatives.
61. To conclude, the KMC site does not appear capable of expansion to cater for the future growth of South Ashford. The pressing need to find a suitable site to accommodate an appropriate facility remains unfulfilled. The IDP fails to provide firm proposals to cater for the future growth envisaged in the Local Plan. No updated IDP has been adopted. The alternative sites explored are unsuitable for a variety of reasons. The proposal would provide a new medical centre to serve existing and new patients, allowing for improved care and treatment. It would not undermine the delivery of health facilities within Ashford Borough, and I attribute the benefits of the healthcare facilities proposed substantial weight, a matter I shall return to in the 'planning balance'.

Other Matters

62. The Council's reasons for refusal originally included concerns over highway safety. However, prior to the Hearing these matters were largely resolved between the appellant and Kent County Council. It has not been necessary for me to pursue this matter further given that I am dismissing the appeal for the reasons set out.

Planning Balance and Conclusion

63. The Council has acknowledged that it currently is unable to demonstrate a 5-year supply of deliverable housing sites. However, there is dispute between the main parties over the precise position, with a relatively recent appeal decision referenced by the appellant finding a supply of approximately 3.5 years²², less than the Council's position of 4.54 years²³. I was provided with limited evidence as to why I should not regard the figure within the appeal decision as being the most relevant given the Council's housing position statement pre-dates it.
64. In any event, in circumstances where a five year supply cannot be demonstrated, the presumption in favour of sustainable development set out in paragraph 11d)ii of the Framework would ordinarily apply. However, the proposal would harm the integrity of Stodmarsh habitats sites, and this in itself is a clear reason for refusing permission. As such, reflecting paragraph 11d)i and paragraph 182 of the Framework, the presumption in favour does not apply in this case. This is an important material consideration.
65. The appeal site lies outside the settlement boundary and on an area of land identified as 'green buffer' as part of the site-specific allocation. The proposal would, therefore, be outside an area where the Local Plan focuses growth and would be a form of urban encroachment, diminishing the extent of the green buffer which is currently open and undeveloped. Nevertheless, the scheme's impact would be contained, and a large proportion of the green buffer would be

²² Appeal ref - APP/E2205/W/21/3284479

²³ Position Statement 31st July 2021

- retained, landscape impacts would be limited, and the resultant visual effects would be localised. The moderate harm to the character and appearance of the area I have identified means that I apply moderate weight to the conflict with policies SP1, SP2, S4, SP6, HOU5, SP7 and EMP1 of the Local Plan.
66. In respect of benefits associated with the proposal, the additional homes would align with the Framework's emphasis on boosting housing supply. Despite the relatively small number proposed, the Council are unable to demonstrate a five year supply of deliverable sites. As such, this matter carries significant weight in favour.
67. By the Council's own admission, the provision of health care facilities would be beneficial. Moreover, I have found that there is a pressing and urgent need for health care facilities in the area, and no alternative sites have been demonstrated as deliverable in the short term. The proposal would not only cater for existing residents and patients, but also future occupiers as a result of new housing developments envisaged in the Local Plan. As a result, these benefits carry substantial weight.
68. There would also be additional employment opportunities as part of the proposal due to the new medical facilities, as well as related education and training. These matters attract significant weight in favour.
69. The proposal would provide a relatively small number of affordable homes. It would provide temporary jobs during the construction phase and future occupiers would make both direct and indirect contributions to the local economy. The proposal could incorporate extensive areas of public open space and landscaping, as well as biodiversity enhancement. This would also benefit existing residents in the locality. Moreover, these areas could be designed to benefit pedestrian and cycle connectivity in the area. All these matters each attract moderate weight in favour.
70. In conclusion, there would be some conflict with policies as set out, mainly relating to the scheme's green buffer location, and the impact on character and appearance, and conflict with the development plan overall. When weighed against the combined substantial benefits including the Council's housing land supply position this harm would be outweighed by the benefits. However, the scheme would adversely affect the integrity of Stodmarsh habitats sites and I have found that policies in the Framework that protect habitats sites provide a clear reason for refusing the development. Therefore, the appeal is dismissed.

M Woodward

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Katherine Barnes
Alastair Macquire CMLI
Dr James Kelly MBBS MRCP

Robert McTaggart CEng FCIWEM
Jason Lewis MSc CIHT MCILT
Ian Bull MRTPI
Russell Jarvis
Cheryl Vander

Essex Chambers - Barrister
Landscape Consultant
GP and Senior Partner of Kingsnorth Medical
Practice
Stantec
Stantec
Planning Consultant
Jarvis Homes
Kingsnorth Medical Practice Patient
Participant Group

FOR THE LOCAL PLANNING AUTHORITY:

Faye Tomlinson MRTPI
Claire Marchant MRTPI
Daniel Carter
Harriet Turner

Planning - Strategic Applications
Spatial Planning
Spatial Planning
Spatial Planning

INTERESTED PARTIES:

Cllr. James Ransley

Rod Gilbert
Benjamin Gilbert
Andy Gilbert

Kingsnorth Parish Council and Councillor for
Washford Farm

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Application Number PA/2022/2544

Location Field to West of National Grid Converter Station,
Church Lane, Aldington, Kent, TN25 6AF

Parish Council Smeeth

Ward Bircholt

Application Description The laying out of a battery storage facility, intermediate substation, water storage tank, cabling, fencing, access tracks and associated drainage infrastructure on field to west of National Grid Sellindge Converter Substation.

Applicant Pivot Power LLP

Agent SLR Consulting, Floor 3, 86 Princess Street,
Manchester, United Kingdom, M1 6NG

Site Area 2.04 ha

(a) 3 / 12 'R' (b) Smeeth Parish Council 'X' (c) EA 'X', KCC ARCH 'X', KCC EAS 'X', KCCH&T 'X', KCC LLFA 'X', KFRS 'X', RSIDB 'X', NR 'X'

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Linda Harman.

Site and Surroundings

2. As shown in **Figure 1** below, the application site is located directly west of Church Lane which connects the A20 to the north with Roman Road to the southwest. Church Lane is a long road and the site is located towards the northern end between the M20 and railway line. The site is accessed via an existing vehicular access from Church Lane via a gated concrete access track that extends west to an area of concrete hardstanding used for storage of manure. The remainder of the site comprises part of a larger agricultural field, albeit the major portion directly to the northeast has been utilised as a temporary works site in connection with ongoing works to restore the fire-damaged Sellindge Converter station on the opposite side of Church Lane. The ground rises from east to west to a small crest before falling to the woodland to the west and the M20 to the north.



Figure 1: Site Location Plan

3. As shown in the aerial view of the site in **Figure 2** below the application site is located within close proximity to existing energy infrastructure, including the extensive Sellindge Converter Station operated by National Grid on the east side of Church Lane. There is a smaller Distribution Network Operator (DNO) Substation to the south, separated from the site by an area of trees and attenuation pond. East of the Sellindge Converter Station is Sellindge wastewater treatment works and to the west a series of ponds believed to form part of the mitigation scheme for the railway development.
4. The site is also within proximity of the High Speed railway line (HS1) and the M20 motorway corridor. Beyond the raised railway embankment is predominantly open countryside; however there is also an established solar array to the south-east (Land north of Partridge Farm). The nearest residential properties are located over 400m north beyond the M20 and over 500m south beyond the railway.
5. Much of Church Lane, including the section adjacent to the site comprises a narrow road enclosed by established hedgerows. The site is not within the Area of Outstanding Natural Beauty and does not form part of a conservation area or its setting.

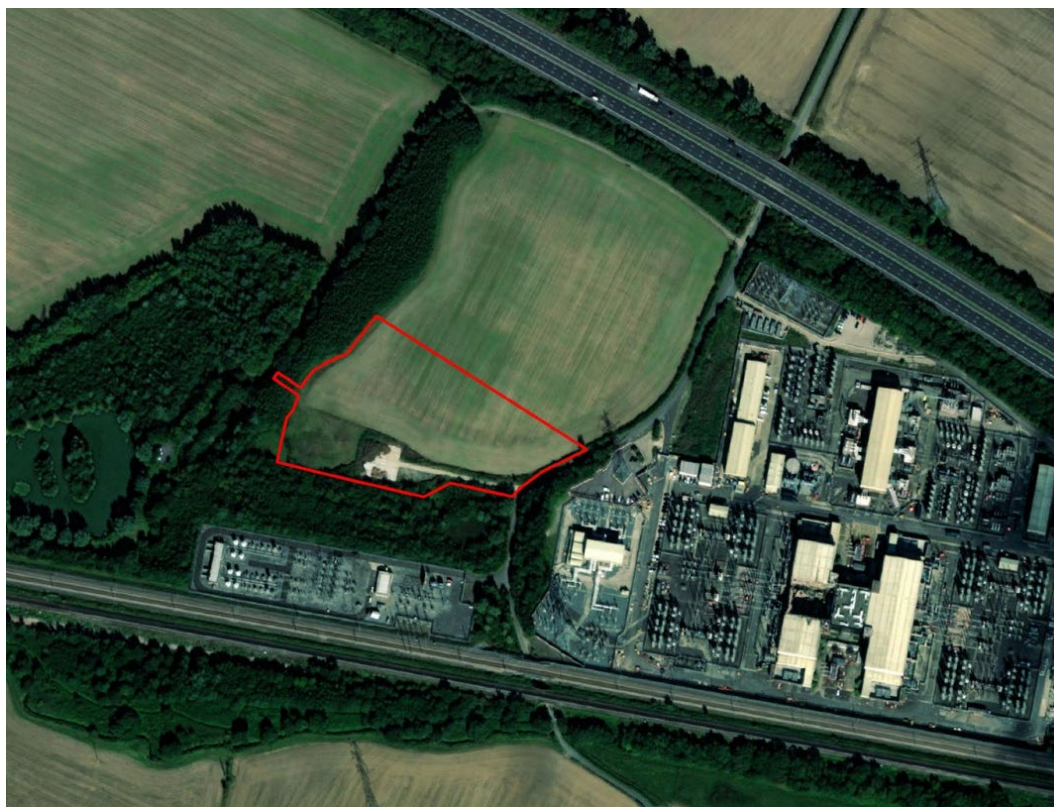


Figure 2: Aerial view of application site

Proposal

6. Full planning permission is sought for the construction and operation of a 57 megawatt (MW) battery energy storage system (BESS) facility. As shown in **Figure 3** below the proposed development comprises the following elements and operational equipment:
 - Laying out of 96 battery cubes (also known as Quantum Cubes) on concrete foundations along with 8 skids of 1 transformer and 2 inverters for a total of 16 inverters 8 transformers and associated cooling units (HVAC);
 - Laying out of 2 containerised switch room units, National Grid incomer substation, 132/33kV transformer unit, earthing transformer unit, auxiliary transformer unit, spare parts container and control room;
 - Erection of a 2.75m security fence around the battery compound with 2.75m high access gates to the compound entrance;
 - Erection of eight infrared CCTV cameras on 4.2m high poles;
 - Laying out of a 4m wide crushed / compacted stone site access track into the battery compound and area of hardstanding from an existing internal access route, with dressed stone compound surfacing across the site;
 - Creation of drainage attenuation pond with outfall to existing watercourse;
 - New native species planting to form natural screening vegetative boundary.

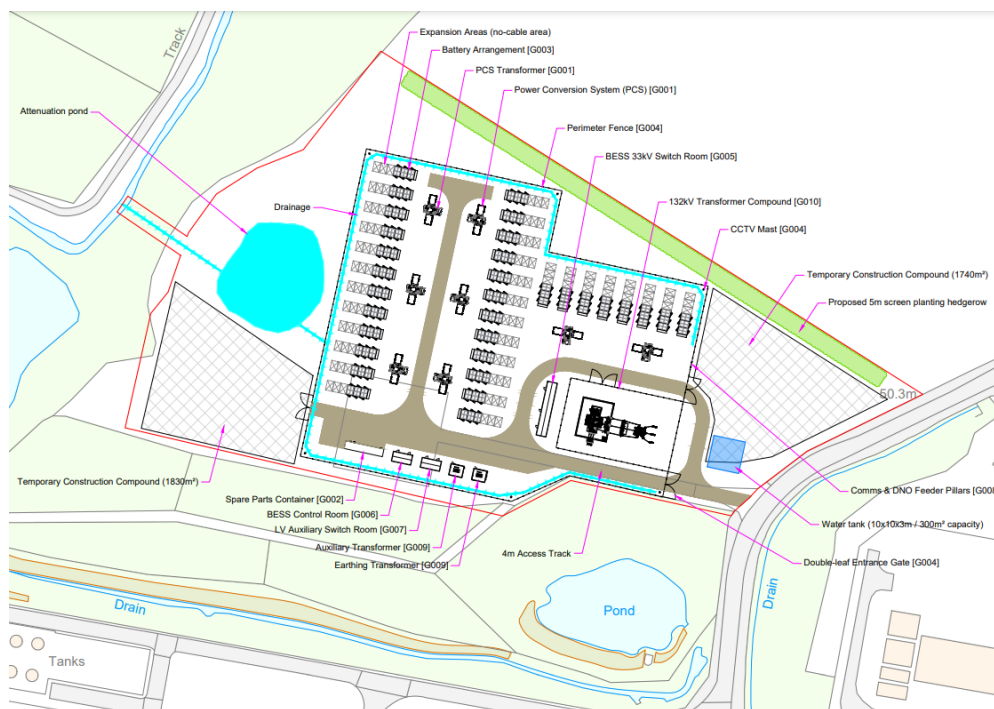


Figure 3: Compound Layout Plan

7. In response to consultation with Kent Fire and Rescue Service (KFRS) the application has been amended to also include provision of a water storage tank. The amendment has been subject to consultation with KFRS.
8. The development is proposed for a temporary 30 year period. It is dependent on a direct connection to the high-voltage transmission network operated by National Grid and the battery storage facility will therefore be connected to the existing National Grid transmission substation via underground cables. The exact locations of the cables are yet to be finalised and will be the subject of a further planning application.
9. BESS infrastructure provides a key source of flexibility to help address some of the challenges associated with the transition to a low-carbon electricity sector. Further details on the role and function of BESS is set out in the assessment section of the report below.

Environmental Impact Assessment (EIA) screening

10. The application site comprises 2.04 hectares in area and the proposal therefore constitutes major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2010. In my view it is necessary to establish whether the development constitutes Environmental Impact Assessment (EIA) development.
11. The proposal is not Schedule 1 development. I have considered whether the proposal has the potential to fall under Category 3 (Energy industry) or 10 (Infrastructure projects) of Schedule 2 and I am satisfied that it is also not

Schedule 2 development. The site is not within a Sensitive Area. I am satisfied that for the purposes of the Regulations the proposal would not give rise to significant environmental effects and therefore an EIA is not required.

Planning history

12. The only planning history relating directly to the application site dates from 2008 and relates to a planning application for the '*creation of a new vehicular access road and hard standing associated with composting operation (retrospective)*'. The application (reference 08/00341/AS) was withdrawn in 2008.
13. There are two live planning applications relating to development on adjacent land as below:
14. Land to the west of Sellindge Substation, Sellindge, Ashford, Kent: Erection of a synchronous condenser plant with ancillary infrastructure, access, landscaping and other incidental works. Reference PA/2022/2950 – under assessment.
15. Land south of M20, Church Lane, Aldington, Kent: Installation of a solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels; access tracks; inverter/transformers; substation; storage, spare parts and welfare cabins; underground cables and conduits; perimeter fence; CCTV equipment; temporary construction compounds; and associated infrastructure and planting scheme. Reference 22/00668/AS - under assessment.

Consultations

16. 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 occupiers of buildings in the vicinity of the application site. The statutory consultation period ended on 12.04.2023.

Ward Member(s): Cllr Linda Harman has requested the planning application be determined by the Planning Committee.

Aldington & Bonnington Parish Council: (summary) concerns regarding traffic management, light pollution, noise, fire hazards and potential for cumulative effects of the works proposed in this application coinciding with the construction of the East Stour Solar Farm, planning application 22/00668/AS and any further works occurring at Sellindge Converter Station.

Smeeth Parish Council: (summary) no objection in principle but request particular attention is given to the Construction Traffic Management Plan that is to be produced and agreed by the company should planning permission be granted.

ABC Environmental Protection Team: (summary) no objection. Recommend informatives relating to the code of practice hours in relation to potentially noisy construction/demolition activities, burning of waste and measures to minimise dust emissions from construction and demolition activities.

Environment Agency: (summary) no objection. Whilst the boundary of the site clips FZ2, the proposed infrastructure is all within FZ1 and we therefore have no objection on flood risk grounds.

KCC Archaeology: (summary) no objection subject to conditions.

KCC Ecological Advice Service: (summary) no objection subject to condition to secure a Landscape and Ecological Management Plan and details of external lighting.

KCC Highways and Transportation: (summary) no objection. All construction vehicles will need to access the site from the north via the A20 as Church Lane to the south is not suitable due to the constraints of the lane with the height restriction associated with the railway bridge and also the single file width of Church Lane south of the railway bridge. I therefore have no objections to the application subject to conditions to secure a Construction Management Plan (CMP) and highway condition surveys, including a commitment provided to fund the repair of any damage caused by vehicles related to the development.

KCC Local Lead Flood Authority: (summary) no objection subject to conditions to secure a detailed drainage scheme and verification report.

Kent Fire and Rescue Service: (summary) no objection.

River Stour Internal Drainage Board (RSIDB): (summary) no objection but note Land Drainage Consent must be sought for the proposed outfall along with any other works whatsoever within 8m of IDB 15 (or any other watercourse within our Drainage District). A Surface Water Development Contribution will also be required.

Network Rail: (summary) no objection subject to conditions.

Neighbour responses: 12 objections received from interested parties/local residents as summarised below:

- Query purpose of development;
- Query whether links to potential EV charging hub would be by underground cabling or overhead lines;
- Not sustainable development and contrary to development plan;
- Site is not brownfield land;
- Consider proposal constitutes an NSIP project;

- Construction Traffic Management Plan (CTMP), to take account of potential impacts of multiple developments required to be agreed pre-determination;
- Request closure of Church Lane;
- Traffic generation and highway safety impacts for all road users;
- Damage to highways and verges;
- Adverse visual impacts in rural location;
- Object to use of corporate livery;
- Flooding impacts;
- Light pollution;
- Public safety impacts;
- Fire risk;
- Noise impacts;
- Wildlife impacts;
- Query requirements for land remediation;
- Query extent of site clearance and levelling and amount of soil displacement;
- Request Church Lane hedgerow be protected and allowed to grow and be maintained at a height of not less than 2.5m to mitigate visual impact of new infrastructure;
- Query appropriateness of proposed landscaping species in this location;
- Inadequate public consultation.

Planning Policy

17. 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).
18. The draft (Regulation 14 pre-submission) Aldington & Bonnington Neighbourhood Plan is out to consultation until 10 July 2023 and can be afforded limited weight. The application site lies outside of the Neighbourhood Plan area.
19. The relevant policies from the Local Plan relating to this application are as follows:-
 - Vision for Ashford Borough
 - SP1 Strategic objectives
 - SP6 Promoting High Quality Design
 - TRA7 The Road Network and Development
 - ENV1 Biodiversity
 - ENV4 Light Pollution and Promoting Dark Skies
 - ENV6 Flood Risk
 - ENV7 Water Efficiency
 - ENV8 Water quality, supply and treatment
 - ENV9 Sustainable drainage

ENV10 Renewable and Low Carbon Energy
ENV11 Sustainable Design and Construction – Non residential
ENV12 Air Quality
ENV15 Archaeology

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

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010
Sustainable Design and Construction SPD 2012
Public Green Spaces and Water Environment SPD 2012

Government Advice

National Planning Policy Framework (NPPF) Revised 2021
Planning Practice Guidance (PPG)
Draft National Policy Statement (NPS)

Assessment

20. The key areas for consideration are as follows:
- a. Principle of development;
 - b. Landscape and visual impacts;
 - c. Amenity impacts;
 - d. Highways;
 - e. Trees and landscaping;
 - f. Ecology and biodiversity;
 - g. Surface water and drainage;
 - h. Archaeology.

Principle of development

21. The battery storage facility would be supplied with energy generated by both renewable and non-renewable sources. Whilst the proposed development is not therefore solely a renewable energy project, it would enable the increased uptake of renewable energy by providing the required system stability and energy resilience in the National Grid to replace existing fossil fuel plants. For this reason development of this type is regarded as renewable energy infrastructure.
22. A material consideration in the determination of planning applications for renewable energy and associated facilities are the National Policy Statements (NPS) for the delivery of major energy infrastructure. These set out the government's policy for the delivery of energy infrastructure and provide the legal framework for planning decisions and can be material considerations in decision making on applications that both exceed or fall below the thresholds

for nationally significant infrastructure (NSIP) projects. Whilst battery storage development with a capacity in excess of 50MW formerly comprised an NSIP project, changes confirmed in the Infrastructure Planning (Electricity Storage Facilities) Order 2020 now permit batteries of any scale to be determined within the Town and Country Planning System.

23. On 30 March 2023, revisions to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published for consultation. Draft NPS EN-1 acknowledges that different types of electricity infrastructure are all needed to deliver the Government's energy objectives and this includes electricity storage. It states that storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. By directly supplying energy at times of low renewable energy generation battery storage facilities can provide a consistent and balanced power supply. The applicant states this is critical to address the challenges posed by a shift from large scale, centralised fossil fuel and older nuclear power plants to multiple, smaller scale decentralised renewable energy generation sources. In this way the proposal would support the development of new energy generating facilities which will increasingly be delivered from renewable energy sources and for this reason the proposal can be regarded as low carbon energy associated infrastructure.
24. The requirement to limit significant impacts arising from global warming is recognised at the international level through the Intergovernmental Panel on Climate Change (IPCC) and at the national level through the UK Government which has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050. This is endorsed at County level through Kent's Energy and Low Emissions Strategy and at a local level through the Council's Corporate Plan. Objective GP1 of the Corporate Plan is to reduce reliance on fossil fuels in line with our carbon neutral targets. These are also material considerations. Draft NPS EN-1 acknowledges that storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.
25. Planning Practice Guidance (PPG) states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.
26. Policy ENV10 (Renewable and Low Carbon Energy) of the ALP states that proposals to generate electricity from renewable and low carbon sources will be permitted subject to no significant adverse impacts to landscape or other designated land, no unacceptable impacts on traffic or amenity and subject to provision for decommissioning once operation has ceased and evidence of community engagement.

27. It is clear that there is an urgent need for increased energy storage facilities to meet our energy objectives of maintaining energy security and to assist in meeting the increase in electricity demand alongside supporting decarbonisation of our electricity system to achieve a net zero economy by 2050. A capable and consistent energy supply is vital for economic growth and I afford these national benefits significant weight.
28. The applicant refers to the delivery of local benefits through potential provision of infrastructure to facilitate large scale rapid EV charging and refers to partnerships with local authorities it has established elsewhere in the country. The site is well located to the strategically significant transport network and has the potential to supply power to a rapid electric vehicle (EV) charging superhub in the future, however as there is no evidence that such a partnership has been explored in Ashford and there is no provision for an EV charging network in this planning application, I afford these potential local benefits very little weight.
29. Battery storage facilities must be located close to high voltage substations to maximise efficiency. The applicant has described their site selection process which involves identifying substations with known connection capacity and where viable connection costs (provided by National Grid) can be achieved. Development sites are also selected for their proximity to the strategic road network. Sites subject to national environmental constraints were discounted. There is no policy requirement to adopt a sequential approach to the location of infrastructure of this kind and I am satisfied that the provision of a battery storage facility on this site would be appropriate in principle.
30. Interested parties have queried the relationship between these proposals and those within separate planning applications, most notably the application for solar panels (reference 22/00668/AS). The applicant has confirmed that *'the solar farm is not reliant on the BESS development to supply renewable energy to the grid'* and *'they are related only insofar as they will share a grid connection to the high-voltage electricity transmission network, as well as the associated transformer and cabling into National Grid'*. The applicant, Pivot Power is part of EDF Renewables UK and whilst the two developments would share a common owner and have the potential to share a grid connection I am satisfied that they are for separate developments and can be determined without prejudice to each other.
31. Some interested parties have also queried the roles of particular structures within the proposals I have no reason to doubt that they are not all necessary for the functioning of the facility.
32. In conclusion, the proposed development would be consistent with national and local planning policy and therefore acceptable in principle. PPG states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The impacts of the proposed development on the local environment are considered below.

Landscape and visual impacts

33. The proposed development would comprise over 40 pieces of operational equipment of varying sizes. With the exception of the transformer which would be 6.33m in height, the remainder of the equipment would be below 3m in height. The equipment would have a light/anthracite grey or white overall finish, with detail in orange. The equipment would be laid out within a compound enclosed by a 2.75m high security fence accessed via 2.75m high double leaf metal access gates. The development is proposed for a temporary 30 year period, after which the use would cease, all development be removed and the land restored to its previous state as agricultural land in accordance with details to be submitted.
34. Policy ENV3a of the ALP requires all proposals to demonstrate particular regard to landscape characteristics, proportionately, according to the landscape significance of the site. Policy ENV5 requires all development in rural areas to protect and where possible enhance important rural features.
35. The site is located within the Evegate Mixed Farmlands Landscape Character Area (LCA). The Ashford Landscape Character Study identifies the key characteristics of this area as its gently undulating topography and intensively farmed landscape, comprehensive network of tree cover and existence of ponds and vegetation lined water courses. The LCA recognises that the area is fragmented by major infrastructure routes, including the CTRL and M20 and hosts large pieces of dominant infrastructure, including an electricity substation.
36. Overall, the landscape is identified as in poor condition and with low sensitivity. Accordingly, the guidelines for the area are to 'improve', including through conserving and managing ancient woodland and ponds, avoiding further fragmentation and improving the visual impact of incongruous features through improved planting. The guidelines also include avoiding development on higher, most visible ground.
37. The application is supported by a Landscape and Visual Appraisal (LVA) that has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd Edition 2013). At the LCA level, the LVA concludes that the development would result in a Slight adverse magnitude of landscape change. At site level, the development would result in an overall Medium/Slight adverse magnitude of landscape change that would be permanent. I concur that the change from an arable field to a battery storage site would result in higher and more localised impacts. Wider effects on the Evegate Mixed Farmlands LCA would be lower and limited to a small area between the existing substation, M20 and CTRL and mature tree planting. At all levels the landscape effect would become more neutral as the proposed screen planting (discussed below) matures and blends into the surrounding landscaping.

38. Whilst it has been established that the site has low landscape significance, the proposals would nevertheless have regard to the landscape characteristics set out in Policy ENV3a and protect important rural features cited in Policy ENV, including by retaining the surrounding pattern and composition of trees and woodland.
39. The LVA has considered potential impacts on other landscape receptors, including the Kent Downs AONB which lies approximately 3.5km to the north east and 2.4km to the south and Hatch Park Registered Park and Garden however by reason of the sites location between the M20 and railway line none of these would be affected by the development. Consequently Policy ENV3b of the ALP relating to proposals within or affecting the setting of AONBs does not apply.
40. Views of the development site are limited by various screening features, including tall tree growth from the west and would be moderated by the presence of existing large scale electrical infrastructure. Notwithstanding this the potential visual effects of the development have been assessed from six representative viewpoints within the surrounding area. The site is most visible from Church Lane to the east of the site (Viewpoint 1) and the PROW adjacent to the motorway embankment to the north (Viewpoint 2).
41. The development would appear as highly visible and close in Viewpoint 1, however in recognition of the adjacent infrastructure the visual effect has been assessed as Moderate/Minor, changing to neutral once the anticipated proposed hedgerow and tree planting matures to screen the perimeter fence behind in approximately 6-8 years. I am mindful this assessment does not take account of the proposed water storage tank; however subject to details of appropriate finishing materials and additional landscaping I consider the visual effect from this viewpoint would not result in unacceptable harm.
42. Viewpoint 2 is from the PROW approximately 160m north of the site. The LVA notes that the land slopes up from this location with the proposed development being located beyond the crest which would help to screen the lower parts of the development from this view. The higher parts would be seen against the skyline. The visual effect has been assessed as Minor adverse changing to neutral once the planting is established. The visibility of the proposed development would be significantly reduced if the development of the synchronous condenser equipment (and associated buffer planting) is constructed in the foreground in accordance with the planning application under assessment.
43. On the basis of the LVA I am satisfied that the relative enclosure of the site means that no visual effects would occur from Viewpoint 3 (permissive path to the north west), 4 (Church Lane to the south), 5 (PROW north of the M20) or 6 (permissive path near Evegate Business Park).
44. In the short term the proposals would introduce significant change to the local landscape, however it is not highly sensitive and subject to appropriate

conditions to secure the proposed landscaping enhancement, including woodland and hedgerow planting I am satisfied that the development is capable of assimilating into its context in accordance with the requirements of Policy ENV3a and ENV5.

45. It is relevant that the applicant intends that the development would be for a temporary 30 year period after the date of first connection of any element to the National Grid. This would be secured by condition. I acknowledge that this represents a considerable period of time over which the landscape effects would be experienced, however the impact on landscape character and visual amenity would not be permanent.

Amenity impacts

- Noise effects
46. Paragraph 185(a) of the NPPF outlines how planning decisions should ensure new development is appropriate for its location, including by mitigating and reducing to a minimum potential adverse impacts arising from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. The Noise Policy Statement for England includes the key aim for development to avoid significant adverse impacts.
 47. Policy ENV10 of the ALP relates to proposals to generate energy from renewable and low carbon sources. Whilst not directly applicable to this proposal it is relevant insofar as developments of this nature must not result in a loss of amenity to nearby residents, including through noise and disturbance.
 48. The application is supported by a Noise Survey which has monitored sound levels at the nearest noise sensitive receptors, including the residential buildings of Water Farm (over 400m beyond the M20 to the north) and Bested House (over 500m beyond the CTRL to the south). Interested parties have queried whether the noise survey takes account of the specific nature of noise emissions from the facility or noise associated with construction works or the raised topography of the site and query whether there is a requirement for acoustic screening.
 49. Noise impacts arising from construction works would be temporary in nature and more appropriately controlled by restrictions on working hours (discussed below). The methodology accounts for the specific sound characteristics of the proposals and notwithstanding that people respond differently to noise levels, the evidence concludes that the facility would operate below the background sound level at these nearest residential receptors and would have no adverse noise impacts on day or night time amenity. The methodology and conclusions have been agreed by the Council's Environmental Protection Officer who has not objected to the development. I am satisfied that the final specification of the plant and a requirement for it to be installed, serviced and operated according to the manufacturers recommendations can be secured

by a planning condition. I am also satisfied that it is reasonable to apply informatives relating to construction noise, dust emissions and burning of waste.

- Lighting effects
50. Paragraph 185(c) of the NPPF outlines how planning decisions should ensure new development is appropriate for its location, including by limiting the impact of light pollution from artificial light on local amenity. Intrinsically dark landscapes and nature conservation. The site is located in a rural location and Church Lane is unlit. The application does not include proposals for any permanent external lighting to safeguard the character of the area in accordance with the requirements of Policy ENV4 of the ALP.
51. Interested parties have drawn attention to the light pollution from adjacent sites. Lighting will be required during the construction period and in view of the sensitivity of the site I recommend a condition be secured requiring details of any external lighting used during the construction period. The details submitted will need to include measures to restrict upward light spill to minimise disturbance to wildlife and to limit light pollution. This would be consistent with the Environmental Protection Officer's comments.
- Hours of construction
52. I note that the applicant has referenced proposed hours of construction as 07:00 – 19:00 Monday – Friday and 07:00 - 17:00 on Saturdays. Interested parties have referred to noise impacts from construction works on adjacent sites and in the absence of any case as to why the hours of construction for the project should exceed the standard working hours for construction sites in the UK (08:00 – 18:00 Monday to Friday and 08:00 - 13:00 on Saturdays) I recommend that these should be subject to condition.
- Fire and emergencies
53. Interested parties have raised concerns about the risks of a major accident or fire at the facility and the potential consequences to the local population and to the environment. The applicant draws attention to the fact it has built and operated 17 battery energy storage systems since 2014 and none have experienced a fire incident. The application includes details on the battery operation and fire warning and aerosol-based suppression systems which would be activated to either prevent or control / self-extinguish any battery unit fire.
54. Notwithstanding that the risk of fire is very low and the applicant states that battery fires are not typically suppressed with large volumes of water, Kent Fire and Rescue Service (KFRS) have requested access to an on-site water supply. This would be stored in an on-site water tank. As the stored water would not be used directly on any battery unit fire (its primary purpose would be to prevent fire spread by cooling adjacent equipment and vegetation) and

most equipment would be housed in containers, the risk of contaminated water run-off is significantly minimized.

55. Although there is no evidence that a fire event would result in contaminants being leached into the ground or nearby watercourses I recommend that prevention measures can be secured as part of the detailed drainage design and be subject to future Environment Agency consultation. Such measures may include the installation of a penstock on the drainage pipe and/or installation of bunds or infiltration trenches to capture run-off.
56. The site would be readily accessible by a fire engine and the applicant has committed to preparing an Emergency Response Plan in consultation with KFRS prior to the first use of the facility. KFRS raise no objection and encourage ongoing engagement and continued dialogue throughout the planning, design and build and occupation process.
57. In conclusion, I am mindful that the site is located within open countryside and away from residential properties such that the risk of fire or other accident effecting neighbouring residential areas would therefore be minimal.

Highways

58. It is proposed to utilise the existing concrete vehicular access into the site from Church Lane for both construction and occasional operational purposes. The Highways Authority is satisfied that it's continued use in conjunction with the proposed development acceptable and would not prejudice highway safety.
59. The layout of the development allows for informal maintenance vehicle parking however the operation of the site will not necessitate a permanent onsite presence and the main highways impacts will therefore relate to the construction phase. It is anticipated the construction will generate 169 HGV trips over a 4-6 month period, with vehicular movements predominantly occurring during the first 4 months of construction.
60. In recognition of the scale of the development the Highway Authority recommend that a Construction Management Plan (CMP) be required, to include details of lorry routing and contractor parking and signage at the Roman Road/Church Lane junction to indicate no HGV traffic to enter. Owing to the narrow single-track nature of Church Lane to the south of the site, the CMP will need to demonstrate that all construction vehicles will access the site from the north via the junction with the A20.
61. A framework CTMP has been submitted which includes confirmation that the access arrangements will be via the A20 and details of on-site contractor parking. This will prohibit any parking in Church Lane. It also contains the mitigation measures relating to methods for accessing the site; contractor responsibilities; on-site management; and driving and speed restrictions. Whilst acceptable in principle the specific constraints of the

southern end of Church Lane (including the restricted width, limited passing places and low railway bridge) are such that it is reasonable to require the applicant to consider other available measures to prevent construction-related vehicular access occurring from Roman Road. This may for example include the provision of a banksman at the junction with Roman Road or use of vehicle tracking devices. These requirements are further evidenced by the submissions from interested parties relating to highways impacts associated with ongoing works on nearby development sites, including the Sellindge Converter Station.

62. Interested parties have raised concerns about the potential cumulative impacts if this development, the adjacent development and the solar farm all undergo construction at the same time. They have requested that Church Lane be subject to a temporary or permanent road closure. This is not currently proposed. The solar farm application is subject to an Environmental Impact Assessment and will need to fully consider cumulative impacts. I have considered the potential cumulative impacts arising from the construction of this development and the adjacent development at the same time and consider it is reasonable to require evidence of a co-ordinated approach to traffic management.
63. The Highways Authority also request that pre and post-construction highways surveys of the section of Church Lane between the site and the A20 are undertaken. A number of interested parties have drawn attention to the highways damage caused by vehicles associated with the ongoing work at the Converter Station and I agree that this is a reasonable requirement.
64. I have considered the highways related concerns raised by both Parish Council's however I am satisfied that subject to the conditions discussed above, the highways impacts of the development would not result in unacceptable impacts on the local or wider highway network, including in terms of highway capacity or safety in accordance with the requirements of Policies TRA7 and ENV10 of the ALP.

Trees and landscaping

65. With the exception of an area of broad-leaved semi-natural woodland to the south east of the site, there are no other trees within the application site. Whilst the submitted Ecological Appraisal recommends that the woodland and the hedgerow to the east boundary be retained and protected during construction works, there may be some minor loss associated with the installation of a drainage pipe within a 5m wide corridor to the watercourse to the west. I recommend that the provision of root protection fencing be secured to the remainder of the site by an appropriate condition.
66. As shown in **Figure 4** below, the proposals also make provision for new tree and hedgerow planting across the site. The proposals have been amended in response to feedback from interested parties and the Council's Landscape Officer. Specifically the hedgerow, wet woodland and native tree and shrub

planting within the site has been amended to incorporate a greater diversity of mixed native species. The extent of internal planting has also been extended to provide further screening from Church Lane. As the landscaping proposals do not show provision of the water storage tank I recommend that further details, to include additional landscaping to soften the appearance of the water tank from Church Lane be required by condition.

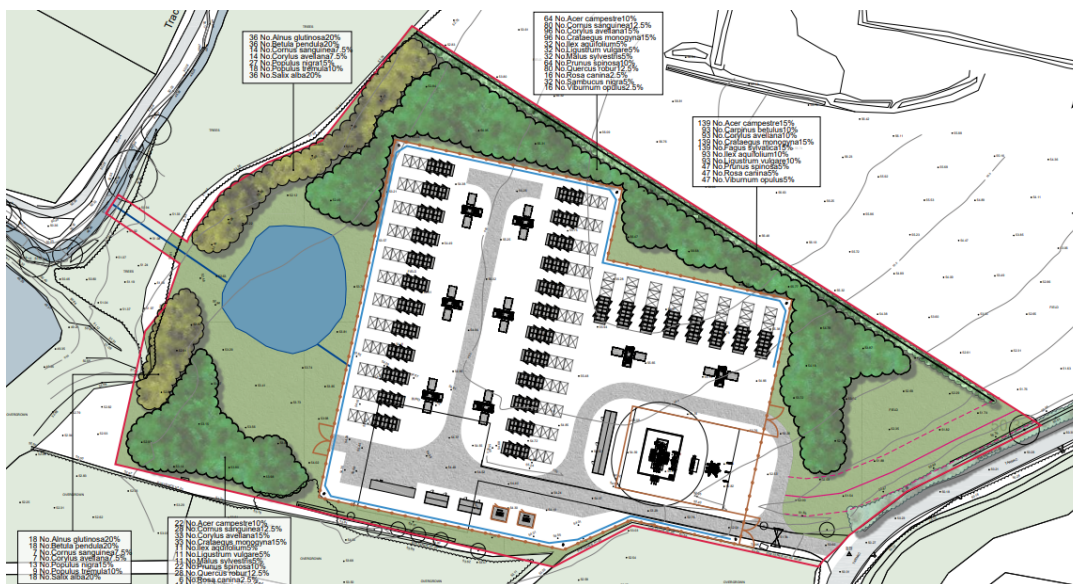


Figure 4: Indicative landscaping proposals

67. As recommended by the County Ecologist I consider it reasonable to secure a Landscape and Ecological Management Plan (LEMP) by condition. This could also include management of the roadside hedge to a height of 2.5-3m and use of biodegradable planting materials.
68. In summary I am satisfied that subject to the conditions referred to above, the soft landscaping would be suitable for this rural location, capable of providing appropriate landscape buffers to key boundaries and offering maximum screening, visual interest and biodiversity benefits in accordance with the requirements of Policy ENV1 and ENV3a of the ALP.

Ecology and biodiversity

69. The site is not subject to any national or local nature conservation designations; the nearest designated site is Backhouse Wood Local Wildlife Site (LWS) which is an ancient semi-natural woodland located beyond the CTRL over 700m to the southwest of the site.
70. The application is supported by an Ecological Appraisal and extended Phase 1 Habitat Survey which confirms the site comprises an arable field enclosed by a species rich hedgerow on the eastern boundary with areas of semi-improved grassland, tall ruderal vegetation, bare ground and hardstanding. There is an area of broad-leaved semi-natural woodland to the south east which has been identified as priority habitat. The Ecological Appraisal

recommends that the woodland and hedgerow should be retained and I recommend that these be protected during construction works using root protection fencing.

71. Subject to a precautionary approach the Habitat Survey concludes there would be no harmful impact on foraging and commuting bats, reptiles, badgers, birds and invertebrates. Whilst the risk of Great Crested Newt, Hazel Dormouse, Otter, Water Vole and White-clawed Crayfish has been assessed as negligible I concur with the recommendation to secure an Ecological Mitigation and Management Plan (EMMP) to include pollution prevention measures and relevant precautionary pre-construction surveys, mitigation measures and enhancements.
72. The application is also supported by a Biodiversity Net Gain assessment. The purpose of this report is to quantify the biodiversity benefits of the proposals. The County Ecologist has reviewed the evidence and concurs that on the basis of the low ecological value of the existing site, the extensive native planting, wildflower grassland and pond creation proposals would achieve biodiversity net gain for habitats (19.59%) and hedgerows (864.72%). This would ensure the development leaves the natural environment in a measurably better state than it was beforehand and is consistent with the requirements of Policy ENV1 of the ALP which requires proposals for new development to identify and seek opportunities to incorporate and enhance biodiversity.
73. Interested parties have queried how the achievement of biodiversity net gain will be enforced and I am satisfied that this could be secured by a condition requiring a Landscape and Ecological Management Plan (LEMP) to be submitted as recommended by the County Ecologist. This would be consistent with PPG which recommends the use of management plans to ensure appropriate management of the habitat in the long term, and to arrange for regular but proportionate monitoring on how the habitat creation or enhancement is progressing. I am satisfied that the County Ecologist's recommendation to secure further details of lighting (only proposed during construction) by condition is reasonable.

Surface water and drainage

74. The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy (SWDS). The majority of the site lies in Flood Zone 1, with a small area located in Flood Zone 2. The proposed development is classed as 'essential infrastructure' in line with Flood Risk Vulnerability and Flood Zone Compatibility in PPG.
75. The SWDS has been developed to provide attenuation and appropriate discharge of surface water using filter drains and a drainage attenuation pond which would provide an outfall to an existing watercourse (the Sellindge Stream) adjacent to the west boundary. This falls within the jurisdiction of the River Stour Internal Drainage Board who raise no objection though advise that

their formal Land Drainage Consent and Surface Water Developer Contribution will be required. The LLFA raise no objection subject to conditions to secure a detailed drainage strategy and verification report. This can include details of the measures required to mitigate any pollution risk in the unlikely event of a fire.

76. The Environment Agency note that the proposed infrastructure is all within Flood Zone 1 and therefore have no objection on flood risk grounds. In any case the development would make a significant contribution to the overall sustainable development objectives of the Local Plan, such that the wider sustainability benefits of the development would outweigh any flood risk if it existed. The proposed development and SWDS therefore complies with Policies ENV6 and ENV9 of the ALP.

Archaeology

77. The application site is designated as an Area of Archaeological Potential associated with multi period activity; evidence of prehistoric, Roman and later activity were located as part of the HS1 investigations and therefore further evidence may exist on this site. The application is supported by a Heritage Statement. As recommended by the County Archaeology Advisor I recommend that field evaluation works and any subsequent investigation, recording and reporting be secured by an appropriate condition in accordance with the requirements of Policy ENV15 of the ALP.

Other

78. The application site is located approximately 130m from the Channel Tunnel Rail Link (CTRL) and although it is not located within the HS1 Safeguarding Zone, Network Rail have commented on the application. Following dialogue with the applicant all of the comments made by Network Rail have been addressed without the requirement to impose specific conditions. The exception to this relates to a request to be consulted on the detailed Construction Management Plan to be submitted. In view of the proximity of the site to the nearby HS1 substation and the requirement for unrestricted access to it I concur that this is a reasonable request.

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. It has been established that there is an urgent need for increased energy storage facilities to meet our energy objectives of maintaining resilience and

to assist in meeting the increase in electricity demand alongside supporting decarbonisation of our electricity system to achieve a net zero economy by 2050. The proposed development would be appropriately located to make an important contribution to these aims and to deliver significant benefits at both the national and local level.

81. Battery storage facilities are classed as renewable energy infrastructure and Government advice states that local planning authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable.
82. Planning Practice Guidance (PPG) makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections. It also states that protecting local amenity is an important consideration which should be given proper weight in planning decisions.
83. I have had regard to the various objections received, however I am satisfied that the proposal would not cause significant or demonstrable harm and that impacts on highway safety and residential amenity can be mitigated through the use of appropriate planning conditions.
84. Whilst I have identified the proposal would result in some harm to the local landscape and visual amenity, the impacts would be restricted to short distance views. The development would incorporate extensive soft landscaping and be time limited. It would also deliver biodiversity net gain. In my view none of the adverse impacts would outweigh the overarching benefits of the development when considered against the Development Plan as a whole.
85. I recommend that a number of conditions will be necessary. My Recommendation further below deals with delegation to add/amend/remove planning conditions as appropriate

Recommendation

- A PERMIT, subject to the planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those 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 with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).**

Conditions:

1. Standard time implementation condition

2. Development carried out in accordance with approved plans
3. Temporary consent – operational life of 30 years and requirement for a detailed decommissioning strategy
4. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site and measures to ensure compliance, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage, control of dust, evidence of a co-ordinated approach with adjacent development sites etc. To be subject to consultation with HS1.
5. Provision of tree protection measures
6. Before and after construction of the development, highway condition survey for section of Church Lane between the A20 and application site
7. Implementation of a phased programme of archaeological work in accordance with a written specification and timetable to be approved
8. Details of plant and requirement for it to be installed, serviced and operated according to the manufacturers recommendations
8. Details of the external finishing of the water tank to be submitted prior to installation
9. No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays
10. Details and provision of SuDS scheme including verification and details of the measures required to mitigate any pollution risk in the unlikely event of a fire
11. Details and provision of on-site hard and soft landscaping
12. Landscape and Ecological Management Plan (LEMP)
13. Ecological Mitigation and Management Plan (EMMP) in accordance with the recommendations of the Update Ecological Appraisal
14. Details and provision of external lighting strategy (construction phase)

Notes

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by as appropriate updating applicants/agents of any issues that may arise in the processing of their application.

2. Expect applicant to continue liaising with Kent Fire and Rescue Service
3. Environmental Protection notes relating to burning of waste/control of dust

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 PA/2022/2544

Contact Officer: Matthew Durling

Email: matthew.durling@ashford.gov.uk

Telephone: (01233) 330288

Application Number	PA/2022/2950
Location	Land to the west of Sellindge Substation, Sellindge, Ashford, Kent TN25 6AF
Grid Reference	608220 / 138494
Parish Council	Aldington & Bonnington, Smeeth
Ward	Bircholt, Saxon Shore
Application Description	Erection of a synchronous condenser plant with ancillary infrastructure, access, landscaping and other incidental works.
Applicant	C/o The Agent
Agent	Mr Henry Gomm, Lichfields, The Minster Building, 21 Mincing Lane, London EC3R 7AG
Site Area	4.85 hectares

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Linda Harman.

Site and Surroundings

2. The application site comprises land that is located on the western side of Church Lane in Sellindge. The site is 4.85 hectares in size. The site was previously an agricultural field. The eastern part of the site has recently been used as a temporary construction site compound relating to maintenance works at the neighbouring Sellindge substation (National Grid Converter Station) which is now completed. A 2m high earth bund has been formed on the site from stripped soils from the compound area. This separates this area from the remaining part of the agricultural field on the western part of the site.
3. The construction site compound comprises a flat area (that was altered for works) but levels in the immediate vicinity vary from 51m above ordnance datum (AOD) along the eastern edge of the site adjacent to Church Lane to 57 m AOD (in the south west corner of the compound) and 53m AOD (in the north western corner of the compound).
4. The main access to the site is located in the northeast corner off Church Lane. There is a pedestrian gate adjacent to the main access that connects to a Public Right of Way (Public Footpath AE437) that runs adjacent to the northern

boundary of the site. Beyond the Public Right of Way is the M20 motorway and then the A20.

5. To the south and southeast of the site, on the other side of Church Lane, is National Grid Converter Station with the South Eastern and HS1 railway lines beyond. Further to the south are open fields, including an existing solar farm. To the west of the site is a woodland area with open fields beyond.
6. The site is located in the Evegate Mixed Farmlands Landscape Character Area and the key characteristics include undulating topography, intensively farmed landscape with small pockets of pasture, comprehensive network of tree cover provided by highway planting, hedgerows and a block of broadleaf ancient woodland, ponds and vegetation lined water courses, fragmentation caused by major infrastructure routes, a large electricity substation and converted oast houses at Evegate Business Park.
7. The site is not located within the Kent Downs or the High Weald AONB; however the nearest boundary to the Kent Downs AONB is approximately 2.5km to the south of the site, near Postling Green. The site on this side of Church Lane is not within a proposed dark skies area; however the other side of Church Lane is located within one.

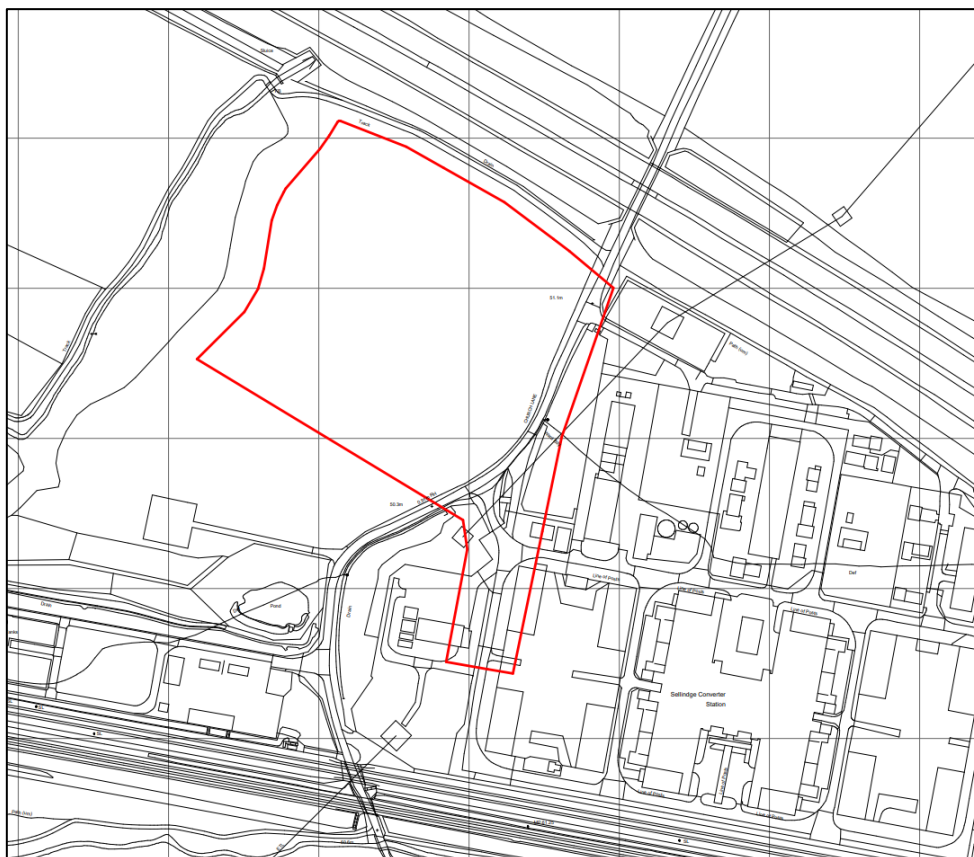


Figure 1: Site Location Plan

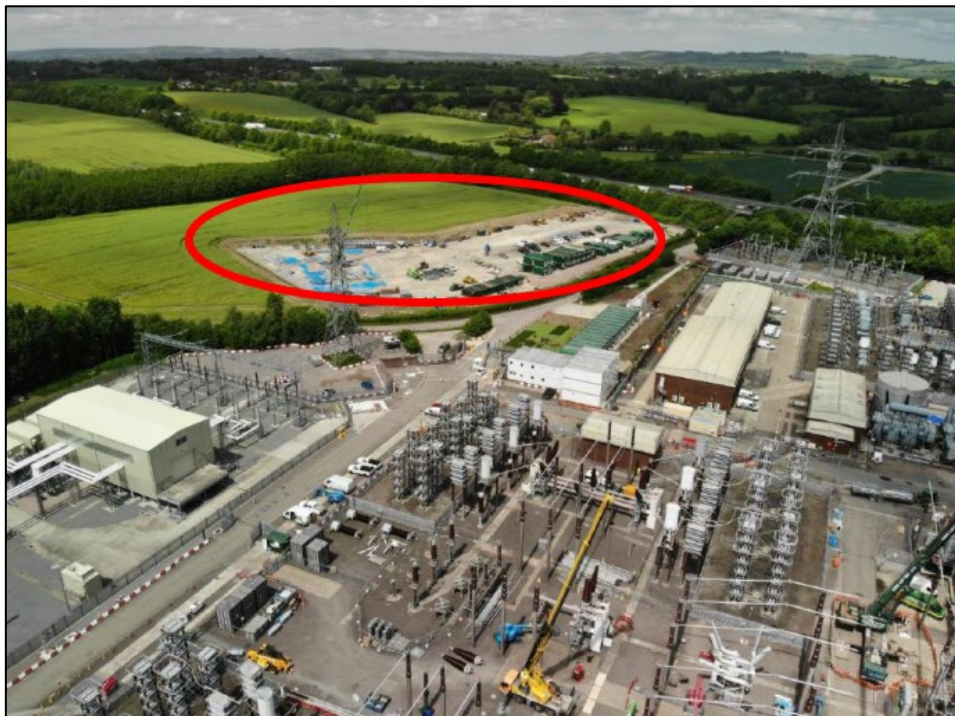


Figure 2: Aerial photo of Site in Red with National Grid Converter Station in Foreground



Figure 3: Photo of Entrance to Site from Church Lane when previously used as a Construction Compound

Proposal and Background

8. Planning permission is sought for the erection of a Grid Stability Facility in the form of a synchronous condenser, together with ancillary equipment, access and parking, landscaping and other incidental works at land west of Sellindge Substation.
9. The purpose of the development would be to stabilize the grid by providing inertia, short-circuit power and by balancing voltage fluctuations. The proposed development would be connected to the National Grid Converter Station via underground cables. It should be noted that the synchronous condenser is not a generator of power and there is no combustion in a synchronous condenser, no emissions including carbon emissions, and no storage of power on-site. To ensure operational efficiency the development has to be located close to the substation, on land that is suitable and available for the required lifespan.

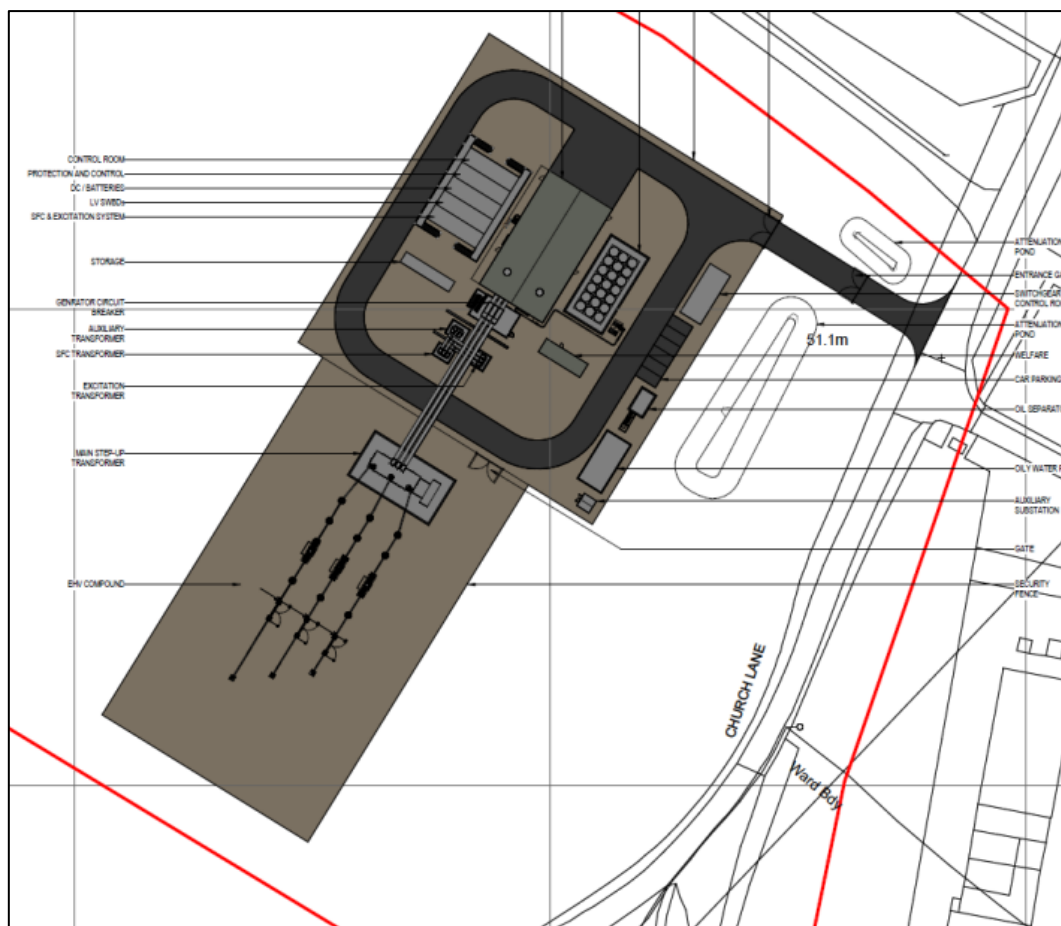


Figure 4: Proposed Site Layout

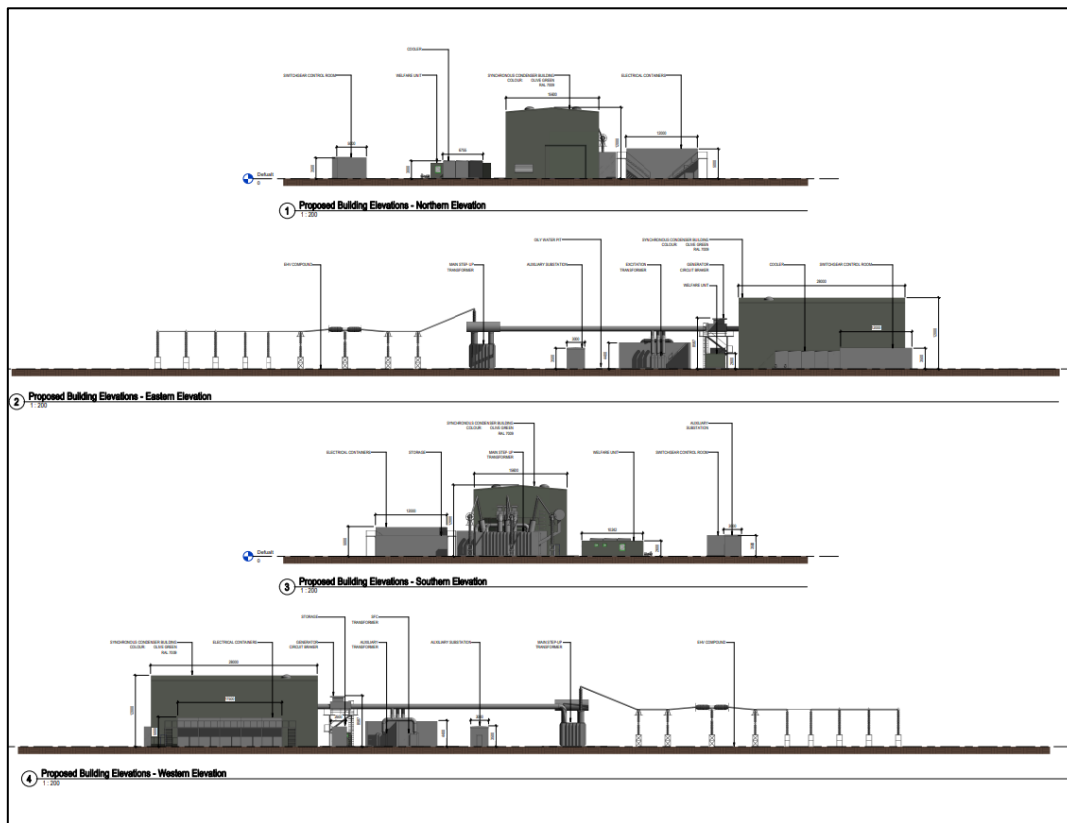


Figure 5: Proposed Elevations

10. The key elements of the proposed Grid Stability Facility are broken down as follows and shown in the proposed site layout plan:

- Site access area
- Synchronous Condenser and Associated Plant Compound
- Distribution compound

Site Access Area

11. The proposed development would be accessed from the north-east corner of the site via a short access road extending from, and creating a new permanent junction with, Church Lane. At each end of the new access road, there would be an entrance gate that provides controlled access to the site. An internal access road within the main compound would provide access to the Grid Stability Facility and this will be laid in tarmac.

Synchronous Condenser and Associated Plant Compound

The main compound will lie beyond the access gate on the north part of the site and will accommodate a proposed synchronous condenser with a 'fly wheel' and associated equipment within the main plant building. The main plant

building would measure 27.9m in length, 15.6m in width and 12m in height to the ridge, with a total footprint of 435.2 sqm (GIA). Across the building there will be one roller shutter door (northern elevation), a series of personnel doors and louvres (southern elevation). The building will be finished with non-reflective metal cladding that will be olive green in colour (RAL 7009).

12. To the west of the main plant building would be a series of 5 rectangular containers that would provide auxiliary equipment and facilities. The containers would be identical in their appearance and dimensions measuring 12m in length, 2.5m in width and 3.5m in height. Each container would have 2 access doors, one at each end of the container, and will be olive green in colour (RAL 7009). The containers would be raised from the ground in order to allow easy cabling and connections to the equipment within the main plant building.
13. To the southwest and southeast of the main plant building would be a storage unit measuring 12m in length, 2.5m in width and 3.5m in height, and a welfare unit measuring 10.24m in length, 3.26m in width and 2.6m in height. The proposed welfare unit would be used by visiting staff during the construction and operation of the proposed development.
14. To the east of the main plant building would be coolers measuring 15.6m in length, 6.8m in width and 3m in height. These will have a galvanised metal finish and the associated connection pipework will be steel. The cooling system will consist of heat exchangers at the generator using air to cool the synchronous condenser.
15. Also, to the east of the main plant building would be the switchgear control room measuring 12m in length, 5m in width and 3.5m in height. This would be constructed from brickwork and clad with a profiled sheeting that would be olive green in colour (RAL 7009). An auxiliary substation is proposed to the south of the switchgear control room that will measure 3m in length, 3m in width and 3.5m in height. Six car parking spaces for maintenance vehicles and visitors, including 1 disabled space, would be provided at the front of the site between the switchgear control room and auxiliary substation.
16. A Generation Circuit Breaker, auxiliary power transformer and associated fire wall and concrete bund will be required to connect and disconnect the synchronous condenser to and from the grid. These would be located to the immediate southwest of (and outside) the main plant building housing the synchronous condenser.

Distribution Compound

17. The distribution_compound would contain the main 'step-up' transformers that would be used to transform the synchronous condenser voltage up to a grid voltage of 400 kV and would connect the synchronous condenser to the grid. The transformer connects the main plant building to the external transmission infrastructure to the south and takes the form of ducted connectors at upper

level from the main building into an Extra High Voltage (EHV) compound at the southern part of the site.

18. The proposed development would be connected to the National Grid Converter Station via underground cables.
19. The proposed development would be surrounded by a 2.5m high security palisade fence with 1m high electric fencing above. The edge of the wider site would be surrounded with a 1.2m high timber post and rail fence and this would also be provided at the back of the existing roadside hedgerow and around the two attenuation ponds at the front of the site.
20. The proposed lighting at the site would consist of 13 x 6m columns with LED down lights positioned around the main plant compound along with lighting on the main plant building that would be activated by approaching vehicles or personnel. The LED luminaires would have IDA Dark Sky approved certifications. The lighting would only be operational when personnel need to attend the site to undertake site maintenance. At all other times the site would not be lit.

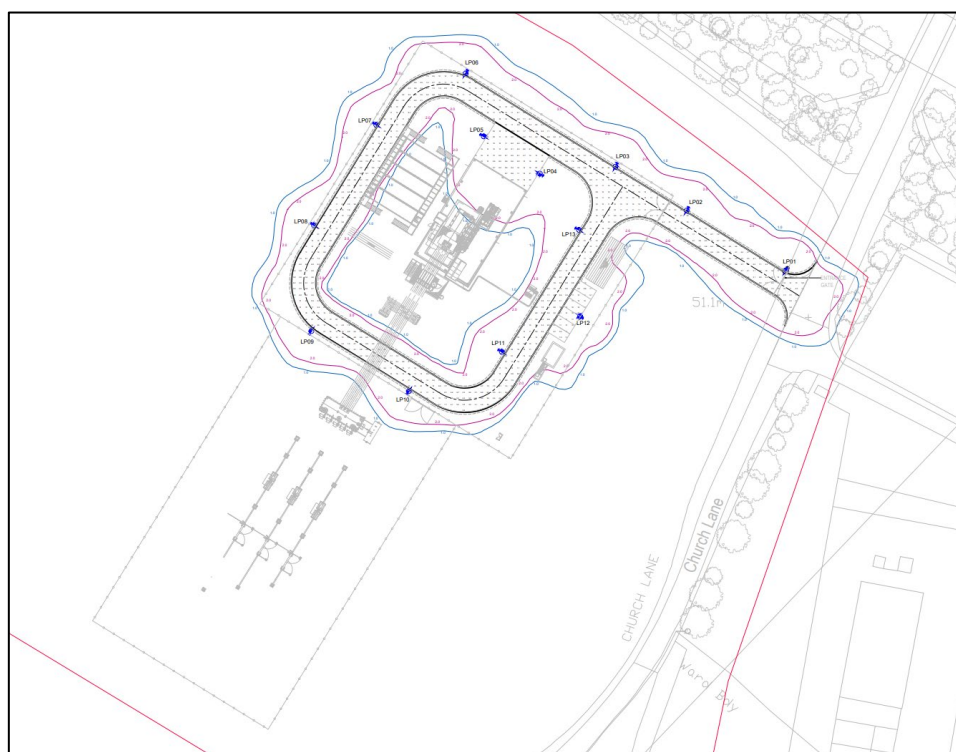


Figure 6: Proposed External Lighting Layout

21. The proposed Grid Stability Facility would be controlled remotely; therefore the site will be unmanned, albeit regular maintenance will be undertaken and the site will require 24 hour monitoring to ensure the condenser operates effectively and reliably. As the nature of the development is to stabilise the electricity grid,

the synchronous condenser is expected to be permanently in operation and is only likely to be turned off once a year for maintenance purposes.

22. The proposed development would be monitored by CCTV that will be installed around the site. Given the need for 24 hour maintenance and monitoring it is estimated that the operation of the main plant building would generate the equivalent of 4 full time positions. Employment opportunities would therefore be generated during both the construction and operational phases of the development. The construction of the proposed Grid Stability Facility would take up to 26 months and will employ on average around 30 workers at any one time throughout this period.

Planning History

23. In terms of the existing construction compound area, this relates to National Grid, Church Lane, and the following application:

22/00278/AS - Lawful Development Certificate (Proposed) - Works to the fire effected components at the Interconnexion France-Angleterre (IFA1) Interconnector constituting a like for like replacement (including modifications as required to bring the building in line with current codes and standards (including latest NG Technical Specifications). PIL.

24. The following application is pending decision and relates to the land to the immediate south of the site on the field to the west of National Grid:

PA/2022/2544 - The laying out of a battery storage facility, intermediate substation, cabling, fencing, access tracks and associated drainage infrastructure on field to west of National Grid Sellindge Converter Substation.

25. The following application is pending decision and relates to land immediately west, south and south east of the site to the south of M20:

22/00668/AS - Installation of a solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels; access tracks; inverter/transformers; substation; storage, spare parts and welfare cabins; underground cables and conduits; perimeter fence; CCTV equipment; temporary construction compounds; and associated infrastructure and planting scheme.

Consultations

26. **Ward Member:** Cllr Harman has requested for the application to be determined at Planning Committee.

27. **Aldington and Bonnington Parish Council:** Concerns regarding traffic movements on Church Lane. This application needs to be considered alongside the other applications in the immediate vicinity, namely PA/2022/2544 and 22/00668/AS, in terms of the cumulative impact on residents caused by noise, pollution and traffic as well as highway safety.

Concerns regarding the proposed lighting scheme as this is an area of dark skies. Whilst acknowledging that there does need to be lighting available should maintenance be required at night, the quantity as well as positioning these on 6m high masts will pollute the dark skies and will be visible for some distance as the site sits at the bottom of the valley with the M20 on an embankment adjacent to the site. Lights positioned at this height will present a potential distraction for motorists.

The following conditions should be sought–

- A traffic management plan combined with other applications in the immediate area;
- No vehicles should be left on the highway at any time due to the width of the carriageway;
- No vehicles should approach the site from the Aldington Village end of Church Lane;
- The use of lighting to be restricted due to being an area of dark skies.

OFFICER NOTE: A combined traffic management plan would be unreasonable given the fact these relate to separate applications. The Construction Traffic Management Plan confirms that no construction vehicles will enter or exit the site from the south side of Church Lane via Aldington Village due to the rural nature of the roads (south of the site) and the low bridge.

OFFICER NOTE: The issue of lighting has been addressed in more detail under the Dark Skies section of the report.

28. **KCC Highways and Transportation;** (summary) No objections subject to conditions relating to Construction Management Plan (in accordance with), a highway condition survey, measures to prevent the discharge of surface water onto the highway, provision and permanent retention of the vehicle parking spaces, provision and permanent retention of the vehicle loading/unloading and turning facilities, use of a bound surface (for the first 10m), provision and maintenance of the visibility splays and informatives.
29. **KCC Ecological Advice Service;** (summary) No objections subject to a Landscape and Ecological Management Plan, a lighting design plan for biodiversity and a breeding bird informative.
30. **Environment Agency;** (summary) No objections subject to conditions relating to land contamination, re-use of materials, disposal of soils, foul drainage and storage of fuels/chemicals.

31. **KCC Drainage and Flood Team;** (summary) No objections subject to conditions requiring a detailed sustainable surface water drainage scheme for the site, a Verification Report (pertaining to the surface water drainage system) and off-site surface water drainage works.
32. **River Stour IDB;** (summary) No objection to the proposal. The proposed surface water discharge rate will require the River Stour (Kent) IDB's prior written Consent, in accordance with the Land Drainage Act 1991 and IDB Byelaws.
33. **HS1 Limited;** (summary) No objections.
34. **KCC Public Rights of Way and Access Service;** (summary) A number of informatives are recommended.
35. **Kent Ramblers;** The adjacent PROW should not be affected but appropriate conditions should be put in place to ensure access is maintained. Appropriate conditions should be in place to ensure that construction traffic should not use the section of Church lane beyond this site, towards Aldington church. There is an application by EDF for East Stour Solar farm which will be located close to this site, with the same access track, by the PROW, being used by the applicants. If the two applications were to be granted disruption would be reduced provided construction of both projects did not take place simultaneously.
36. **KCC Archaeology;** (summary) A condition is recommended.
37. **ABC Environmental Protection Team;** (summary) No objections subject to conditions regarding the acoustic report, reporting of unexpected contamination, construction code of practice and dust emissions.
38. **Neighbours:** 5 neighbours consulted; 11 objections received (including 1 from Church Lane Group) stating the following:
 - Construction vehicles accessing the site from the south of Church Lane will cause problems.
Officer Comment: *The updated Construction Traffic Management Plan confirms that no construction vehicles will enter or exit the site from the south side of Church Lane via Aldington Village due to the rural nature of the roads (south of the site) and the low bridge. KCC Highways and Transportation has not raised any objections to the proposal.*
 - Church Lane should be temporarily closed from the railway bridge South (except to residents / deliveries) while any construction is undertaken.
Officer Comment: *KCC Highways and Transportation were consulted regarding a possible road closure along Church Lane to prevent vehicles from accessing the site from the south via Aldington. It was confirmed it would not be appropriate for this application given that this site is north of the railway line*

and right opposite the converter station that has unfettered access. Any construction vehicles would have easy access via the A20 just to the north of the site. Vehicle routing can be controlled through a construction management plan and enforced by the Council should there be complaints.]

- Construction vehicles getting stuck and damaging verges when trying to manoeuvre.

[Officer Comment: *A condition is recommended that requires a highway condition surveys to be carried out before and after construction of the development for the highway access route (Church Lane) from the A20 with a commitment provided to fund the repair of any damage caused by vehicles related to the development.]*

- Construction vehicles will cause obstructions due to parking on Church Lane.
- Construction vehicles blocking Church Lane when accessing site.
- Construction vehicles exiting site without giving way to traffic using Church Lane.
- Concerns about construction vehicles reversing onto Church Lane.

[Officer Comment: *This has been addressed in the updated Construction Traffic Management Plan and an area is shown on site that is wide enough for vehicles to turn on site.]*

- More pedestrians along rural lane causing problems for cars.
- Mud on roads as no wheel washing.

[Officer Comment: *This has been addressed in the updated Construction Traffic Management Plan and wheel washing will be provided. KCC Highways and Transportation has not raised any objections to the proposal.]*

- Increased flooding on Church Lane due to surface water runoff.

[Officer Comment: *KCC Flood and Water Management has not raised any objections to the proposal.]*

- Problems for pedestrians on foot due to increased flooding along Church Lane;
- No alteration to the 60mph speed limit.
- Inadequate construction signage.

[Officer Comment: *This has been addressed in the updated Construction Traffic Management Plan and appropriate signage will be provided. KCC Highways and Transportation has not raised any objections.]*

- Noise from construction works.
- Noise from machinery which will be in operation 24/7.

[Officer Comment: *No objection have been raised by ABC's Environmental Protection team in relation to noise impacts from the proposal.]*

- The application should be looked at alongside the other applications in the area due to cumulative impact of further industrial development in this rural parish.

[Officer Comment: *The proposal itself has not been coordinated with the other proposed applications in the area, due to the sensitivity of such an assessment*

to change, for example if other applications were refused planning permission or their construction is delayed. The scheduling, commencement dates and completion dates of neighbouring developments are beyond the applicant's control and so it would not be possible to model and plan for all possible outcomes regarding the combined effect of construction traffic with any degree of certainty, to the extent that the exercise would have very limited value. In essence, every application should be assessed on its own merits i.e. whether the harm arising as a result of the proposed development would be so severe to warrant a refusal on that basis.]

- Light pollution and impact on biodiversity.
[Officer Comment: No objection have been raised by KCC's Ecological Advice Service and a conditions requiring a lighting design plan for biodiversity is recommended.]
- The Council needs to really consider traffic issues which are having a detrimental effect on residents and road users of Church Lane and which will be made worse if this application goes ahead.
[Officer Comment: Numerous amendments have been sought to the Construction Traffic Management Plan in consultation with KCC Highways and Transportation who are satisfied with the submitted details.]
- Inadequate consultation has taken place;
[Officer Comment: Neighbour letters have been sent out and the application has also been advertised by 2 site notices and in the press.]
- Locals were promised in the 1980s that the converter station would not expand;
[Officer Comment: The applicant has demonstrated the need for the proposed development and for it to be located at this site. Members should note that the application is assessed against the relevant national and local planning policies. Therefore, the assessment below establishes the compliance of the development with policy framework.]
- The land on the west of Church Lane was commandeered to provide a storage site for the work and locals were assured that this was temporary and that the land would be returned to agricultural use.
[Officer Comment: The applicant did not have any involvement with this development or the use of the land as a storage/construction compound. This was carried out by the previous contractors at the site (Murphys).]
- Loss of countryside to industrial development.
- The development will be an eyesore.
- Impact on public footpaths in the area.
- Loss of countryside for walkers.
- The applicant (and therefore the operator of the planned facility) is not revealed, represented only by an agent;

[Officer Comment: The Applicant is WP Grid Services Limited and is a subsidiary of Welsh Power Group Limited. WP Grid Services Limited has been formed specifically to develop grid 'stability hardware' technology.]

- The applications are all connected and this is not fully explained;
- The applicant treats the site as industrial land and not agricultural land in their submission;
- The landscaping needs to be improved including screening along Church Lane;
[Officer Comment: Improvements to the landscaping plan have been secured throughout the course of the determination of the application. These improvements have resulted in the extension of the woodland buffer along the entire length of the boundary adjacent to the Public Right of Way, two additional pickets of woodland planting, further individual trees across the site and also located within the hedgerow boundaries. The applicant has increased the level of planting where possible, but has confirmed it is not possible immediately behind the existing frontage hedgerow due to buried extra high voltage cables and an easement strip.]
- Concerns regarding further future creep into adjacent agricultural fields;
[Officer Comment: Each application will be determined on its own merits.]
- The applicant has not provided a view of the building set in the landscape
- Noisy works shall not take place at night;
- The site should not be illuminated at night;
- This mechanism is capable of exploding especially if, for some reason, the hydrogen cooling system drops below a concentration of 70%.
- It could prove an attractive target to terrorists;
- The applicant has not engaged with the local community;
- Concerns regarding views along the rural lane;
- The hedge needs to be protected and enhanced where possible.
[Officer Comment: Please see list of conditions.
- *There needs to be a condition to state that the lighting will only be operational when personnel need to attend the site to undertake site maintenance and at all other times the site will not be lit.*
- *The temporary construction site is short on vehicle space, and they are not building anything on the site.*
- *KCC Highways and Transportation have not raised any objections to the proposal and are satisfied with the details submitted.*
- *Working hours should be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays (with no work on Sundays or Bank Holidays) and not 7am-8pm Monday to Friday and 8am to 1pm on Saturdays. Whilst the government gave local planning authorities leeway on account of Covid recovery to extend normal and accepted construction hours, these relaxed arrangements would only be extended until 30th September 2021.*
- *ABC Environmental Protection has stated that the code of practice hours in relation to potentially noisy construction/demolition activities are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in*

*general, occur outside of these times, or on Sundays or Bank/Public Holidays.
This will be secured by way of a planning condition.]*

Planning Policy

39. 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) the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
40. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 – Strategic Objectives
 - SP6 – Promoting High Quality Design
 - ENV1 – Biodiversity
 - ENV3a - Landscape Character and Design
 - ENV4 – Light Pollution and Promoting Dark Skies
 - ENV7 – Water Efficiency
 - ENV9 – Sustainable Drainage
 - ENV10 - Renewable and Low Carbon Energy
 - TRA3b – Parking Standards for Non Residential Development
 - TRA6 – Provision for Cycling
 - TRA7 - The Road Network and Development
 - EMP6- Promotion of Fibre to the Premises (FTTP)
41. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD
Dark Skies SPD 2014
Fibre to the Premises SPD 2020

Government Advice

National Planning Policy Framework (NPPF) 2021

42. 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:-

- Presumption in favour of sustainable development
- Determination in accordance with the development plan
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change and flooding
- Habitats and biodiversity

National Planning Policy Guidance (NPPG)

43. **Assessment**

44. The main issues for consideration are:

- Principle of Proposed Development
- Visual Impact and Landscape
- Residential Amenity
- Dark Skies
- Highway Safety
- Trees and Ecology
- Loss of Agricultural Land

Principle of Development

45. The application site falls outside of any settlement boundary and for the purposes of planning, it is considered to be within the countryside. Therefore, compelling justification is required to justify new development in this location. Local Plan Policy SP1 supports development that provides "...resilience to, and mitigates the effects of climate change" and Policy ENV10 establishes in principle support for proposals that generate energy from renewable or low carbon sources, subject to satisfying certain criteria relating to landscape impact, traffic impacts and effective community engagement.
46. The NPPF states that the planning system should support the transition to a low carbon future including supporting renewable and low carbon energy and associated infrastructure. Furthermore, the National Policy Statement for Energy EN-1 (Department of Energy and Climate Change) states that "...new electricity network infrastructure projects, which will add to the reliability of the national energy supply, provide crucial national benefits, which are shared by all users of the system." (Paragraph 3.7.3).
47. The proposal relates to the provision of a grid stability facility in the form of a synchronous condenser, ancillary equipment, access and parking, landscaping and other incidental works at land west of Sellindge Substation. With the decommissioning of traditional power generators and the rise of renewable

energy, standalone facilities are needed to provide the stabilizing functions previously offered by large coal, gas, and nuclear power stations.

48. The applicant has chosen the Sellindge substation site, which is identified as a Grid Supply Point in the 'South Coast' region of the National Grid Electricity System Operator (ESO). This selection addresses stability concerns in the local electricity network without requiring significant modifications to the substation, thereby avoiding delays and costs that would hinder the transition to renewable generation and achieving Net Zero targets.
49. The proposed facility would not only provide stability but also align with National Grid ESO's strategy for addressing potential blackouts (Black Start events) in England. It would play a vital role in swiftly and safely restoring service following such events.
50. In May 2022, National Grid ESO confirmed that the proposed Grid Stability Facility, if built, would be included on the Protected Sites List due to its critical role in maintaining electricity supply at a national and regional level. This designation is based on factors such as critical need, public health and safety, and the potential for significant damage to important infrastructure.
51. Although the Grid Stability Facility itself does not generate renewable energy, its purpose is to support the growth of renewable energy generation and bolster the electricity network. Overall, the proposal aligns with the development planning policies and national planning policy guidance. Therefore, the principle of development is considered acceptable subject to other material considerations.

Visual Impact and Landscape

52. Regard must be had to Policy SP1 of the Local Plan requires proposal to preserve and enhance the Borough landscapes and this is supported by Policy ENV3a of the Local Plan which states that developments in the borough shall have regard to the landscape characteristics of the site. The NPPF states that proposals should ensure that development is sympathetic to local character and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 174 specifically states that proposals should contribute to and enhance the natural and local environment, as well as recognise the intrinsic character and beauty of the countryside.
53. The site is located in Evegat Mixed Farmlands Landscape Character Area. According to the Council's Landscape Character SPD the key characteristics include undulating topography, intensively farmed landscape with small pockets of pasture, comprehensive network of tree cover provided by highway planting, hedgerows and a block of broadleaf ancient woodland, ponds and vegetation lined water courses, fragmentation caused by major infrastructure routes, a large electricity substation and converted Oast houses at Evegat Business Park.

54. The site is positioned within a low-lying valley location and is situated between two major transport corridors; the M20 to the immediate north of the site and the South Eastern and HS1 railway line to the south of the site.
55. Members will note that the proposed design is directed by the strict operational requirement of Synchronous Condenser facilities. However, the buildings would be relatively well screened by surrounding vegetation and where they would be visible the olive green colour will be appropriate in terms of the surrounding rural context and the adjacent National Grid Converter Station buildings. The landscape scheme would comprise a woodland buffer along the entire length of the northern boundary of the site, species rich meadow grassland, two areas of woodland planting, specimen trees and hedgerow planting (native species). The proposed woodland buffer would help to screen the proposed development for users of the footpath and help to close up gaps in the existing framework of vegetation which currently permits visibility into the site from the M20 and the footpath network to the west of the site.
56. The application is accompanied by a Landscape and Visual Appraisal (dated 17/11/2022). The Appraisal focuses primarily on the longer term residual level of effect of the proposed development that is likely to persist once any new planting will have begun to mature and take effect. Additionally, it considers the operational phase effects of the proposed development during construction and the effects immediately after completion of construction.
57. The study area for the Appraisal comprises a 3km radius around the proposed development with a greater focus on areas within 1km. A number of viewpoints have been selected within this radius for the purpose of the study. The degree of likely landscape change has been assessed as being High, Medium, Low or Negligible. A judgement of a High change is typically defined as the development forming a prominent landscape element or will result in a substantial alteration to key landscape characteristics. A judgement of a 'negligible magnitude of change' is typically defined as the development would be a barely perceptible landscape element or would not change the key landscape characteristics.
58. The LVA focuses on the parts of the proposed development that have the potential to give rise to landscape and visual effects which includes the following:
- The main plant building that will measure 27.9m in length, 15.6m in width and 12m in height to the ridge;
 - The extra-high voltage (EHV) compound with structures to a typical height of up to approximately 11m;
 - The proposed security fence; and
 - The internal access road, operations centre yard and landscape areas including earthworks and drainage basins.

59. Within the Appraisal, assessments have been undertaken as to the likely landscape and visual effects of the proposed development from various short range and long range viewpoints identified within the appraisal. The study also takes into account the residual effects of the development after 15 years (i.e. after the proposed mitigation has reached maturity and has been fully established).
60. The assessment of representative viewpoints indicates that immediately after construction, there would be a Minor Adverse visual effect experienced by users of PRow AE437 and pedestrians/vehicles on the A20 with views through the M20 vegetation gap. However, for all other receptors, the visual effect would be Negligible at this point.
61. In the longer term, specifically at year 15, the visual effects on surrounding views and receptors would still be Negligible. This is due to factors such as the distance of most receptors from the proposed development, the ridgeline of the main plant building blending with existing features and tree cover, the presence of existing electrical infrastructure, and the proposed woodland planting integrating the bund into the existing landscape.
62. When assessing representative viewpoints, the potential for cumulative visual effects with the adjacent solar farm and battery storage facility has also been considered. It has been determined that these additional developments would not significantly change the conclusions of the appraisal for the grid stability facility. The identified levels of effect would remain largely unaffected even if the solar development were approved.
63. Regard must also be had to whether the proposal would have an impact on the setting of the AONB. By virtue of the distance between the site and the AONB (i.e. 2.5km), together with the intervening topography and vegetation, it is considered that the proposed development would not impact or influence how the setting of the AONB is perceived and understood. Where it will be possible for the proposed development to be seen it will be seen within the context of the existing electrical infrastructure.
64. Taking all of the above into consideration, it is not considered that the proposal would result in an unacceptable harm to the wider landscape and would not detract from the setting of the AONB. Therefore, the proposed development would comply with policies SP1, ENV3a of the Ashford Local Plan and paragraph 174 of the National Planning Policy Framework.

Residential Amenity

65. Policy SP1 requires high quality design and promotes a positive sense of place through the design of the built form and the relationship of buildings with each other and the spaces around them.

66. There are no residential properties in the vicinity to be directly affected by the proposal with the nearest property being at a distance of 260m to the north, on the other side of the M20.
67. The applicant has submitted an Acoustic Technical Report (dated 18/11/2022) as part of their proposal. The report identifies the nearest and most affected noise sensitive receptors (NSR) as being the residential dwellings at Water Farm (NSR1 - approximately 260m to the north of the site), Bested House (NSR2 - approximately 570m to the south of the site) and Rotherholme (NSR3 - approximately 505m to the east of the site). The Report sets appropriate limits to control the impact of sound in accordance with BS4142:2014+A1:2019. The Report also takes into consideration all of the basic acoustic design measures that will, as a minimum be incorporated into the finalised design, such as the careful location and screening of external sources, the acoustic enclosure for the grid stability equipment and the acoustic performance of the building envelope.
68. The Report concludes the predicted sound rating level L_A,Tr from the proposed development will be well below and will not exceed the prevailing background sound levels at the nearest residential receptors during the day and night time periods, which is an indication of no impact and low impact in accordance with BS4142:2014+A1:2019.
69. ABC's Environmental Protection team has not raised any objections to the proposal subject to conditions and informatives. As such, it is considered there would be no significant or unacceptable harm to the residential amenity of the adjacent neighbouring residents as a result of the proposal. With regards to potential disturbance from vehicle movements and external lighting, these matters have been addressed under the 'Highways' and 'Dark Skies' sections of this report.

Dark Skies

70. Policy ENV4 states that within areas designated as a 'dark sky zone' where they adhere to specific requirements and where they can demonstrate that there will be no significant adverse effects on the visibility of the night sky or its intrinsically dark landscapes. All proposals will be expected to demonstrate clear regard to the guidance and requirements set out in the Council's Dark Skies SPD.
71. The NPPF identifies the importance of minimising the impact of light pollution and noise pollution by encouraging good design. Paragraph 185 specifically states that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. It also states that proposals should mitigate and reduce against noise from new development that may give rise to significant adverse impacts on health and the quality of life.

72. In terms of existing lighting in the area, the section of the nearby M20 is unlit and Church Lane itself is also unlit. The National Grid Converter Station has exterior lighting for the safe movement of site traffic and operations staff.
73. The applicant has submitted a Site Lighting Report (dated 6/11/2022) as part of their proposal. The site itself on this side of Church Lane is not within a protected zone; however the Report has set the strongest criteria for dark sky protection (E0 criteria). The Report confirms the level of effect of the proposed site lighting will generally be negligible.
74. The proposed external lighting at the site would comprise 6m high lighting columns with LED down lights that would be positioned around the compound, as well as lighting on the main plant building that would be activated by approaching vehicles or personnel. The design of the lighting columns at 6m would provide for safe working and avoid the need for a significantly greater number of lower height lighting units, which are less efficient.
75. The LED luminaires are IDA Dark Sky Certified and emit zero light above the horizontal. The lighting units would be hooded to allow safe access to and around the plant whilst minimising light impacts/spillage. The proposed lighting would only be operational when personnel need to attend the site to undertake site maintenance. At all other times the site would be unlit. A passive infrared sensor will activate the lighting when driving onto site and the lights can be on a timer and a light sensor, so that they are automatically switched off, and will therefore not create nuisance. These matters would be secured by way of a planning condition.



Figure 7: Horizontal Illuminance (Site Lighting Report)

76. With regards to neighbouring properties to the north of the site along the A20, the nearest is approximately 260m from the proposed development and located on the opposite side of the M20, which is also visually screened by tree lines on both sides. The M20 is approximately 5m in height and with the tree line greater than 5m this would provide a screening from the proposed 6m height mounted LED luminaires. The nearest property to the south of the site along Church Lane is approximately 570m away and located on the opposite side of the railway line, which is approximately 5m in height at ground level and with the tree line greater than 5m this will provide screening from the proposed 6m height mounted LED luminaires. The National Grid Substation located to the southeast of the proposed development is greater in size and located closer to the nearest property and will also provide screening from the proposed development. As such, the closest properties to the north and south of the site are therefore already screened by tree lines greater than the 6m mounting height of the luminaires and other screening barriers like the sub-station. This, together with the proposed LED luminaires which are Dark Sky Certified and emit zero light above the horizontal, would mean that any light intensity towards these properties would be limited.
77. According to the Site Lighting Report, the proposed development is unlikely to be visible from locations within the AONB (Area of Outstanding Natural Beauty) due to the distance, topography, and vegetation in between. Therefore, it would have limited impact on how the AONB's setting is perceived and understood. In the few instances where visibility is possible, the proposed development would be seen in the context of the existing electrical infrastructure.
78. Overall, since the proposed lighting would only be utilized for maintenance and emergencies and would not be regularly operational, it is concluded that the proposed development would not cause significant or unacceptable light pollution. It would therefore comply with ENV4 of the local plan and paragraph 185(c) of the NPPF.

Highway Safety

79. Policy TRA7 states that developments that would generate significant traffic movements must be well related to the primary and secondary road network and must not result in significant levels of traffic (including HGVs) that cannot be accommodated on local roads. Policy ENV10 similarly requires that development for renewable and low carbon development should not generate unacceptable levels of traffic.
80. The NPPF states at Paragraph 111 that development proposals should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe'.

81. The site has good connections to the strategic road network, being close to the A20 to the north which provides access to the nearby M20. A Construction Traffic Management Plan (Rev 06) has been submitted with the application which includes details of:

(a) Routing of construction and delivery vehicles to / from site (vehicles shall only access the site from the north via the A20 and there shall be no access whatsoever from the south)

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

82. The construction period is expected to last for around 26 months. The number of construction traffic movements would vary depending on the programme and phasing of construction. Vehicle movements would be at their highest during the civils works of the construction period when the foundations, structural steelwork and road network is constructed. This is expected to last for 14 months. Following this there would be the installation of specialist equipment that will be delivered by an oversized vehicle and other "normal" loads. This is expected to last for 9 months. Finally, there would be an 11 month period for commissioning.

83. During the civils works there is anticipated to be the following one way HGV numbers:

- An average of 16 loads (20t loads) per day of imported quarry materials over 5 months at peak;
- Up to 25 loads of concrete deliveries over 1 day;
- 6 deliveries for steel frames in total (40t loads); and
- 4 to 5 deliveries for cladding in total (40t loads).

Following the civils works, the equipment deliveries are expected to include:

- 5 specialist deliveries; and
- 12 equipment loads (40t loads).

It is anticipated that during the equipment installation and commissioning stages there would be an average of 20 construction workers on site for 6 months.

84. The site would be operated remotely and would be unmanned on a day to day basis. Once it is operational there will be minimal vehicle movements arising directly from the main plant operation. This is likely to be 1-2 maintenance vehicles per week. The proposal incorporates 6 parking spaces for maintenance vehicles and visitors, including one disabled space.

85. Concerns have been raised in relation to construction vehicles accessing the site via the Aldington Village end of Church Lane. However it has been confirmed within the Construction Traffic Management Plan and specifically at Appendix C and Appendix D that the route from the north along Church Lane would be the only permitted route for construction vehicles as they are able to access Church Lane via the A20, which connects with the M20. It has been identified that the route south of the site is not suitable for construction vehicles as it consists of smaller rural roads/lanes and a low bridge.
86. KCC Highways and Transportation have confirmed that sufficient information has been provided within the Construction Traffic Management Plan and the development should be carried out in accordance with the submitted details. It is recommended this matter be secured by way of a planning condition to ensure compliance.
87. The Construction Traffic Management Plan confirms at Appendix B that a clear visibility splay of at least 120m would be achieved south of the new access, requiring part of the existing hedge on the western side of Church Lane to be cut back slightly and maintained. A condition is recommended to be attached to ensure that the visibility splays are maintained. A wheel washing facility will also be provided and all vehicles will need to pass this on egress, as shown on Appendix D.
88. A bound surface leading from the site access into the site would be provided for at least the first 10m in line with the requirements of KCC Highways and Transportation. It is recommended this matter be secured by way of a planning condition.
89. On balance, no significant or unacceptable harm in terms of highways safety would result from this development.

Flood Risk

90. Policy ENV6 states that proposals for new development should contribute to an overall flood risk reduction and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere.
91. The NPPF states at Paragraph 159 that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems.
92. The majority of the site is located in Flood Zone 1 which has a low risk of flooding; however a small section along the eastern boundary of the site is situated in Flood Zone 3 where the risk of flooding is higher. The proposed

development itself would be located outside of the Flood Zone 3 area and no objections have been raised by the Environment Agency subject to specific conditions.

93. The applicant has submitted a Flood Risk Assessment and Surface Water Drainage Strategy (dated 18/11/2022) as part of their proposal. With regards to drainage, it is proposed to provide two attenuation basins on the eastern part of the site that would collect surface water runoff and discharge it at a restricted rate (factoring in a climate change allowance) to the East Stour, to the southwest of the site. Additionally, it is proposed that external ground and paving levels are designed to fall away from buildings entrances to prevent flows towards these areas. KCC's Flood and Water Management team has not raised any objections to the proposed development subject to conditions relating to a detailed sustainable surface water drainage scheme for the site, verification report and security of drainage works. Finally, River Stour IDM has also not raised objections to the proposal subject to specific conditions and informatives.
94. Taking the above into consideration, the proposal is considered acceptable in terms of flood risk subject to appropriately worded conditions.

Ecology and Trees

95. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity and Policy ENV5 requires developments to protect and, where possible, enhance rural features including rural lanes.
96. Paragraph 179 of the NPPF promotes opportunities to improve biodiversity in and around new developments especially where this can secure measurable net gains.
97. The applicant has submitted a Preliminary Ecological Appraisal (dated November 2022) as part of their proposal, together with a Biodiversity Net Gain assessment and Biodiversity Metric Excel Spreadsheet (BNG amended March 2023). The Appraisal notes there are no statutory or non-statutory designated sites within 2km of the application site, although the site lies within an Impact Risk Zone (IRZ) of Hatch Park SSSI (the SSSI is approximately 2.3km north-west of the site). The Appraisal concludes the proposed development would be unlikely to give rise to any significant direct or indirect impacts on the SSSI nor to the surrounding environment.
98. Whilst a small section of hedgerow would be removed to accommodate the proposed site entrance, this loss is offset by replacement hedgerow planting and, overall, the proposed development would deliver a Biodiversity Net Gain - this has been confirmed by KCC's Ecology.. A number of recommendation are made in the Appraisal including the retention of existing hedgerow (and its protection throughout the construction phase with Heras-type fencing),

management of the existing hedgerow to improve its structure, new hedgerow planting (to replace the parts to be lost), new native broadleaved woodland edge planting, new tree planting, the requirement for a Non-licensed Method Statement (due to the low potential for dormice and great crested newts), the requirements for sensitive lighting for nocturnal species such as bats / hedgehogs and provision of bird boxes. KCC's Ecological Advice Service has not raised any objections to the proposal subject to specific conditions relating to a Landscape and Ecological Management Plan (LEMP), external lighting and breeding birds.

- 99. A Planting Proposal (Rev 06) has been provided and includes additional planting at the site. The proposed development would feature a woodland buffer along the entire length of the northern boundary of the site (within the red line boundary), species rich meadow grassland, two areas of woodland planting towards the front of the site, and specimen trees and hedgerow trees in the proposed hedgerows along the western and southern boundaries.
- 100. Planting at the front of the site has been increased where possible through two areas of woodland planting and additional specimen trees; however there are constraints due to the need to avoid planting trees too close to buried extra high voltage cables and the extra high voltage compound, as well as the easement strip immediately behind the hedge on Church Lane.
- 101. Having regard to the matters as explained above, the proposal is considered acceptable in terms of biodiversity impacts. It would therefore comply with policy ENV5 of the local plan and paragraph 179 of the NPPF.

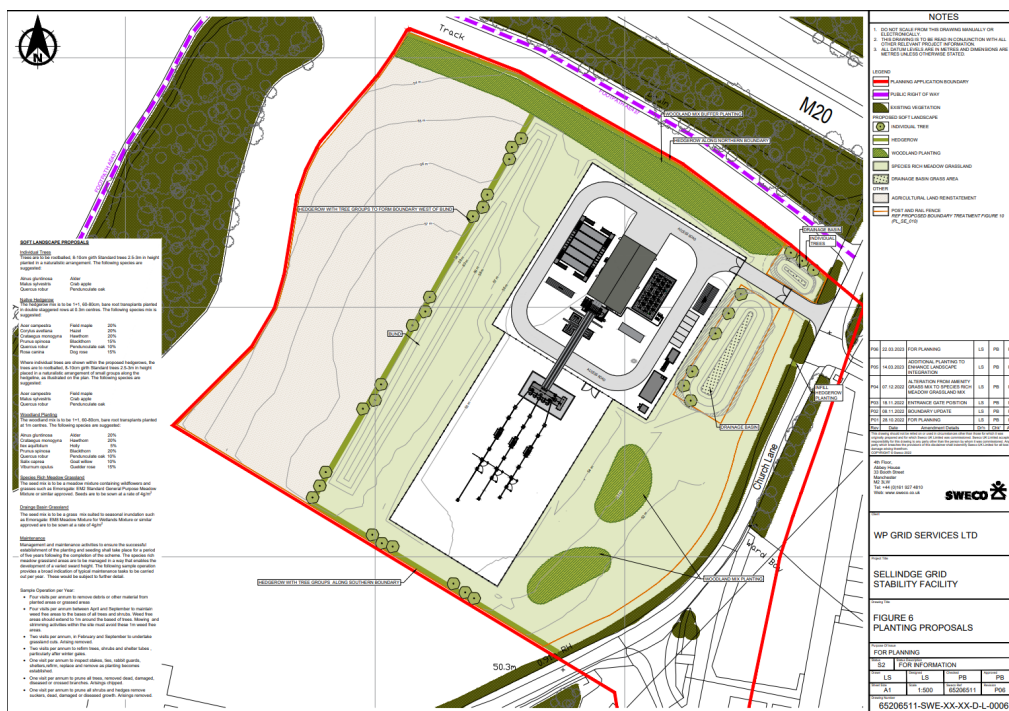


Figure 8: Proposed Planting Plan

Land Contamination

102. The applicant has submitted a Tier 1 Contamination Risk Assessment (dated 18/11/2022) and Tier 2 Geoenvironmental Assessment (dated 12/10/2022) as part of their proposal. ABC's Environmental Protection team has not raised any objections subject to conditions and informatives. Therefore, the proposal is considered acceptable in this respect.

Loss of Agricultural Land

103. The NPPF seeks to resist the loss of Best and Most Versatile (BMV) land, which is described as land in grades 1, 2 and 3a of the Agricultural Land Classification. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).
104. The site was previously an undeveloped arable field consisting of Grade 2 / 3 quality agricultural land, classified as "very good" to "good to moderate." However, a significant portion of the eastern side of the site has been surfaced with Type 1 material during its use as a compound for maintenance activities at the nearby National Grid Converter Station. While the loss of agricultural land is regrettable, it is necessary to locate the proposed development in close proximity to the Sellindge substation GPS.
105. It is important to note that the proposed development does not permanently deprive the land of its agricultural potential. The affected portion of the site could be restored for farming in the future once the synchronous condenser infrastructure is no longer required. This restoration could be ensured through a planning condition. Additionally, a substantial portion of the site within the red line boundary at the rear would remain designated for agricultural use.
106. It has been confirmed the existing material at the site that was left by the previous site operations contractor will be reused for the proposed development (albeit repositioned in parts), which would avoid construction vehicles having to take it away and bring new surfacing materials back to the site. A site plan overlay (PCI_SE_001 Rev 0) has been submitted that shows the extent of existing Type 1 surfacing at the site and its relationship to the proposed synchronous condenser scheme in order to be clear as to what parts will be removed. It is recommended that the removal of the existing surfacing where shown should be secured via a suitably worded condition.

Human Rights Issues

107. 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

108. 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.

Planning Balance and conclusion

109. The proposed grid facility system is necessary to address network stability issues i.e. it would support the growth of renewable energy generation and bolster the electricity network. The proposed facility would not only provide stability but also align with National Grid ESO's strategy for addressing potential blackouts (Black Start events) in England. In addition to achieving the national aim of moving towards renewable energy, it would also result in the creation of new full time jobs. Therefore, these would constitute significant benefits. While some Minor Adverse effects may be experienced immediately after construction by pedestrians and vehicles on Church Lane and the adjacent Public Right of Way, the long-term residual landscape and visual effects of the proposed development are generally expected to be Negligible. Nevertheless, it is acknowledged that this would constitute a minor disbenefit arising from the proposal. Overall, the significant benefits arising from the proposed development would demonstrably outweigh the minor disbenefit identified. Further to this, the proposal would not result in unacceptable harm to residential amenity and is deemed acceptable in terms of highway safety, dark skies, flood risk, and biodiversity impact. Although the loss of agricultural land is regrettable, it does not represent a permanent loss as the site could be restored for farming in the future when the infrastructure is no longer needed. For the foregoing reasons, the application is recommended to be approved.

Recommendation

Approve

Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those 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

Conditions:

1. 3 year condition
2. Approved plans
3. External materials as specified
4. Existing surfacing removed as shown on site plan overlay (PCI_SE_001 Rev 0)
5. Sustainable surface water drainage scheme to be submitted (including management onto the highway)
6. Verification Report to be submitted (pertaining to the surface water drainage system)
7. Off-site surface water drainage works (appropriately secured)
8. Carried out in accordance with the Construction Traffic Management Plan
9. Construction vehicles to access the site from Church Lane via the A20 and not from the south via Aldington village in accordance with the Construction Traffic Management Plan
10. Highway condition surveys
11. Provision and maintenance of the visibility splays
12. Provision and permanent retention of vehicle parking spaces
13. Provision and permanent retention of vehicle loading/unloading and turning facilities
14. Wheel washing in accordance with the Construction Traffic Management Plan
15. Use of a bound surface (for the first 10 metres)
16. Lighting to be installed in accordance with Site Lighting Report (LED luminaires are IDA Dark Sky Certified, emit zero light above the horizontal and hooded to minimise light impacts/spillage)
17. Lighting only to be operational when personnel need to attend the site for maintenance and at all other times the site will not be lit
18. Lighting to be activated by passive infrared sensor with a timer and light sensor so that they are automatically switched off
19. Archaeology
20. Acoustic mitigation measures
21. Landscaping in accordance with the Planting Proposal
22. Development carried out in accordance with recommendations of PEA
23. Landscape and Ecological Management Plan
24. Lighting design plan for biodiversity
25. Protection of existing hedgerow during construction
26. Management plan for hedgerow
27. Reporting of Unexpected Contamination
28. Storage of Fuels/Chemicals
29. Code of practice hours
30. Dust emissions control
31. Decommissioning of infrastructure once operation has ceased and restoration of land to its previous agricultural use
32. Adjacent PROW not to be obstructed and access to be maintained at all times
33. Site inspection

Notes to Applicant

- Working with the Applicant
- Re-use of Materials
- Disposal of Soils
- Environmental Permits information
- Working affecting public highways
- Breeding Birds informative
- Public Rights of Way information
- Prior written consent from the River Stour (Kent) IDB to be obtained in accordance with the Land Drainage Act 1991 and IDB Byelaws

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 PA/2022/2223)

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Agenda Item 6f

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 07 June 2023

Application Number	21/1890/AS
Location	Garages south west of 1, Harper Road, Ashford, Kent
Grid Reference	Easting (x) 599848; Northing (y) 141937
Parish Council	Central Ashford
Ward	Beaver
Application Description	Erection of 3 dwellings including associated parking and landscaping and the demolition of existing garages.
Applicant	Assistant Director Housing Sharon Williams (ABC)
Agent	Ms. Asri Asra
Site Area	0.10 hectares (approx. 1000sqm)

Introduction

1. This application relates to an affordable housing scheme (3 dwellings) proposed by Ashford Borough Council.

Site and Surroundings

2. The site lies within the town of Ashford. It is located approximately 2.1 miles away from Ashford town centre. Occupying an area of approximately 0.1 hectares (ha), the site is bordered by Harper Road to the southeast, Little Knoll to the south, and existing residential developments to the northeast, north, and west.
3. The site consists of two sets of domestic garages, totalling 24 units, with 14 of them currently being rented. Access to the garages is provided directly from Harper Road. Additionally, there is a small section of the landscaped area to the south, where Harper Road intersects with Little Knoll. Public Right of Way footpaths are present, connecting Harper Road to the rear gardens of adjacent houses on Harper Road and Old Pond Road. These footpaths run along the northeastern and northwestern boundaries of the site.
4. A pair of flag and post bus stops are located approximately 160 and 190 meters west of the site on Arlington. The primary bus service stopping at these stops is the 'A' service, which operates between Ashford and Singleton. This service runs at a frequency of 4-6 times per hour from Monday to Saturday, with two services per hour on Sundays.
5. The nearest railway station is Ashford International railway station, situated approximately 1.6 km (a twenty-minute walk or a six-minute cycle) northeast of

the site. This station offers connections to London St Pancras International, London Victoria, London Charing Cross, Ramsgate, Margate, Eastbourne, and Dover Priory.

6. A site location plan is as shown in Figure 1 below.



Figure 1: Site Location Plan



Figure 2: Site Plan

Background and Proposal

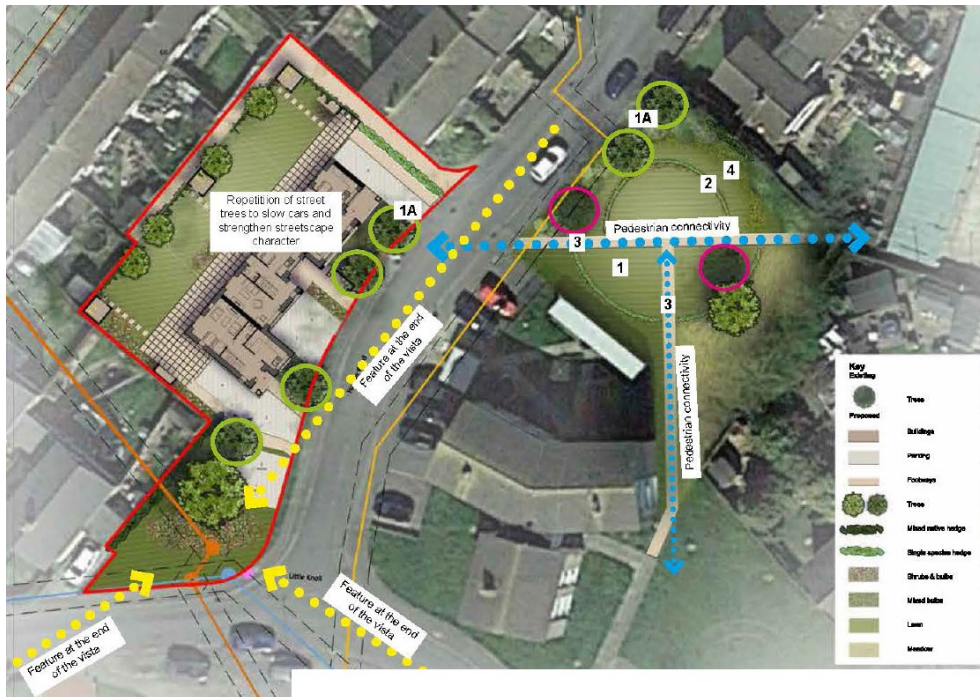
7. The Strategic Housing Market Assessment (SHMA), updated in January 2017, sets out a need for 368 new affordable dwellings per year. The SHMA indicates that there will be a shortfall in all affordable housing if reliant upon open market schemes delivery through planning policy, especially a large shortfall of social and affordable rented homes. Ashford is growing significantly and this will have a proportionate effect on the demand for affordable housing. It is understood that in October 2017, there were 1668 live households registered with an increasing level of applications each month. In conclusion, there is an identified need for affordable housing in Ashford.
8. The application seeks planning permission for the demolition of existing garages and the erection of 3 no. 2 bedroom dwellings. The intention is to provide 100% affordable housing. The proposed housing development would follow the existing urban pattern, consisting of a terrace configuration that fronts Harper Road. To optimise space and enhance the depth of rear gardens, the houses to the north of the site, where the plot narrows, are designed to be shallower, allowing for on-site parking. Additionally, tandem parking is proposed for the end terrace homes. The proposed dwellings would be finished in light and dark brickwork, composite windows, aluminium clad timber and plain tiled roofs.



Figure 3: Proposed Ground Floor Plan

9. Each dwelling would have dedicated parking spaces for two vehicles. Two visitor parking spaces would also be provided for the development. The refuse stores are constructed using brick with timber doors and roofs. They are placed discreetly on the sides of the two corner properties (Plot 01 and Plot 03), while for Plot 02, the refuse store is located at the front of the property.

10. All rear gardens would have external access, with the back gardens of the three terrace houses being accessible from rear pedestrian pathways. The existing pathways along the northeastern and northwestern boundaries of the site would be retained. The existing tree to the south of the site would be removed whilst further landscaping is proposed for that corner of the site. Additionally, to compensate for the loss of the garages and the tree within the site, it is proposed to enhance and landscape the adjacent area of green with a view to maximise pedestrian connectivity to the second garage site.



11. Finally, proposal incorporates installation of photovoltaic panels within the south and southeast-facing roofs of the houses. It would also make provision for 1 EV charging point for each dwelling.



Figure 4: First Floor Plan

12. It is understood that approximately 15 tenants currently occupying the existing garages would be relocated to an adjacent garage site to the northeast of the site, where approximately 25 vacant garages are available (as confirmed by the ABC garage survey).

Planning History

- The site has a history of use as agricultural land, until its development to domestic garages in the 1990s.
- The site does not have any relevant planning history.

Consultations

13. 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 the properties in the vicinity of the application site.
- KCC Highways – no objection raised subject to conditions.
 - ABC Environmental Protection – no objection raised subject to conditions in relation to EV Charging, land or groundwater contamination, unexpected contamination and an informative in respect of construction hours.

Neighbours

34 letters of representations received objecting to the planning application and raising the following matters:

- concerned about the proposed density of the houses
- could lead to overcrowding, strain on existing infrastructure, and a detrimental impact on the quality of life for residents.
- Invasion of privacy
- Overlooking
- Concerned about the proposed location of the new garage being far away and unsafe due to frequent break-ins.
- Worries about houses being built at the bottom of their garden, compromising privacy and sunlight.
- Highlighting persistent problem of cars parked on the path
- privacy, quality of life, and mental health of all residents will be negatively impacted.
- Concerns about the stress, intrusion, and safety of possessions during construction.
- Increase in traffic and congestion
- Parking problems
- The road is extremely busy with cars and pedestrians at the start and end of the school days
- Congestion and safety issues during school run due to limited parking

- Safety concerns for children and parents walking to school during construction
- Health concerns for a family member with respiratory issues exacerbated by dust and noise
- Potential disruption to working from home due to noise and dust restrictions

Councillor Lyn Suddards - I would respectfully request that members of the planning committee undertake a site visit prior to decision making. The density of the housing within the location and close proximity is not demonstrable in the drawings and maps. Residents will then at least know that ABC has made the effort to understand their significant issues which inform the decision making process.

Planning Policy

14. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
15. 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).
16. The Local Plan policies relevant to this application are as follows:
 - SP1 Strategic Objectives
 - SP2 The Strategic Approach to Housing Delivery
 - SP6 Promoting High Quality Design
 - HOU3a Residential Windfall Development
 - HOU12 Residential Space Standards (internal)
 - HOU14 Accessibility standards
 - HOU15 Private external open space
 - ENV1 Biodiversity
 - ENV7 Water Efficiency
 - ENV9 Sustainable Drainage
 - TRA3a Parking Standards for Residential Development
 - TRA6 Provision for Cycling
 - EMP6 Promotion of Fibre to the Premises (FTTP)
17. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

- Fibre to the Premises SPD, 2020
- Dark Skies SPD, 2014

- Residential Space and Layout SPD, 2011
- Sustainable Drainage SPD, 2010
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010

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
- Planning Practice Guidance
- National Design Guide 2021
- Technical Housing Standards – nationally described standards
- Article 6(3) of the Habitats Directive; Habitats Regulations 2017

ASSESSMENT

18. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Character and Appearance
- Impact on Highways
- Impact on Residential Amenity
- Impact on Ecology
- Stodmarsh Catchment Area

Principle of development

19. The site lies within the settlement confines of Ashford. Therefore, the principle of development is considered acceptable subject to meeting the relevant criteria under policy HOU3a (Residential Windfall Development Within Settlements) of the Local Plan and other site specific considerations.
20. Policy HOU3a states that “Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines... providing that the following requirements are met:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;

- b) It would not create a significant adverse impact on the amenity of existing residents;
- c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
- d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
- e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
- f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
- g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.

Character and Appearance

- 21. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance, such as village design statements.
- 22. The Character Appraisal of the area (i.e. study of the local vernacular, proportions and materiality) has been carried out. It is noted that the majority of the neighbouring houses are bungalows and semi-detached houses dating back to around the 1930s/60s. Aside from occasional flatted development, the houses surrounding the site are fairly uniform although there are slight variations in respect of detailing and porch designs. In respect of roof forms, it comprises a mix of hip, side gable and mansard roof with shallow pitches. The key elements include entrance porches, headers above windows and brick chimneys. In terms of the materials palette, it is predominantly brick with variation in brick colour, timber shingles, timber panelling, UPVC/metal fenestration and tiled roofs.
- 23. The houses are arranged in a staggered fashion gradually stepping down towards the north. The design of the houses takes inspiration from the existing adjacent houses, ensuring a cohesive visual appearance within the neighbourhood. Two of the terrace houses feature side gable roofs, mirroring the architectural style of the neighbouring houses on Harper Road. Moreover, these houses incorporate front gable ends that rest on prominent brick piers, accentuating the inset entrance porches at the front.
- 24. The corner terrace house, situated at the junction of Harper Road and Little Knoll, draws inspiration from the adjacent detached houses on Little

Knoll/Arlington. Its front gable roof, with increased height, serves to highlight the corner of the site and establishes a visual connection with the neighbouring terrace houses and the existing three-story flat block opposite.



25. The design incorporates a simple material palette that aligns with the surrounding context. Light brickwork would be utilised for the upper floors and dark brickwork for the ground floors with a view to create a visual separation and horizontal emphasis. Additionally, a light brick pattern with a dark brown brick every third brick would be implemented on the three front gable ends, emphasizing the entrances and visually connecting the three terraces. Stacked soldier brick detailing has been incorporated under windows and along all facades, further accentuating the horizontal elements.

26. In respect of landscaping, private external amenity for each dwelling is proposed in the form of a secure, rear garden and has been designed to allow for a sitting out area, clothes drying area, small shed and area of play as well as space to plant shrubs and small trees. In respect of the wider landscaping proposal i.e. the amenity land opposite the site, the proposed landscaping works could be secured via a suitably worded condition.
27. Having regard to the above, it is considered that the design of the proposed development would be of a good standard and consistent with the established development within the wider area. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, HOU3a of the Local Plan and paragraph 130 of the National Planning Policy Framework.

Residential Amenity

28. The application site has a rectangular shape, fronts Harper Road and is surrounded by houses on three sides with accesses off Harper Road. It is noted that regard has been had to the residential amenity of the neighbouring occupiers and appropriate separation distances have been retained between the proposed dwellings and the neighbouring properties. The proposed dwellings would be sited at a distance of approximately 16m from the neighbouring properties to the northwest (rear) and 14.5m from the property to the southeast. Whilst the separation distances between the properties is not ideal, members will note that it follows the prevailing relationship between the residential properties in the locality. Having regard for the sufficient separation distances, it is not considered that the proposed development would cause loss of light, sense of enclosure or overshadowing to the neighbouring occupiers. To mitigate the potential impact from the loss of privacy from the first-floor windows of the proposed dwellings, a suitably worded condition could be attached requiring them to be fixed shut and obscure glazed. Having regard to the above and subject to conditions, the proposed development is considered acceptable in terms of residential amenity impact.

Living conditions of the future occupants

29. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. The proposed units, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. The dwellings would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. Each dwelling would have adequate external amenity area or access to communal areas. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

Impact on Highways

30. The site lies in a dense urban location. Policy TRA3(a) requires that development to provide adequate parking to meet the needs which would be

generated, balancing this against design objectives. It requires 2 bedroom house to provide 2 parking spaces. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for 3 dwellings would be 6 car parking spaces plus 0.6 visitor space. The proposal would make provision for 2 parking spaces per unit (6 spaces in total) plus 2 visitor parking spaces. The parking spaces would be equipped with EV Charging facility. It is understood that these would be provided via a wall mounted socket charging point (such as a Solo Smart Charger) fixed onto the side external wall adjacent to the front entrance for three of the properties, with one of the properties EVC to be provided via a stand to minimise trailing cables across public footway. The proposal would therefore comply with policy TRA3a of the local plan and paragraph 112 of the NPPF.

31. Cycle parking has been provided in line with ABC Local Plan 2030 Policy TRA6. A garden shed with capacity for 2no cycle spaces has been allowed for within the rear garden of the dwellings.
32. Regard must also be had to whether the loss of garages would result in an unacceptable impact on the highway network. Paragraph 110 of the NPPF states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
33. The application has been accompanied by a Transport Statement. Based on the analysis, the proposed development is expected to generate a low number of vehicle trips during peak hours and throughout the day. Specifically, one vehicle trip in the morning peak hour and two vehicle trips in the evening peak hour, resulting in a total of 14 vehicle trips over a 12-hour day which equates to approximately one trip per hour on average.
34. To ensure that a car can reverse onto the driveways, swept path analysis has been undertaken for a large estate car. A refuse vehicle, pantechnicon and fire tender will be able to serve the dwellings on street via Harper Road. It has been demonstrated that the development is entirely within the stipulated hose distance of a fire tender and drag distance of a refuse vehicle parked on Harper Road.
35. An existing site survey revealed that only one of the garages is currently being used for parking. However, it was noted that there were additional vehicles entering and exiting the site across all three days, but they did not park up for a prolonged period of time. It is therefore considered that a minimal number of vehicles are likely to be displaced as a result of the proposals and these could be accommodated in the other garage site. Additionally, an overnight parking stress survey was completed on the 16th and 17th June 2021. The survey used the Lambeth methodology and assessed the road network within a 200 metre walk distance of the site frontage. The survey demonstrated that there were 46 observed free parking spaces on the Wednesday night and 49 observed free parking spaces on a Thursday night. The existing site contains 24 garages,

however the above survey shows that only one of the garages is in use for parking. It is however considered that if all garages were in use that a maximum of 24 cars could be displaced as a result of the proposals. It is noted that there is adequate on street parking to accommodate this level of displaced vehicles. Furthermore, it should be noted that the garage site located approximately 60 meters to the north could be utilised by the current occupants of the existing site.

36. KCC Highways have raised no objection in respect of the proposed development, however, a number of conditions have been recommended to be attached to the including a construction management plan, highway condition surveys and any necessary repairs, conditions in relation to the access and parking, provision of EV Charging points and visibility splays.
37. In the light of the above, it could be reasonably concluded that the demolition of the existing garages and the development of three residential dwellings would not have a detrimental impact on the existing on-street parking provision i.e. the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network (relevant test in the NPPF) and would therefore accord with paragraphs 110 and 111 of the NPPF.

Stodmarsh Catchment Area

38. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
39. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.
40. The importance of this advice is that the site falls within the Stour catchment 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 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.
41. 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 Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.

42. 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.
43. However, work commissioned by the Council is moving forward 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.
44. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), it is recommended that a resolution to grant planning permission 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) 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.

Impact on Ecology and Trees

45. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. The site lies in an urban location and lacks any significant features to support wildlife. Notwithstanding this, the application has been supported by a Phase 1 Habitat Survey to rule out the presence of any protected species on the site.
46. The preliminary ecological appraisal revealed that the site lacks priority habitats and the amenity grassland has limited ecological value.
47. It is noted that no ponds exist within the survey area, and connectivity to nearby ponds is poor, making the site unsuitable for great crested newts or amphibians. Reptiles are not present on the site, and no further work is recommended. The field maple tree provides breeding opportunities for birds, and if removal is necessary, it is recommended that it should be done outside the bird breeding season or with an inspection by an ecologist. The garages were not found to support nesting birds. It is advised that landscaping should incorporate native plants to support nesting and foraging opportunities for birds.

48. The site and garages have negligible potential for supporting roosting bats. Nevertheless, the survey notes that surrounding properties may have features suitable for bats, so lighting design should avoid affecting their behaviour. No further work is recommended. No additional work is necessary for hazel dormouse or badgers. Hedgehogs may be present, and areas where mammals may shelter should be checked prior to disturbance.
49. In conclusion, the site's ecological value is limited, and no significant species or habitats require further attention. Recommendations include consideration of native plantings for birds, and mindful lighting design to minimize impacts on bats. Also, a broad list of potential biodiversity enhancement measures has been included within the survey. It is considered that given the lack of habitat features on-site/habitat connectivity, the impact on ecology is considered acceptable. Suitably worded conditions could be attached to secure the recommendations made within the report.

Human Rights Issues

50. 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).

Conclusion

51. The application site meets the definition of previously developed land (PDL) as defined at Annex 2 of the NPPF. NPPF strongly advocates the use of PDL where possible. Therefore, having regard for the merits of this case, it is considered that the use of the site for the creation of 3 affordable dwellings of a good standard would provide a significant benefit to the community together with making the most efficient use of previously developed land. It would enhance the character and appearance of this part of the town. It would cause no harm to the residential amenity of the neighbouring occupants or the highway safety and is considered acceptable in all other material respects.

Recommendation

Permit

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - 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 Planning Applications and

Building Control 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 any associated issues relating thereto; and,

- B. Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those 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.

1. 3-year standard condition
2. Approved Plans
3. Construction Management Plan
4. Highway condition survey before and after construction and carrying out any repairs if required
5. Measures to prevent discharge of surface water onto the highway
6. Provision and retention of permanent parking spaces
7. EV Charging points
8. Cycle parking
9. Provision and maintenance of visibility splays
10. Completion and maintenance of the access
11. Contamination (Land or groundwater)
12. Reporting of unexpected contamination
13. Foul water disposal
14. Bin Storage
15. Submission of material samples
16. Landscaping scheme
17. Offsite landscaping works
18. Reveal of 100mm for the windows
19. PD rights removed [Classes A (extensions), B (Dormers), D (porches) and E (outbuildings)]
20. Obscure glazing (first floor windows to rear elevations)
21. Fibre optic broadband
22. Scheme of biodiversity enhancements
23. Removal of the tree outside of the bird nesting season

Notes to Applicant

1. Working with the Applicant
2. List of plans / documents approved

Background Papers

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

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Application Number	PA/2023/0218
Location	15 Warwick Road, Kennington, Ashford, Kent, TN24 9EH
Grid Reference	Easting (x) 602243 / Northing (y) 144390
Parish Council	Kennington Community Council
Ward	Bybrook
Application Description	Proposed conversion of a 3-bedroomed house to No.2 self-contained 1-bedroomed flats
Applicant	Ashford Borough Council
Agent	ABC - Housing Development and Regeneration
Site Area	0.03 Hectares

Introduction

1. This application is reported to the Planning Committee because Ashford Borough Council (ABC) is the applicant.

Site and Surroundings

2. The application site comprises a two storey semi-detached property within the Kennington area of Ashford. The site occupies a corner plot on Warwick Road and Shepway with the main access on Warwick Road. The property currently benefits from 3 bedrooms all on the first floor with a lounge, kitchen, utility and shower room on the ground floor. There is currently parking for one vehicle on the driveway. It is also worth noting that there are no parking restrictions in the surrounding streets.
3. The prevailing character of the street scene is one of properties of a similar style/design with a mix of terraced and semi-detached dwellings, in either render or facing brickwork. There is a fair degree of landscaping in the vicinity with trees, amenity areas, low hedgerow and some picket fencing.

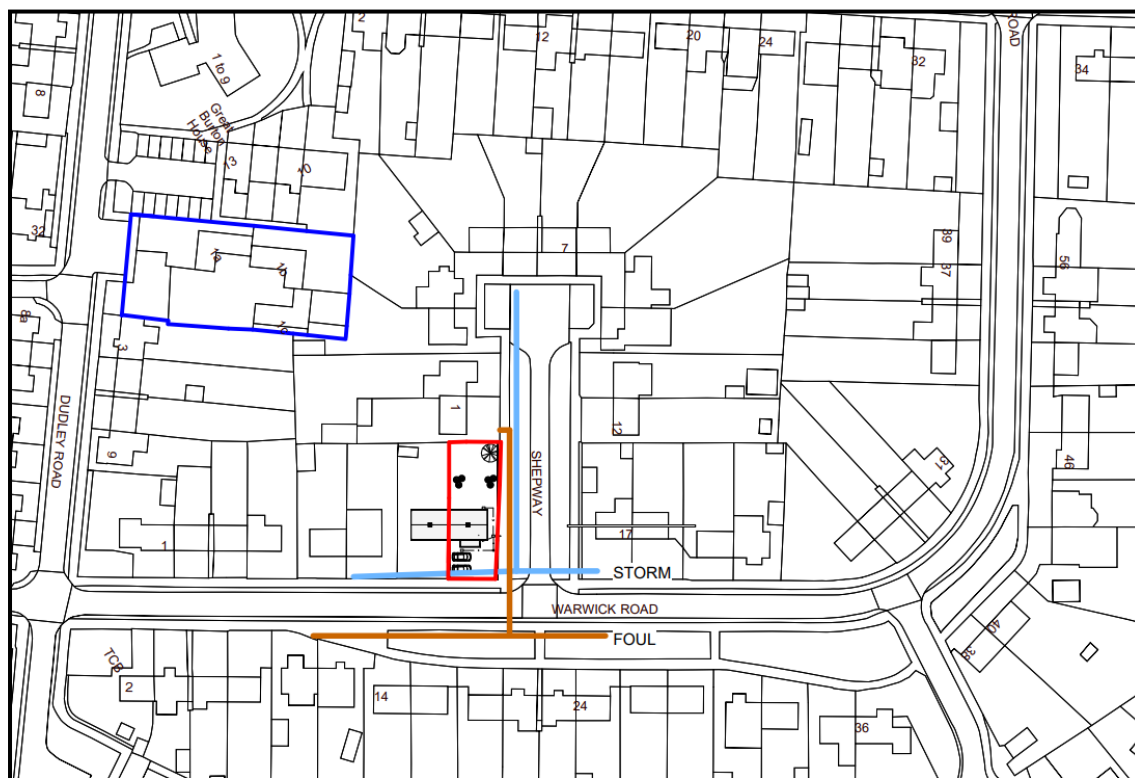


Figure 1 - Site Location Plan outlined in red – blue signifies other land owned by ABC

Proposal

4. Full planning permission is sought for the conversion of the dwelling to 2 self-contained 1-bedroom / 1 person flats (one on each floor). There are associated internal alterations, but the external alterations are minimal with some slight fenestration alterations on the front facade of the building, and the blocking up of a small ground floor window on the flank elevation of the property. As well as the provision of solar panels on the front roofslope, water butts to the front and rear and electric vehicle charging points to the front along with enlarging the front curtilage hardstanding area to provide two off-road vehicle spaces.
5. The conversion of this building is proposed as part of a scheme under the Government's Levelling Up agenda with the aim to help rough sleepers rebuild their lives under a Government supported scheme. The property was bought by the Council specifically for this project. The applicant has confirmed that this property will be for single person occupancy of each unit only.
6. It is of note No. 15 Warwick Road is one of a number of properties being converted to provide housing for rough sleepers in the Borough. At this time Ashford Borough Council has identified that a minimum of 15 properties are required to accommodate the needs of this project in the Ashford Area. A

similar application was heard by the Planning Committee in November and December 2022 under application reference 22/00569/AS at 240 Beaver Road, Ashford. It was resolved to permit that application subject to Stodmarsh criteria. It is also of note that another, separate application has been submitted for the same scheme under application reference PA/2023/0225 at 36 Hurst Road, also in Kennington.

7. In support of this application, the Development & Regeneration Manager, Housing has set out the context behind this proposal.
- The property has been purchased by ABC specifically for the conversion, as part of the above mentioned scheme.
 - Private and Council households can be under or over occupied. This can be due to personal circumstances (children left home, or two single parents with children) as well as financial.
 - The conversion is part of a nationwide programme to provide rough sleeper accommodation.
 - Two units of accommodation next to each other provides a concentration of provision for management without being excessive.
8. The Development & Regeneration Manager, Housing further highlights that the Council's waiting list will always be different to the national picture and that ABC address' the needs of those who are more vulnerable. The table below provided by the applicant sets out the needs of those on the Council's housing waiting list. The numbers at the top of the table are the number of bedrooms needed (i.e. there is a need for 728 x 1 bedroom properties at present in the Borough).

Need	1	2	3	4	5	6
Total	728	281	352	95	23	1

Figure 2 – Housing waiting list needs



Figure 3 – Existing Plans and Elevations

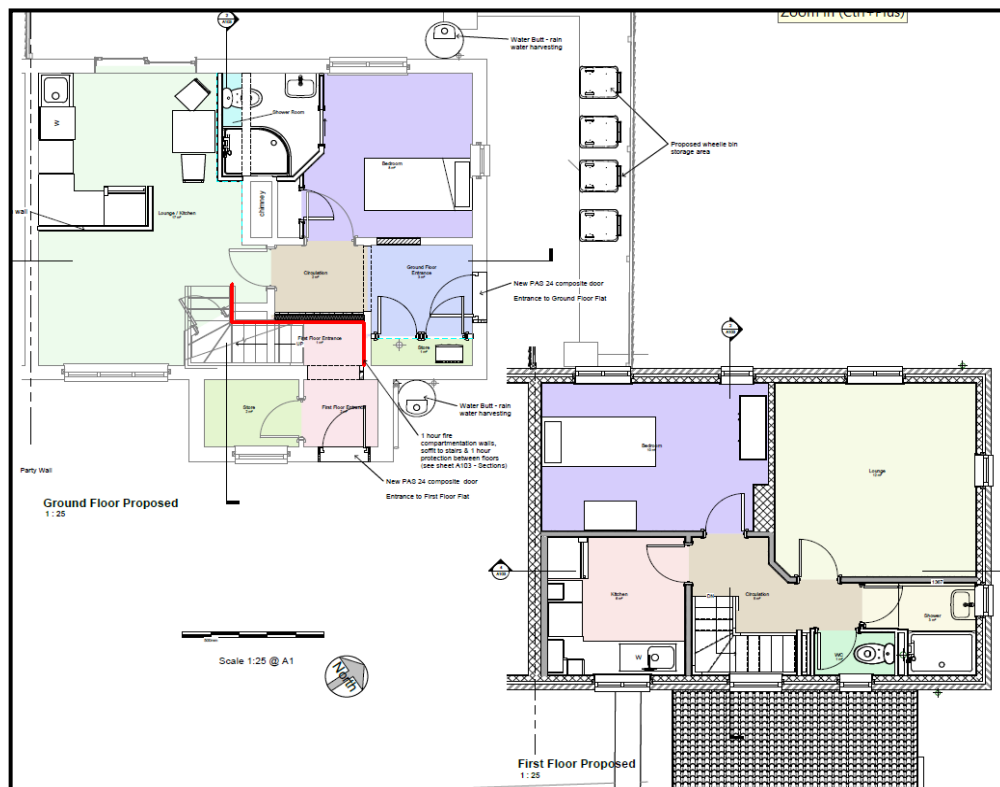


Figure 4 - Proposed Floor Plans

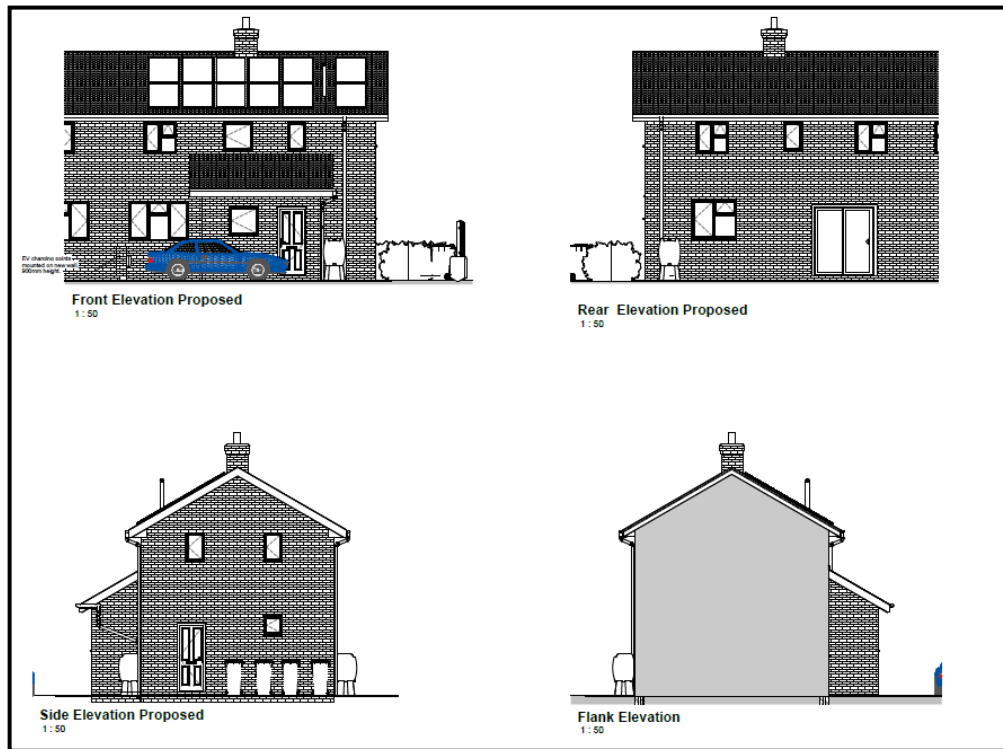


Figure 5 – Proposed Elevations

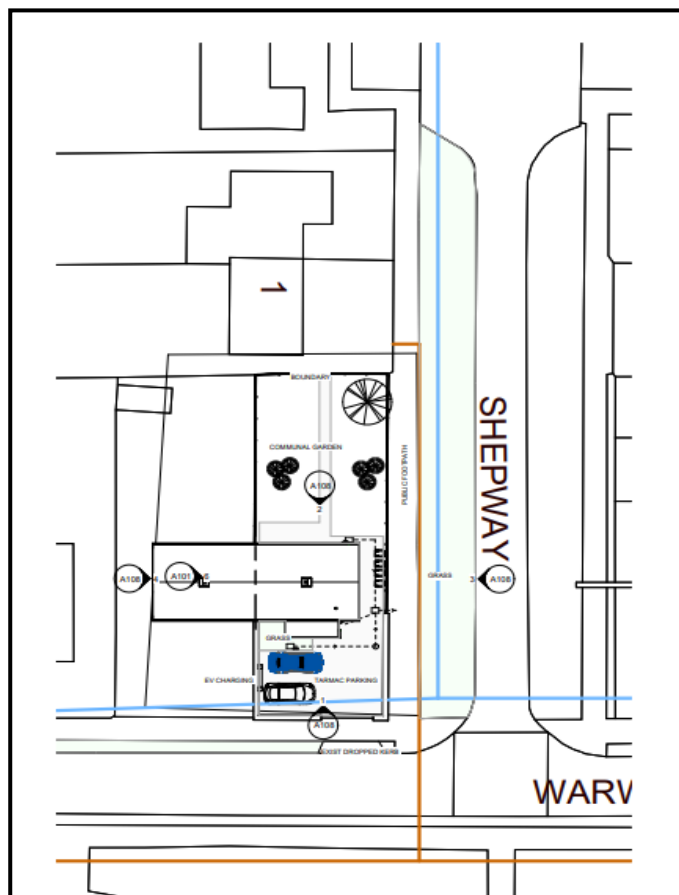


Figure 6 - Proposed Site Plan

Planning History

9. There is no recent relevant planning history for the site.

Consultations

10. The application has been subject to formal statutory and non statutory consultation.
11. **Kennington Community Council** – No response received.
12. **Natural England** – Comments awaited (*at time of writing*).
13. **Environmental Protection** – They note that the sound insulation for the floors/ceilings and stairs will be improved to current standards. The first floor living room will be located above a ground floor bedroom. They advise that this is not ideal and has the potential to cause a noise disturbance for the ground floor property. If possible bedrooms should be positioned over bedrooms, however it is possible the structure of the building does not permit this. They suggest that the applicant may wish to stipulate that floors are carpeted with underlay in living rooms, bedrooms, stairs and hallways. They suggest that informatives relating to hours of construction, the burning of waste and dust emission controls are imposed on any consent.
14. **Neighbours** – notification letters were sent to the occupiers of 5 properties in the vicinity of the application site and no representations have been received.

Planning Policy

15. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
16. 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).

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

SP1 – Strategic Objectives
SP2 – The Strategic Approach to Housing Delivery
SP6 – Promoting High Quality Design
ENV1 - Biodiversity
HOU3a – Residential Windfall Development Within Settlements
HOU12- Residential Space Standards Internal
HOU15 - Private External Open Space
TRA3a - Parking Standards for Residential Development
TRA6 - Provision for Cycling
TRA7 – The Road Network and Development

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

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010
Residential Parking & Design SPD 2010
Residential Space & Layout (External space standards) 2011
Landscape Character SPD 2011
Climate Change Guidance for Development Management

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

The NPPF reflects the statutory provision at section 38(6) of the Planning and Compensation Act 2004 that mandates the determination of all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47). The NPPF was published on 27 March 2012 but has been amended on several occasions, with the most recent in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

4. Decision-making

5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places

Planning Policy Guidance: In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

Technical housing standards – nationally described space standards

Assessment

19. The main issues for consideration are:
 - Principle of Development
 - Design, Character and Appearance
 - Residential Amenity and Standards
 - Parking Provision and Highway Safety
 - Other Matters

Principle of Development

20. There is no specific policy objection to the conversion of larger dwellings into smaller units in the adopted Local Plan. Neither are there compelling housing needs that support the retention of large homes. In the circumstances, there are no reasons why this proposal should not be given a favourable consideration if it complies with the relevant Development Plan policies and standards.

Design, Character and Appearance

21. Local Plan policies SP1 and SP6 require good design and state that all development should seek to create a distinct character, with a strong sense of place and identity. These policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment and seeks to safeguard heritage assets.

22. The proposed external alterations are very minimal and only involve some small fenestration alterations and the installation of solar panels on the front roof slope, water butts and electric vehicle charging points. These are very minor works which neither detract from the appearance of the building nor are they detrimental to the character and appearance of the surrounding area.

Residential Amenity and Standards

23. Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 states, amongst other things, that planning policies and decisions should ensure that developments:

“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.”

24. The proposal raises no amenity impact issues. The proposed residential use conforms with the surrounding uses and the proposed external alterations would not have any adverse impact on the living conditions of the neighbours.
25. In accordance with policy HOU12 and the provisions in the national guidance, the internal layout and floorspace disposition of the proposed dwellings meet the set standards. Nonetheless, the plans show that the first floor living room / kitchen of the first floor unit will be above the ground floor bedroom of the ground floor unit. However, each flat has 60 minutes fire separation and the section drawing indicates a sound insulation system will be introduced to the flooring and underside to the ceiling that will reduce sound transmission. Sound proofing to the party wall to the first floor kitchen is also shown with the sound proofing to meet regulations. Environmental Health have also suggested underlay to the carpeting to help the situation. However, this is not something which can be conditioned. Overall, it is considered that the relationship between the 2 flats would be acceptable and would not lead to impact on any residential amenity for future occupiers.
26. The property benefits from a 15m deep rear garden which will be shared between the two units. While in this supported tenancy, the housing support team have advised that the tenants will have joint responsibility for keeping the garden in good order, mowing the grass etc. and encouraged to behave in a tenant like manor, taking responsibility for taking care of the property and putting out the rubbish/bins. In order to ensure that the rear facing habitable rooms of the ground floor flat would be afforded with appropriate levels of privacy, it is considered that defensible spaces (immediately outside of the rear facing ground floor flat bedroom window and lounge / kitchen sliding doors) should be provided by suitable landscaping which could be secured by way of a condition. The residual external amenity space suffices for the 2 non-

family units which are for single persons and are therefore satisfactory and in accordance with policy HOU15.

Parking Provision and Highway Safety

27. Policy TRA3a of the Local Plan requires one off-street car space for 1-bedroom dwellings. The front curtilage of the site currently provides one off road car space but the proposed plans show that realistically two spaces could be achieved in order to be policy compliant by replacing a portion of the front grass with tarmac.
28. As with other such schemes in the Borough (such as the previously mentioned application at Beaver Road), it is important to realise that off-street parking provision is not considered a necessity for the proposed flats which is intended to cater for former rough sleepers who have very few possessions and highly unlikely to have a car. However, it is considered appropriate to condition the retention of the shown car parking spaces to ensure that the flats would be provided with acceptable car parking provision in accordance with policy requirements, if such parking provision is required for the flats in the future.

Other Matters

29. The site is located within the Stour catchment. The Council received advice from Natural England (NE) in respect of the nationally and internationally designated protected sites at Stodmarsh lakes, east of Canterbury. This relates to an increased level of nitrates and phosphates within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
30. The development proposes to convert the existing dwelling into new accommodation. The existing dwelling is a 3-bedroom house, which in accordance with the Natural England methodology, is assumed to have an existing occupancy of 2.4 persons.
31. The proposed development would result in the creation of two single occupancy flats. Given that the proposed flats are intended for single occupancy, it is considered that the standard occupancy value of 2.4 persons per dwelling is not appropriate for the type of accommodation proposed and that assuming an occupancy value of 1 person per flat would be more appropriate. Again, this is the approach taken with the similar application at 240 Beaver Road (22/00569/AS).
32. The proposed development would convert an existing dwelling into 2 self-contained flats for single occupancy. Subject to the imposition of a condition restricting the occupancy of the units to one person per flat, the scheme does not result in any increase in net population within the Stour catchment. Consequently there would be no net increase in nutrients generated from the proposed use. Additionally, there is no land use change associated with this

application, given that the site is an existing residential site. Consequently, there would be no net nutrients generated from the surface water/land use change.

33. With the imposition of a single occupancy (per flat) condition, the Council has prepared an Appropriate Assessment which has been sent to Natural England to await their consultation response. At the time of this report being written, no response had been received from Natural England. However, any response from Natural England will be included within the update report. If members are minded to grant permission then a decision would only be issued with a suitable Appropriate Assessment being agreed.

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).

Conclusion

35. As mentioned above, there is no specific policy objection to the conversion of larger dwellings into smaller units in the adopted Local Plan. Neither are there compelling housing needs that support the retention of large homes in this part of the Borough. Nonetheless, the proposal complies with the relevant Local Plan policies in relation to design, residential standards, parking / highway safety and amenity impact. For the reasons set out above, the proposed development is satisfactory and therefore recommended for approval.

Recommendation

Permit

- A** Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director for 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 conditions as they see fit to secure the required mitigation and any associated issues relating thereto; and,

B Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those 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.

1. 3-year standard condition
2. Approved Plans
3. Single person occupancy condition
4. Materials in accordance with the submitted details
5. Retention of parking spaces
6. Landscaping details of the rear amenity space
7. Available for inspection

Notes to Applicant

- Working with the Applicant
- List of plans/documents approved
- Construction practices (including hours of construction, avoiding burning of controlled waste, and minimising dust emissions)

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 PA/2023/0218)

Contact Officer: Sally Hodgson
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Telephone: (01233) 330724

Application Number	PA/2023/0714
Location	Court Wurtin, Beaver Lane, Ashford, Kent, TN23 5NH
Grid Reference	Easting (x) 600308 / Northing (y) 141279
Parish Council	Central Ashford
Ward	Beaver
Application Description	Provision of 1 no. residential/commercial waste and storage compounds; refurbishment of the stairwell to include new roof structure, render, and cladding, provided gated residential area. Proposed works to residential properties 24-30 to include PV panels, rendering, and changes to fenestration
Applicant	Mrs Sharon Williams, Ashford Borough Council
Agent	Mr Colin Benton, Ashford Borough Council
Site Area	0.2935 Hectares

Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council (ABC).

Site and Surroundings

2. The application site comprises the northern part of Court Wurtin, a three-storey 1960s residential / commercial block, which is located to the south of Beaver Lane in the Beaver Ward of Ashford. The building comprises a local retail centre with commercial units on the ground floor and flats on the first and second floors.
3. The immediate area is predominately residential in nature, with a mix of semi-detached and terraced houses and low rise blocks of flats surrounding the site. The application site is not subject to any landscape restrictions according to the Development Plan.

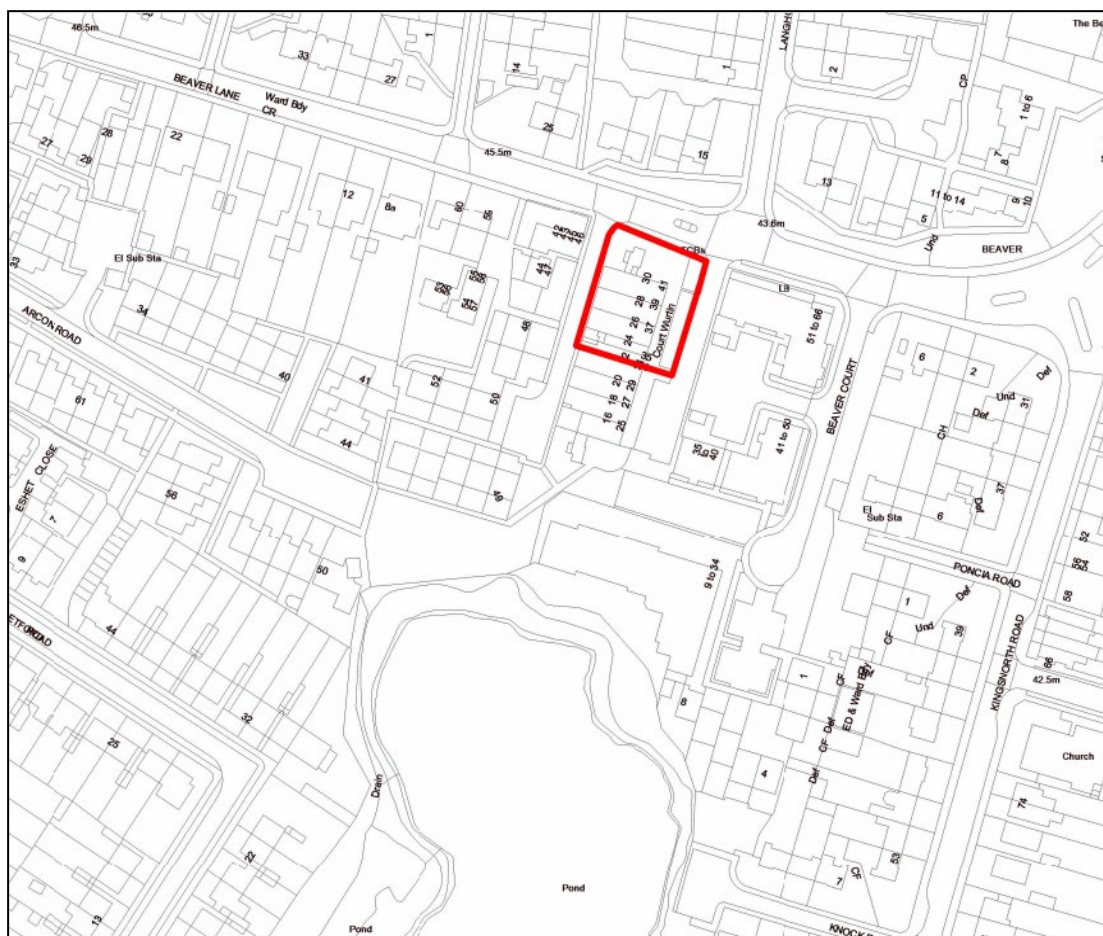


Figure 1 Site Location

Proposal

4. Planning permission is sought for
 - Provision of residential / commercial waste and storage compound(s);
 - Refurbishment of the existing stairwell to include new roof structure, render, and cladding;
 - Provision of a gated residential area to the front of the stairwell; and
 - Works to residential properties 24-30 to include removal of canopy, the insertion of PV panels, rendering, and changes to fenestrations.
5. The materials proposed to clad the stairwell would be cedar timber slats approximately 38x68mm timber. No lacquer or paint finish is proposed to allow timber to discolour naturally. A galvanised steel frame is proposed to enclose the front and rear elevations of the stairwell.
6. The proposed storage compound(s) would be enclosed by a 2.7m high fence comprising ash timber slats fitted vertically to steel framed posts and horizontal rails. The said compound would be accessed via the rear access

way to the west of the site and from within the stairwell. Immediately to the north of the said storage compound the applicant is proposing an area of landscaping.

- The replacement windows would be white PVCu double-glazed units, in order to match existing windows at the site. The applicant has also proposed a grey render finish on the facades of the flats in question.

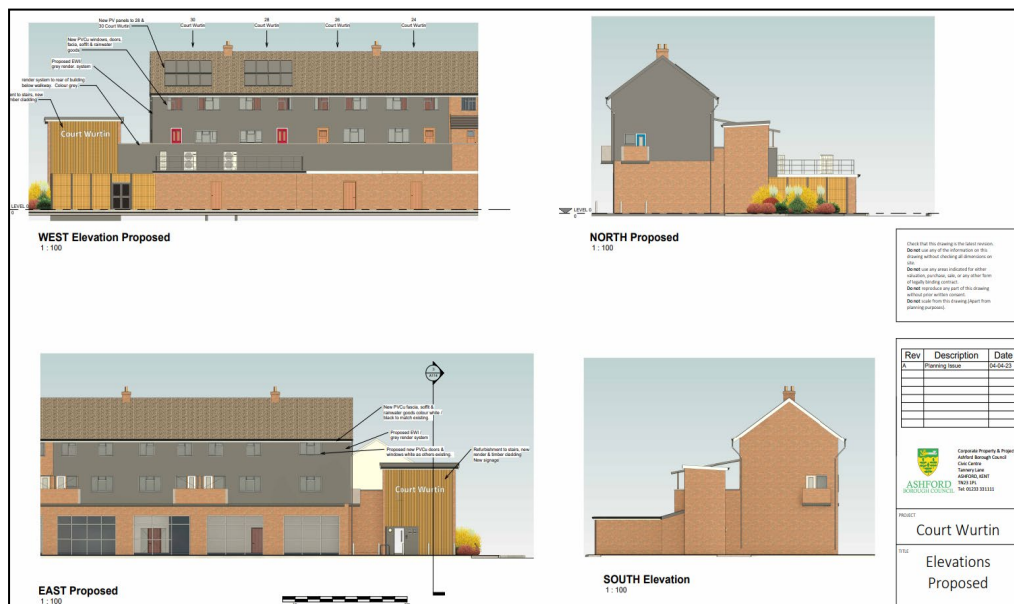


Figure 3: Proposed Elevations

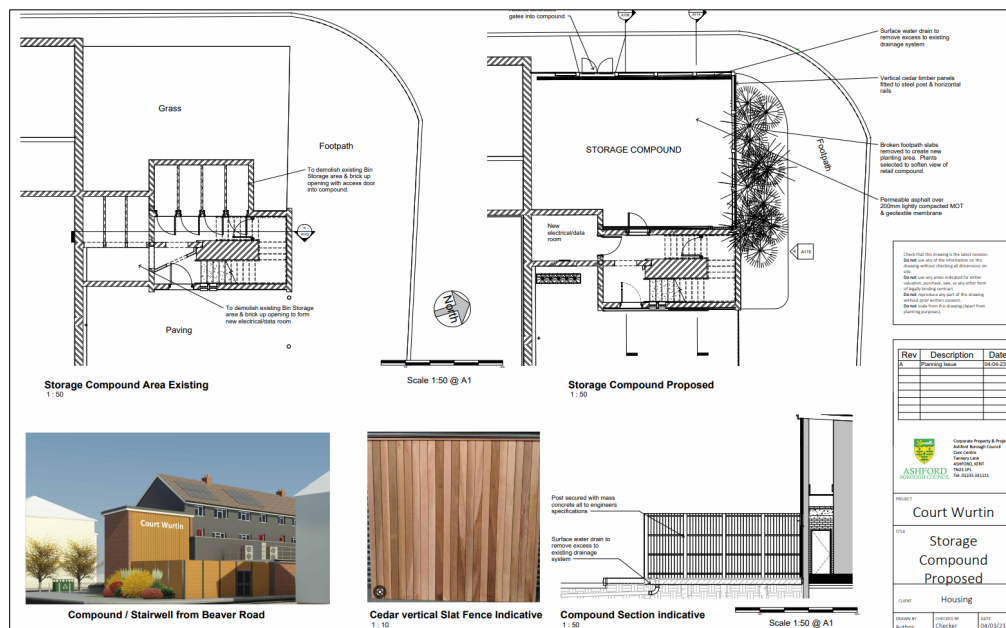


Figure 2: Proposed Waste Storage Compound

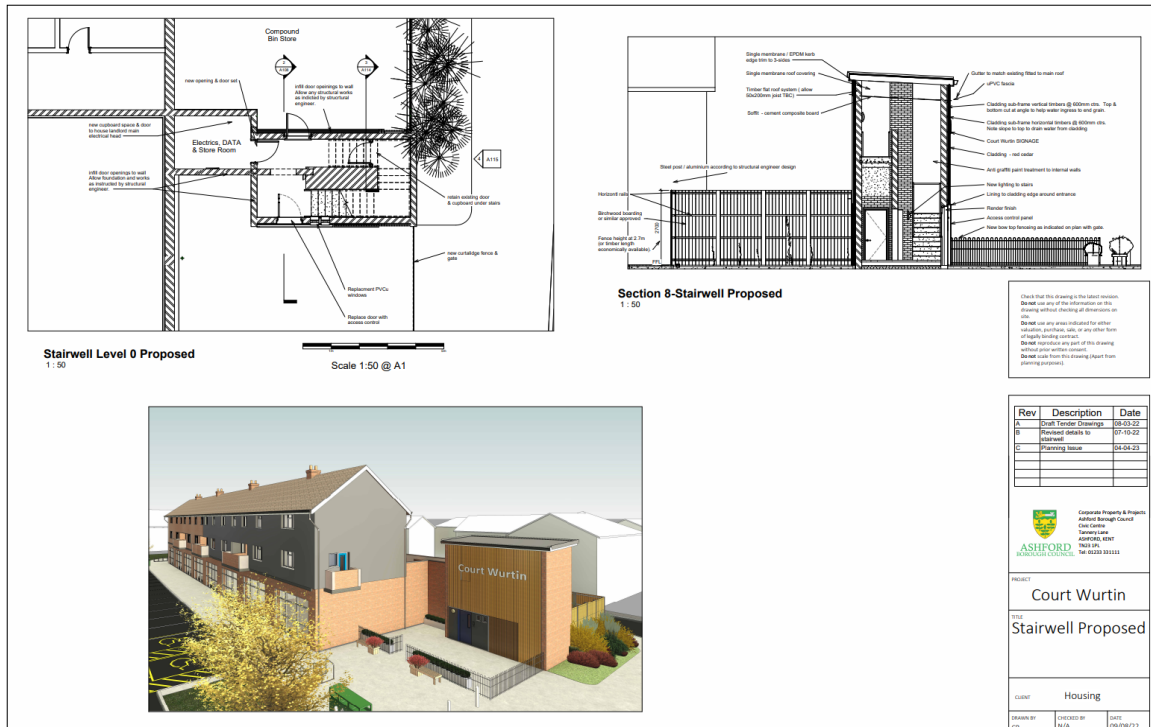


Figure 4: Stairwell Proposed

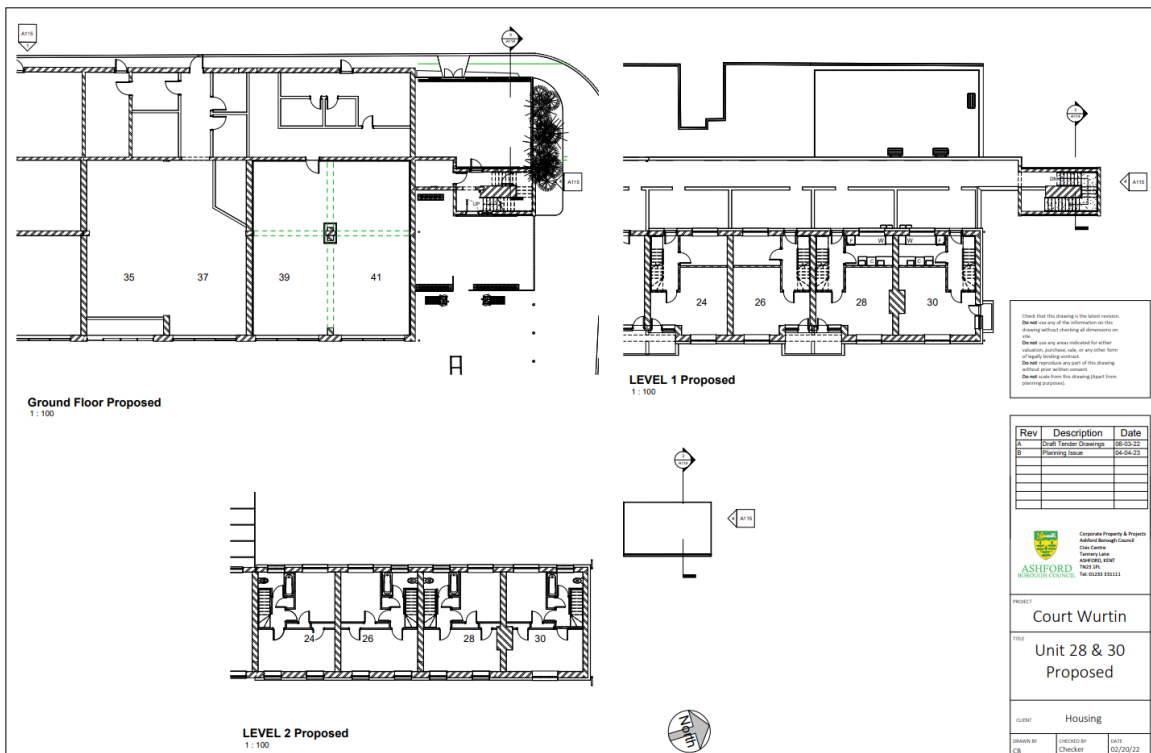


Figure 5: Proposed Floor Plans

Planning History

8. No Relevant Planning History.

Consultations

9. The application has been subject to formal statutory and non statutory consultation.
10. **Environmental Protection Team** - No comments or Objections.
11. **Building Control Team** - Works being inspected under application FP/2023/0328.
12. **Neighbours** - 73 neighbours were consulted in relation to the proposed works and no letters of objection were received.

Planning Policy

13. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
14. 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).
15. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives
SP6 – Promoting High Quality Design
ENV3a - Landscape Character and Design
ENV4 – Light Pollution and Promoting Dark Skies
ENV10 – Renewable and Low Carbon Energy
16. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Landscape Character SPD 2011
Climate Change Guidance for Development Management

Government Advice

National Planning Policy Framework (NPPF) 2019

The NPPF reflects the statutory provision at section 38(6) of the Planning and Compensation Act 2004 that mandates the determination of all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47). The NPPF was published on 27 March 2012 but has been amended on several occasions, with the most recent in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

4. Decision-making
12. Achieving well-designed places
14. Climate change

Planning Policy Guidance: In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

Assessment

17. The main issues for consideration are:

- Principle of Development & Visual Amenity
- Residential Amenity
- Highway Safety

Principle & Visual Amenity

18. The site is located within the Ashford urban area and the principle of new development is accepted subject to complying with the relevant policies of the Local Plan.
19. Court Wurtin is a three storey 1960s residential / commercial block that is considered to be somewhat stark, domineering and visually intrusive within the locality, especially as the existing fenestration and stairwell have become neglected and are becoming dilapidated and detract from the character of the building and area.
20. The proposed cladding materials and new roof on the stairwell, in combination with the proposed new replacement fenestration and new street furniture would constitute a significant visual improvement and would enhance and rejuvenate the character and appearance of the building and its surroundings. Likewise, the proposed storage compound is well-designed and located and would assimilate well with the character and form of the host building. The area of soft landscaping to the north of the stairwell and storage compound would help soften the appearance of the said storage compound and improve the appearance of the street scene. Such landscaping details should be agreed by way of a condition. Lastly, the removal of part of the first floor canopy on the western elevation of the building would also be visually acceptable in this instance. Overall, it is considered that the said works would improve the appearance of the building and not cause any visual harm to the area.
21. In order to improve the energy efficiency of the flats owned by ABC, the Council are proposing to add a form of cladding with a render finish to the exterior facades of the building. As ABC do not own the entire building, this would result in part of the building being clad and the other half remaining at present, finished in brickwork. The proposed juxtaposition of grey render with the existing brickwork would likely appear somewhat awkward. However, the applicant has agreed to amend the colour of the render to make the transition of materials more harmonious. The exact details of the said materials / finishes will be agreed by way of condition.
22. With regard to the proposed solar panels there is a Government commitment to the use of renewable forms of energy and this is reflected in the NPPF, which advises that even small-scale projects provide a valuable contribution to cutting greenhouse emissions. Solar PV panels are likely to have the least visual effect of all renewable technologies.
23. The proposed solar array would be on the western elevation. Given the surrounding built form and the orientation of the building to the road the proposed solar array would not appear prominent or intrusive and would assimilate with the site's surroundings. No significant or unacceptable harm to the surrounding street scene would be caused as a result of the solar array.

Residential Amenity

24. Given the minor scale of the development works proposed, it is not considered that any harm to residential amenity would be caused by this proposal.

Highway Safety

25. The proposed works would not create any further parking demand at the site and would not displace any existing parking provision within the site. The proposed small enclosed residential area to the front of the stairwell, and the area of soft landscaping proposed, and the storage compound(s) to the rear of the stairwell, would not detrimentally impact upon the functionality of the pavements and footpaths in the area either. Consequently, no harm to highway safety would result from this proposal.

Human Rights Issues

26. 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).

Conclusion

27. To conclude given the limited impact the proposal would have on the form of the building and the street scene, the proposal is considered acceptable and in accordance with the provisions of the Development Plan as a whole. With no overriding matters which would otherwise indicate a refusal, I recommend that the application is approved subject to conditions.

Recommendation

Permit

- A** With delegated authority to the Planning Applications and Building Control 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 any associated issues relating thereto; and,
- B** Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those 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.

Conditions

1. 3-year standard condition
2. Compliance with Approved Plans
3. Materials as approved / details of rendering to approved
4. Landscaping
5. Available for inspection

Notes to Applicant

- Working with the Applicant

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application PA/2023/0174)

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