



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 13th December, 2023 at 6.30 pm.

The Members of the Planning Committee are:-

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

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

5 - 6

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. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 8th November 2023.

[\(Public Pack\)Minutes Document for Planning Committee, 08/11/2023 19:00 \(moderngov.co.uk\)](#)

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

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/2023/0715 - Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent**

9 - 66

Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road.

(b) **22/00571/AS - Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN26 1JR**

67 - 120

Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access only (excluding internal circulation routes), with all other matters reserved.

(c) **21/01595/AS - Waterbrook Park, Waterbrook Avenue, Sevington, Kent**

121 - 164

Reserved matters application to consider access, appearance, landscaping, layout and scale pursuant to outline planning permission 18/00098/AS for the development of 364 dwellings, a convenience/farm shop/ café building, wetland area, landscaping, open space, drainage, parking and other associated infrastructure.

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

5 December 2023

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

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

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

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

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

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

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

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

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

Advice to Members on Declarations of Interest:

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

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

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

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/2023/0715	
Location	Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent	
Grid Reference	E: 598374 N: 139263	
Parish Council	Great Chart with Singleton	
Ward	Weald Central	
Application Description	Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road	
Applicant	Hodson Developments Ltd	
Agent	n/a	
Site Area	1.14 hectares	
(a) 16 / 227 'R'	(b) Bethersden 'comment' Great Chart 'R' /Kingsnorth 'R' Shadoxhurst 'R'	(c) EA 'X' / FC 'X' / NE 'X' / KCC Ecol 'X' / KCC Flood 'R' / KCC Highways 'X' / ABC Env 'X' / RA 'X' / SW 'X' / UKP 'X'

Introduction

1. This application is reported to the Planning Committee because, pursuant to the scheme of delegation, I consider that the application is of a sufficiently sensitive nature so as to make it appropriate for consideration by Members.

Site and Surroundings

2. The site is located on the west side of Chilmington Green Road, approx.150 metres north of the junction with Long Length and approx. 650 metres south of the junction with Criol Lane. The site is currently arable farmland and is within the boundary of the Chilmington Green development.
3. The boundary of the site includes a pumping station, and its point of access off Chilmington Green Road, constructed by the applicant and operated by Independent Water Networks Limited (IWNL) which serves the houses already constructed at Chilmington Green.

4. Adjacent to the south of the site is a waste water pumping station recently constructed by Southern Water, beyond which is Stubbcross ancient woodland. Immediately to the north, east and west is arable farmland.
5. The nearest existing houses are located approx. 250m to the south and south east of the site on the southern side of Tally Ho Road and on the eastern side of Magpie Hall Road. In addition, outline planning permission has been granted for houses approx. 400 metres to the north and north east of the site as part of Phase 4 of the Chilmington Green development. Houses are also proposed approx. 300 metres to the east of the application site as part of the Court Lodge development, currently the subject of a live planning application. Details of the planning permissions and applications referred to here are provided in the Planning History section of this report further below.
6. The nearest public footpath (AW300), approx. 300 metres to the south of the site, extends from Tally Ho Road in a westerly direction through Stubbcross wood and across fields beyond, taking the course of an old Roman road. A new public footpath and bridleway is proposed approx. 150 metres to the east of the site as part of the Chilmington Green development.
7. The topography of the site is generally flat, with a slight fall towards a ditch to the north, running between Criol Road and Chilmington Green Road. A site location plan is provided in **Figure 1** below.

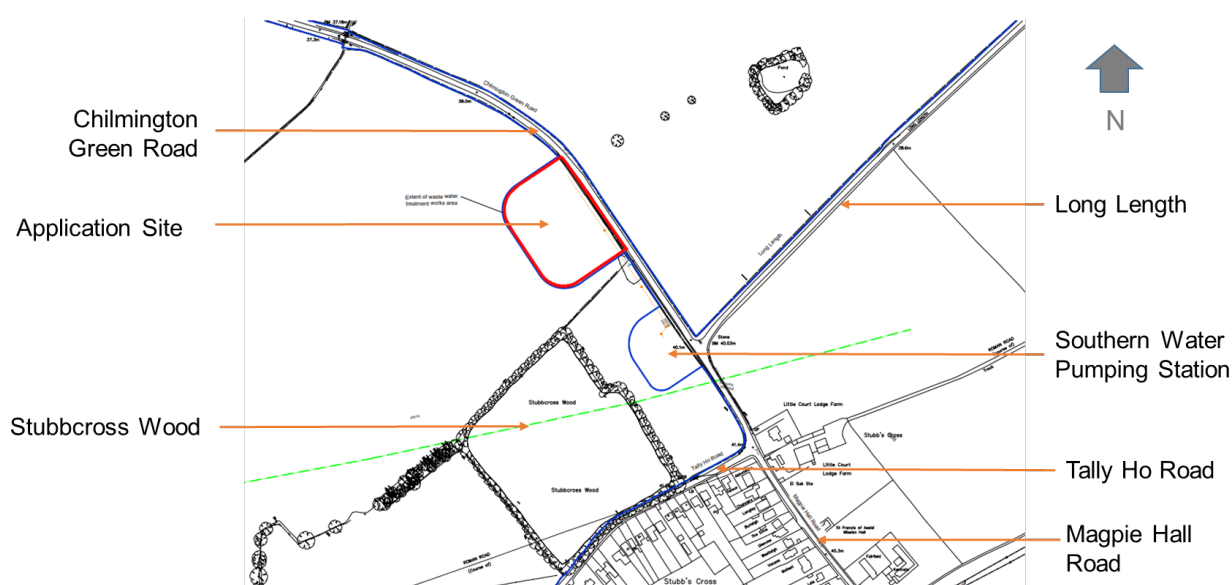


Figure 1: Site Location Plan

Proposal

Description of Proposed Development

8. The application seeks full planning permission for the construction of a wastewater treatment plant (WwTP). The site would be accessed off Chilmington Green Road, approx. 100 metres north of the access to the adjacent Southern Water pumping station.
9. The WwTP would comprise the following structures located within a fenced (2.4m high) compound measuring approx. 96.0m wide and 60.0m deep:
 - a. Three Te-Cyc Tanks – 16.224m in diameter and 5.630m high to the top of the tanks, 7.100m high to the top of the gantries. Constructed from glass coated sectional steel, coloured dark green.
 - b. Attenuation Tank – 5.123m in diameter and 5.630m high. Constructed from glass coated sectional steel, coloured dark green. The applicant has advised that this tank is required to balance the peak flows from the first 982 properties to ensure the treated flow entering the River Beult does not exceed 3 litres per second (l/s).
 - c. Sludge Storage Tank – 10m in diameter and 5.630m high. Constructed from glass coated sectional steel, coloured dark green.
 - d. Sludge Dewatering Kiosk – a footprint of 10.0m x 7.0m and 4.10m high. Constructed from glass reinforced plastic, coloured dark green.
 - e. Motor Control Centre (MCC) Kiosk – a footprint of 3.0m x 12.0m and 9.0m high. Constructed from glass reinforced plastic, coloured dark green.
 - f. Four Air Blowers in Acoustic Enclosures – one blower per Te-Cyc tank and a standby blower. A footprint of 1.1m x 1.3m and 1.2m high.
 - g. Ferric Dosing Kiosk – a footprint of 4.0m x 3.0m and 3.0m high. Constructed from glass reinforced plastic, coloured dark green. The kiosk would include emergency eyewash and shower equipment.
10. The following three structures are proposed below ground:
 - h. Feed Pump Station
 - i. Inlet Screen

j. Treated Effluent Sampling Chamber

11. The location of each of these structures within the compound is shown in **Figure 2** below. The proposed elevations are provided in **Figures 3, 4 and 5**.

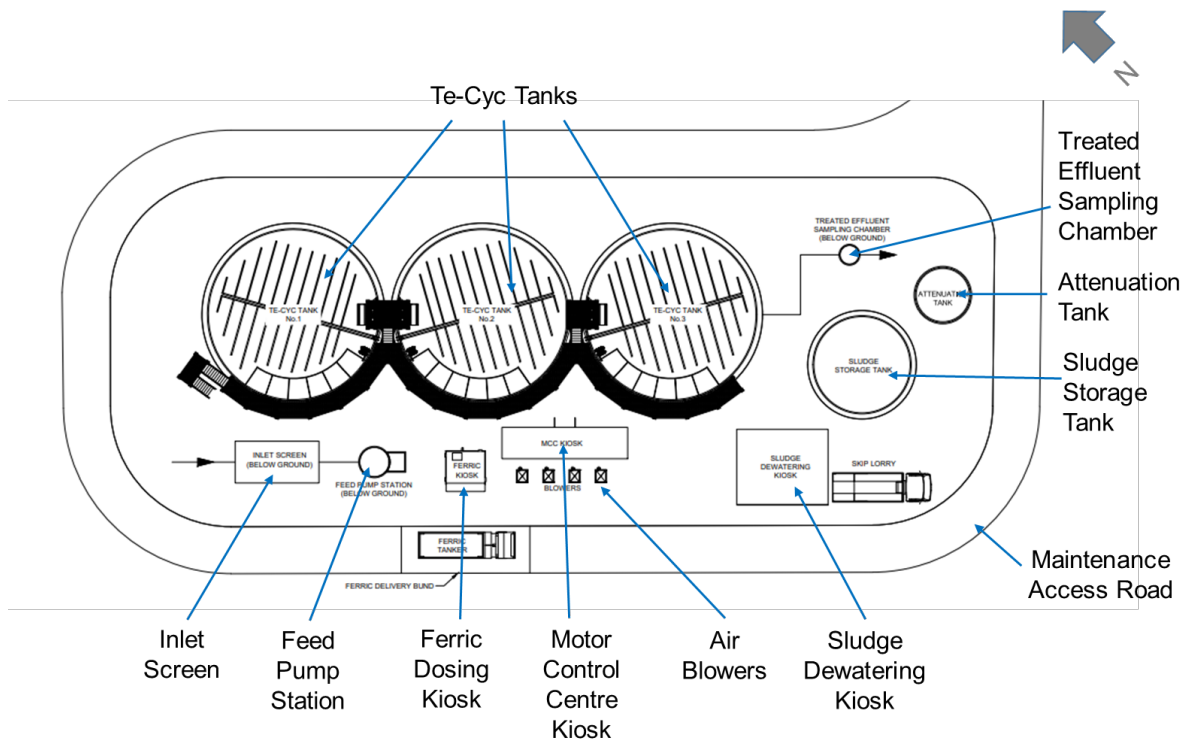


Figure 2: Proposed Site Compound Layout

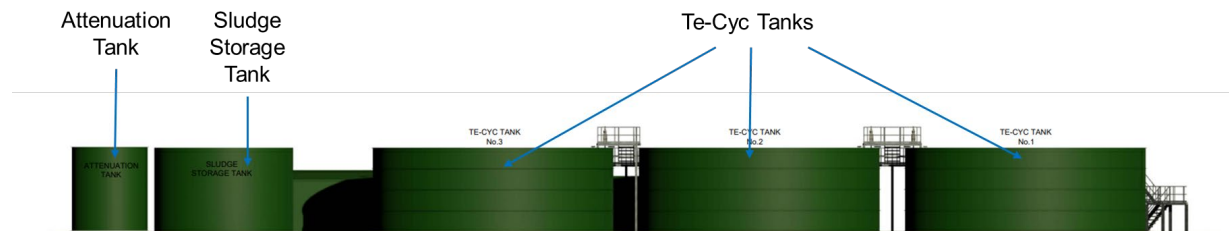


Figure 3: Proposed North East Elevation

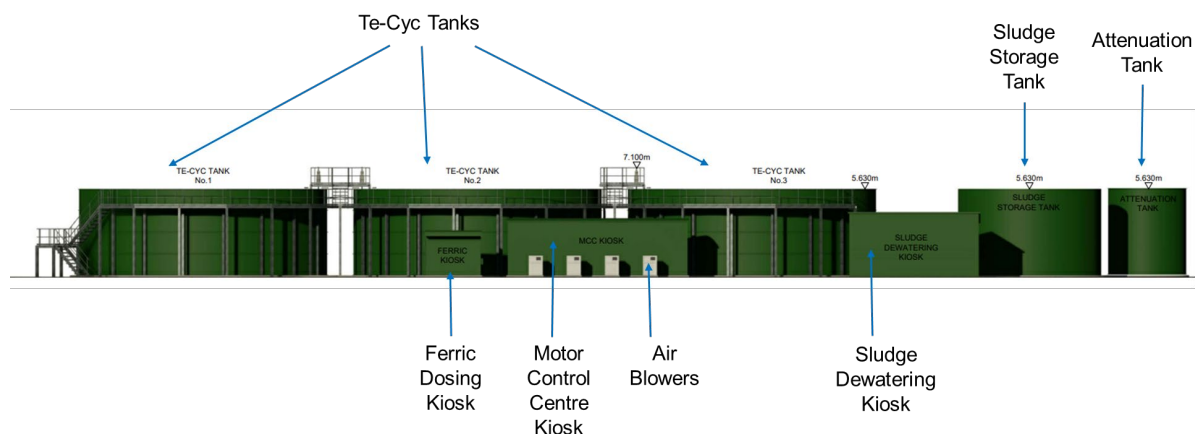


Figure 4: Proposed South West Elevation

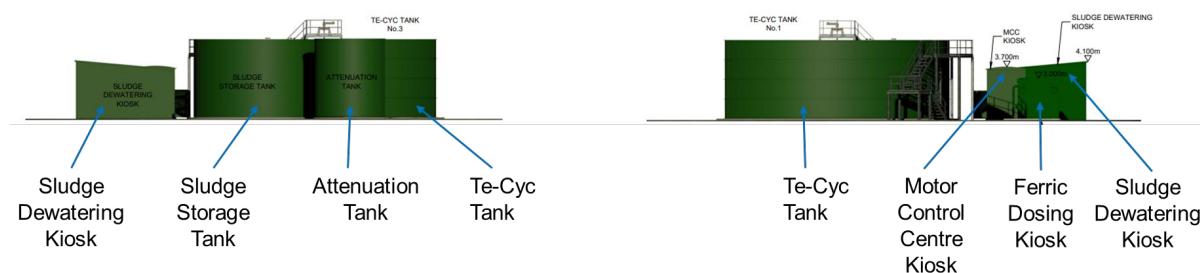


Figure 5: Proposed South East and North West Elevations

12. The applicant has advised that the WwTP would be operated and maintained by IWNL, an OFWAT appointed company who currently operate the waste water network for the Chilmington Green development. The WwTP would be considered a “public” asset by the Environment Agency and IWNL would have a duty to maintain and operate the WwTP effectively in perpetuity in accordance with its licence obligation. **Irrespective of the grant of any planning permission by the Borough Council, the Environment Agency would need to grant an environmental permit in order for the WwTP to be able to legally operate.**
13. The waste water would be intercepted at the existing IWNL pumping station, located adjacent to the site. Once treated, the waste water would flow into the existing drainage ditch system which subsequently discharges into the River Beult, a tributary of the River Medway.
14. The WwTP would be fully automated and no staff would be required permanently on site. Visits would be made for maintenance purposes. Routine checks and maintenance activities, plus long term planned maintenance every five years, can be carried out without interruption to normal operation.

Significant planned maintenance, every seven to ten years, would necessitate access to individual tanks and this would be done on individual tanks whilst maintaining operation via the remaining tanks. In the event that one tank is out of operation, under most operational conditions full flow treatment can continue with the remaining tanks.

15. The structures, identified above, that comprise the WwTP, would be surrounded by a looped maintenance access road. Surrounding this road would be a 2.4m high fence with gates across the entrance to form a secure compound. A 1.8m high landscaped bund is proposed around the north, south and west sides of the compound. The bund would be planted with native shrubs and trees. To the east, facing onto Chilmington Green Road, a new native hedgerow is proposed. Surrounding the bund and hedgerow, 1.1 metre high post and wire stock fencing is proposed. This arrangement is shown in **Figure 6**.

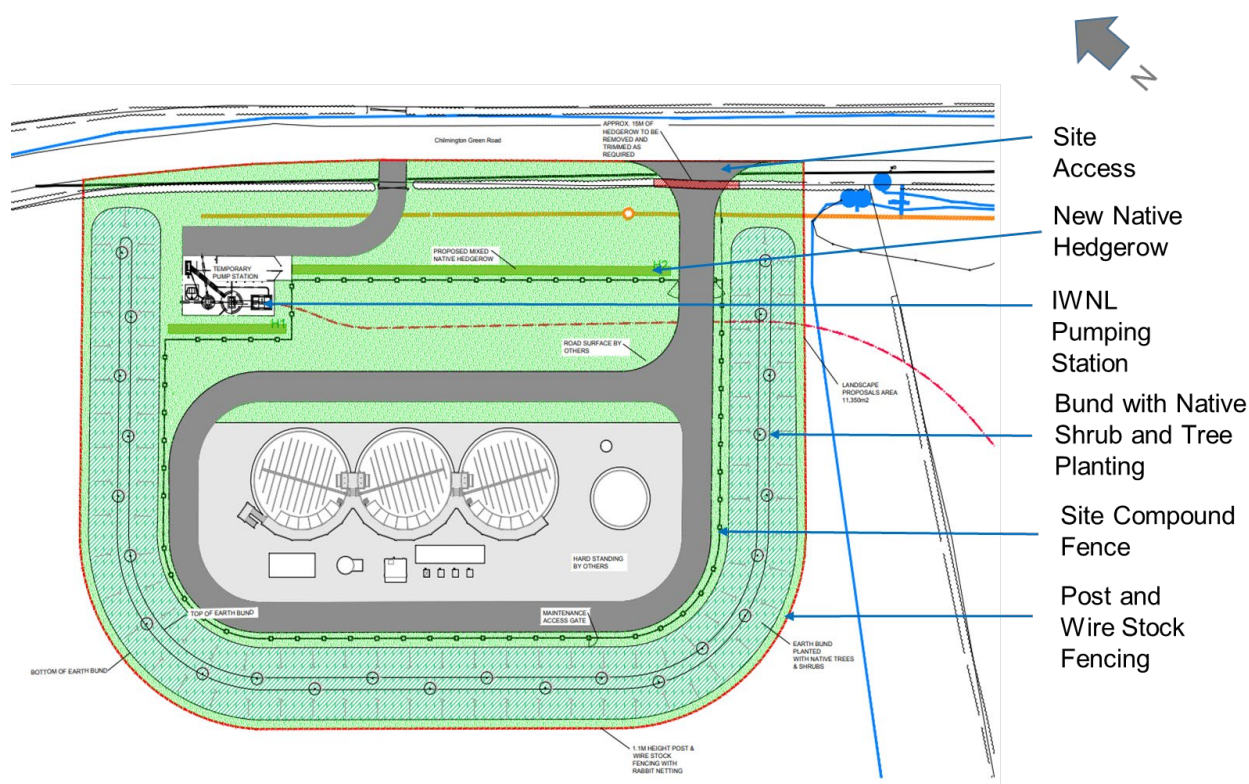


Figure 6: Proposed Site Layout Plan

16. The applicant has advised that low-level lighting would be required at the site, however, the specific detail will only be worked up at the detailed design stage, if planning permission is granted.

17. Documents originally submitted with the application indicated that ponds to store treated water to be used for irrigation and post-polishing wetlands or reed beds would be required. The applicant has since clarified that this planning application only seeks approval of a WwTP to serve the remainder of land parcels in Phase 1 (over and above the number of houses in Phase 1 already granted reserved matters approval and constructed and occupied or currently under construction) and a portion of the housing to be brought forward in Phase 2. Ponds would also be required in the treatment of flows at the end of Phase 1/beginning of Phase 2. Wetlands and reed beds would be required to treat flows in later phases. As the ponds/wetlands/reed beds would not be required for a number of years, or may not be required at all given the uncertainty regarding government policy relating to nutrient neutrality, these components do not form part of this planning application. If, in the future these elements are necessary, then further a planning permission(s) would be required to be obtained.
18. The applicant has confirmed that the WwTP is only proposed to serve the Chilmington Green development and not, as indicated in the original application submission documents, the proposed Possingham Farm development (ref: 22/00571/AS) which is also reported on this Agenda. In addition, in response to a query raised by Great Chart with Singleton Parish Council – the WwTP is not intended to serve the proposed Court Lodge (ref: 18/01822/PA) and Kingsnorth Green (ref: 15/00856/PA) developments.
19. The applicant has advised that the proposed WwTP site was chosen because it is isolated from existing and proposed housing. In addition, the site is the most practical location. The strategic foul water network, constructed over the past four years, runs from the A28 in the north, along The Avenue (where development is currently taking place) and down Chilmington Green Road to Stubbs Cross. The foul water infrastructure that the WwTP needs to connect to is located here.

Background to the Proposed Development

20. The WwTP is proposed to enable housing on land parcels, not yet granted reserved matters approval, at the Chilmington Green development, to achieve nutrient neutrality. The requirement to achieve nutrient neutrality is in response to advice issued by Natural England in July 2020 ('Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'), subsequently updated in November 2020 and March 2022. This advice means that waste water from the residential parts of the Chilmington Green development not yet granted reserved matters approval cannot discharge into the Southern Water treatment works at Bybrook, as originally intended when outline planning

permission for the Chilmington Green development was granted, as this would lead to an impact at the Stodmarsh Lakes.

21. It should be noted that, it is not appropriate for this application to consider whether the proposed WwTP is suitable mitigation to secure nutrient neutrality for the Chilmington Green development. This would need to be considered in the assessment of the reserved matters applications for each housing land parcel that comes forward, via an Appropriate Assessment (AA) in accordance with the Habitats Regulations. An AA is not required for this application as the WwTP would not discharge into the Stour River catchment.
22. The applicant for this application, who is the lead developer for the Chilmington Green development, has submitted a Nutrient Neutrality and Mitigation Strategy (NNAMS) which sets out how nutrient neutrality can be achieved for the whole of the Chilmington Green development. This includes the provision of a WwTP.
23. The applicant has advised that the proposed WwTP is designed to be in operation for as long as it is required to ensure that the Chilmington Green development adheres to the requirements of nutrient neutrality. However, the applicant has also advised that the WwTP may only need to be a temporary facility until such time as Southern Water upgrade their treatment works at Bybrook – which is scheduled to be by March 2030. This deadline has been set by Government for water companies to put in place the highest achievable technological levels in their treatment works. Once such upgrades are in place it is possible that the Chilmington Green development could connect to the Southern Water system. However, it is not yet certain that the proposed upgrades to the Bybrook treatment works would deliver full nutrient neutrality, therefore the WwTP may still be required post 2030. This application is therefore assessed as an application for a permanent WwTP facility.
24. The applicant is also not bringing forward a scheme, at the present time, to achieve nutrient neutrality for the whole of the Chilmington Green development due to the current uncertainty of Government policy relating to nutrient neutrality. The government's proposed amendments to the Levelling Up and Regeneration Bill in early Autumn this year, which would have removed the need for local planning authorities to consider nutrient neutrality when assessing planning applications, were defeated in the House of Lords and the Bill has since become an Act. It is not clear how and when the government might progress legislation to deal with nutrient neutrality issues

Environment Impact Assessment (EIA)

25. The development is Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as

- amended) – refer to Part 11(c) - waste-water treatment plants that exceed 1,000 square metres. The local planning authority (LPA) is therefore required to screen the development to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment (EIA) is required.
26. National Planning Practice Guidance (paragraph 018) states that “*only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary*”.
27. To assist in determining whether a development is likely to have significant environmental effects, the government has produced a set of indicative thresholds and criteria. These also provide an indication of the types of impact that are most likely to be significant for particular types of development.
28. With regard to Part 11(c) development, the indicative threshold/criteria and key issues to consider are:
- *Threshold/criteria - ‘site area of more than 10 hectares or capacity exceeds 100,000 population equivalent’.*
 - *Key Issues to Consider - ‘size, treatment process, pollution and nuisance potential, topography, proximity of dwellings and the potential impact of traffic movement’.*
29. I have undertaken a screening exercise utilising the government’s EIA screening checklist and taking into consideration the indicative threshold/criteria and key issues identified above. I have concluded that the proposed development is not EIA development and therefore an Environmental Statement is not required to accompany this planning application.

Chilmington Green Planning Context

Chilmington Green Area Action Plan (AAP) 2013

30. The AAP forms part of the Council’s statutory development plan. It is a site-specific plan which sets out how the new community at Chilmington Green should take shape. The AAP identifies the WwTP application site as being within an area proposed for ‘ecological enhancement’ immediately to the

south of the 'Southern Fringe' character area. The Southern Fringe Character Area covers the majority of the southern boundary of the Chilmington Green development, as shown in **Figure 7** below. The AAP provides guidance on the design approach envisaged for development within this area, in particular, that development should interact with the countryside to provide an appropriate transition, ensuring that development sits sympathetically within the landscape.

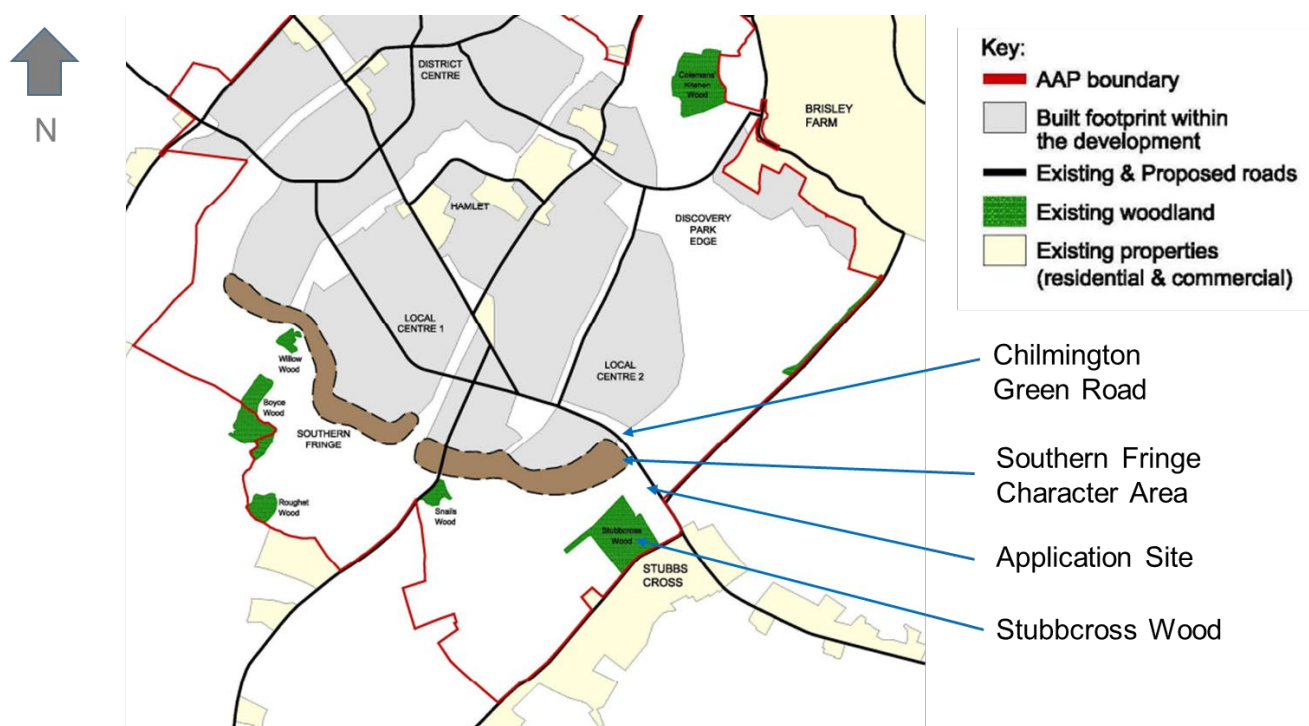


Figure 7: Location of Southern Fringe Character Area

Chilmington Green Design Code 2016

31. The Design Code identifies the WwTP site as forming part of the 'rural edge', a major area of greenspace. Paragraph 9.2 of the Design Code states that this area "*will be a combination of wetlands, woodlands and managed farmland. It will be designed to provide habitats for a variety of species as part of the ecological mitigation measures required for the development. Access to the land will be controlled using natural features such as hedges and watercourses where possible to ensure wildlife is protected.*" The WwTP site is also located at the southern end of a 'key view' that extends from the proposed Discovery Park in the north.

Development Specification and Parameter Plans

32. The outline planning permission for Chilmington Green approved a series of parameter plans relating to land use; residential density; storey heights; open space; building parameters; footpaths and cycle routes; access and strategic vehicular routes. These plans are accompanied by a Development Specification. The application for the WwTP is not a reserved matters application and therefore the proposed development is not required to conform to the Plans and Specification. However, it is still important to consider the proposed development alongside these documents to ensure that it does not compromise the ability of the Chilmington Green development to be delivered within the parameters envisaged. The parameters relevant to this application are identified below.
33. **Land Use Plan** (OPA02R1 Rev P2) – identifies the WwTP site as being a 'green area', located adjacent to woodland and hedgerows. The land to the north of the site is identified for residential development.
34. **Open Space Plan** (OPA06R2 Rev P3) – identifies the WwTP site as being within an area proposed as 'ecological managed farmland'. Adjacent to the south is an area of 'proposed woodland' and adjacent to the north is an area of hedgerow and proposed 'long and open grassland'.
35. **Footpath and Cycle Routes Plan** (OPA08R3) – a footpath is identified as being proposed along Chilmington Green Road which forms the eastern boundary of the WwTP site. A new footpath and bridleway is also proposed across fields to the south-west of the site.
36. **Development Specification (2013)** – sets out that the development will deliver the infrastructure necessary to support the new community at Chilmington Green, this includes waste water disposal.

Planning History

37. The Chilmington Green site has an extensive planning history, the applications most relevant to the development proposed in this application are set out below.
38. 12/00400/AS – Outline planning permission granted on 6 January 2017 for a Comprehensive Mixed Use Development comprising:
 - up to 5,750 residential units, in a mix of sizes, types and tenures;
 - up to 10,000 m² (gross external floor space) of Class BI use; up to 9,000 m² (gross external floorspace) of Class AI to A5 uses;

- Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each);
- Community Uses (class D1) up to 7,000 m² (gross external floorspace);
- Leisure Uses (class D2) up to 6,000 m² (gross external floorspace);
- Provision of local recycling facilities;
- Provision of areas of formal and informal open space;
- Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre);
- Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road | Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes;
- New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and
- Associated groundworks

where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three accesses on to the A28 and the access on to Coulter Road | Cuckoo Lane.

39. Condition 77 attached to the outline planning permission, referred to above, requires the submission of a Site Wide Ecological Enhancement and Mitigation Strategy (EEMS). The EEMS was approved on 16 June 2017 (application ref: 12/00400/CONB/AS). The approved EEMS identified the provision of 66 hectares of ecologically managed farmland - existing farmland habitat to be retained and enhanced to benefit farmland birds, badgers, brown hare, hedgehog and invertebrates. The condition was only partially discharged on 15 June 2017 as it also requires the EEMS to be implemented across the site and that each application for approval of Reserved Matters shall, if relevant, adhere to it.
40. 17/01334/AS – full planning permission, granted on 22 December 2016, for the Phase 1 Strategic Sustainable Urban Drainage System which includes,

piped drainage and manholes, temporary ponds, formation of swales and re-profiling of existing ditches and attenuation basins.

41. 18/00395/AS – reserved matters permission, granted on 10 July 2018 for foul drainage works, including, foul drainage and manholes, a pumping station (including access and service area) and associated works pursuant to outline permission granted under 12/00400/AS.
42. 20/01806/AS – full planning permission, granted on 18 March 2021, for the construction of a Southern Water wastewater pumping station with associated vehicular access and landscaping bund on land north of Stubbs Cross.

Consultations

43. The application has been subject to the following formal statutory and non-statutory consultation.

Parish Council's

44. **Bethersden** – note the application and that the WwTP would discharge to the River Beult.
45. **Great Chart with Singleton** – **object** to the application, their concerns are summarised below:
 - a. The WwTP site is proposed on land not originally designated for building on as part of the Chilmington Green development.
 - b. Concerns about how 'future proofed' the development is. The application quotes the Possingham Farm development. The site may also need to serve the Court Lodge and Kingsnorth Green developments, does it have the capacity?
 - c. Concerns that approving this application will encourage further housing development out towards Bethersden and beyond.
 - d. The smell will affect existing dwellings in Stubbs Cross and beyond, and may affect those with respiratory problems.
 - e. The speed limit on Chilmington Green Road is too high, Lorries will not be able to pass each other on Chilmington Green Road as it is not wide enough and is in a very poor state.

- f. If human sludge is to be spread on to farmers' fields which drain into the River Stour this will add further phosphate levels to the Stodmarsh lakes.
 - g. The application suggests wetlands and/or reed beds should be built to achieve nutrient neutrality.
 - h. The comments in the Natural England response suggest that they do not support the application *"Please note that if your authority is minded to grant planning permission contrary to the advice in this letter"*.
 - i. The surrounding bunds will need to be the height of the bunds used in the Southern Water site currently under construction, plus the size of the proposed units (highest point quoted is 7.1m)
 - j. Concerns that the trees to be used in the landscaping will be too thin.
46. **Kingsnorth** – **object** to the application, their concerns are summarised below.
- a. the impact on residents and the potential loss of trade to the nearby shop
 - b. There are large gaps in the evidence base – the following information is required:
 - c. odour contour modelling for the site to demonstrate the areas impacted and to what concentration.
 - d. Flood modelling to demonstrate no increased risk due to the discharge into the Beult catchment which ultimately runs through Yalding, an area which has significant issues with flooding.
 - e. Water cycle study to include the lost volumes to the Stour catchment (the ecological implications of reduced water levels within the river and at Stodmarsh) and compliance with Local Plan policy ENV7.
 - f. Ecological surveys for protected species and ecological mitigation strategy.
 - g. The applicant's legal basis for assuming that they can drop in this material change to the original Chilmington permission without rendering the original permission void and therefore remove the need for this scheme (in light of the Supreme Court's decision in Hillside Parks Ltd v Snowdonia National Park authority 2021).

47. **Shadoxhurst** – **object** to the application, their concerns are summarised below.
- a. The site is outside the area originally designated for building on. It will impede on the “green buffer” between the Chilmington Green development and Stubbs Cross / Shadoxhurst.
 - b. There are many unanswered questions raised by the Shadoxhurst Utilities and Drainage Team and the Shadoxhurst Buildings Team and others, which are essential to provide confidence in the proposal and its integration into the environment, these are very much part of an open consultation within the planning process and protocols.
 - c. An on-site waste water treatment works was dismissed in the Chilmington Utilities Statement 2012 because the Southern Water network will have capacity, through upgrades, to serve the development and that an on-site plant would not be supported by the Environment Agency.
 - d. No consideration has been given to other potentially more suitable, i.e. environmentally and cost effective, locations. The fact that this solution becomes redundant in less than 5 years from the earliest potential start-up is, amongst many other considerations, seriously unviable from a cost standpoint.
 - e. Concerns about the impact on Stubbcross Wood, a designated ancient woodland and the adjacent Grade II Listed farmhouse. The adopted Chilmington environmental assessments rated these assets as of moderate significance, with no development in immediate proximity, and proposed mitigation measures including advance tree and hedge planting and commitment to retention of existing hedging.
 - f. The Southern Water pumping station disregarded the proposed extension of Stubbcross Wood to create a buffer to Chilmington Green and Tally Ho Road and KCC’s recommendation for an ecological mitigation strategy. The required mitigation woodland buffer has not been created and roadside hedge replaced by security fencing.
 - g. The current application largely ignores recommendations from Natural England, including reference to the ancient woodland and concerns about the Habitat Regulations Assessment and discharge of treated waste water.
 - h. The River Beult has limited-to-zero surface water flow in seasonally dry periods. Continuous Flow’ is a key requirement under the Permitting Regulations. The treated waste water carries potential health risks both for direct discharge to dry watercourse for prolonged period and for

uncontrolled irrigation use. The application should be subject to an independent and suitably qualified assessment of the suitability of discharge to the Beult.

- i. The WwTP design appears to be driven solely by a need to satisfy Stodmarsh Nutrient Neutrality criteria and quality targets for the River Beult SSSI some 20+ km downstream. Is missing essential tertiary treatment finishing stages and 'irrigation water storage', as well as other key equipment. Is based on a small-scale pilot plant with no real-world operating history or data presented. Offers no comprehensive and clear effluent water quality guarantees and associated evidence.
- j. No detail about the quality of treated waste water that is suitable for discharge to a dry watercourse or for storage as 'irrigation water. Treated waste water can turn septic and create odours and health hazards.
- k. Concerns regarding odours and an 'unbiased independent' assessment should be required to address this.
- l. No evidence is presented that statutory applications have been formally made to the Environment Agency, and, if so, whether this has been refused or accepted.
- m. The application fails to present the required Habitats Regulations compliant Appropriate Assessment. A Planning Advisory Service's Legal Briefing advises of the LPA's obligations in assuring that any approval meets the 'beyond all reasonable scientific doubt' criteria. The requirements have not been met.
- n. This scheme should be considered on the same basis as the other Reserved Matters applications for the wider Chilmington development and be subject to the approved overarching environmental, landscape, etc plans, policies and procedures for the development. It fails to meet these strategies and policies.
- o. The Landscape Visual Impact Assessment (LVIA) presents a single misleading view across the adjacent Southern Water pumping station; it totally ignores the more striking and dominant visual blot-on-the-landscape of a 7 metre high WWTW!
- p. Concerns about how the WwTP will be managed and maintained. There is no definition of the proposed operator's role in the design and build of the WwTP and no commitment statement or operations and management plan provided.

- q. What will happen to the site when the WwTP is removed and who will meet the cost?
- r. Strongly disagree that the environmental concerns regarding the suitability of the WwTP to discharge treated waste water is not a relevant consideration for the LPA. The EA state, "there is no guarantee that a permit will be granted."

National Consultees

- 48. **Environment Agency (EA)** – raise **no objection**. They advise that the discharge from the WwTP will require an environmental permit and that OFWAT guidance must be followed.
- 49. They also advise that the discharge from the WwTP will be to a tributary of the River Beult. The Beult is a SSSI with agreed Common Standards Monitoring Guidance (CSMG) targets for water quality. Permit limits will therefore be calculated to protect the Water Framework Directive (WFD) status of the Beult and will also consider achieving favourable condition status of the River Beult SSSI. CSMG targets will therefore be considered when calculating permit limits for discharges upstream of the River Beult SSSI. The applicant is advised to contact the EA's National Permitting team. The EA note that there is no guarantee that a permit will be granted. The permitting team will make that assessment on the receipt of a permit application.
- 50. **Forestry Commission** – advise that as a Non-Ministerial Government Department, they **provide no opinion supporting or objecting to an application**. Instead they provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland. They highlight policy and guidance that the LPA should consider as part of their decision-making process.
- 51. **Natural England (NE)** – initially referred to their comments provided in response to the submission of the applicants overarching nutrient neutrality strategy for the Chilmington Green development (letter dated 10 March 2023). At that time NE raised questions about the impact of discharge from the proposed WwTP on the River Beult SSSI, commenting that if negative impacts to the SSSI cannot be avoided or mitigated then there is uncertainty as to whether the discharge permit for the WwTP will be granted.
- 52. NE advised that in order to avoid these negative impacts, Environmental Quality Standards (EQS) and Common Standards Monitoring Guidance (CSMG) targets will need to be met for the water discharged from the WwTP. Additionally, flow increases must remain within the maximum acceptable deviation percentage of 10-15% of the flow regime for the river Beult SSSI.

NE noted that measures proposed by the applicant identify that it is theoretically possible to address these impacts.

53. In response to a re-consultation following the submission of additional information by the applicant, NE confirm that they have **no objection** to the proposed development, stating that *“based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes”*.

Kent County Council (KCC)

54. **KCC Ecological Advice Service** – advise that, given the small size of the site and data submitted with other applications for the wider Chilmington Green development, there is a good understanding of the ecological constraints associated with the proposed development.
55. Existing surveys confirm that breeding birds, dormouse, great crested newts and reptiles are present within the site. The landscaping plan details that areas of grassland, hedgerow and an earth bund would be created. It is therefore likely that the long-term ecological interest of the site can be retained. However, appropriate ecological mitigation will be required prior to any works commencing to ensure there is no breach of wildlife legislation. An ecological mitigation strategy is required to demonstrate that appropriate mitigation can be implemented.
56. KCC note that typically they would require species surveys, however, due to the size of the site and the existing survey data available, species surveys are not required in this case.
57. Following the submission of an Ecological Impact Assessment Report, KCC raise **no objection** to the application subject to a condition to require the submission of a detailed ecological mitigation strategy prior to works commencing.
58. **KCC Flood and Water Management** – initially sought clarification about some of the information provided by the applicant and requested further details of the drainage system proposed. Following receipt of additional information and clarifications, KCC raise **no objection** to the application, subject to conditions.
59. **KCC Highways and Transportation** – initially raised concerns about the safety of the proposed access to the site. However, following the submission of amended plans proposing a 40mph speed limit along the whole length of Chilmington Green Road between the existing 40mph limit at Stubbs Cross

and the A28 Ashford Road, KCC Highways raise **no objection** subject to planning conditions.

Ashford Borough Council (ABC)

60. **ABC Environmental Protection** – following the applicant's submission of noise and odour reports, ABC Environmental Protection raise **no objection**.
61. In respect of odour, they comment that the odour assessment predicts very low nuisance. However, due to the potential for odour nuisance, a post-installation assessment report will be needed as processes may need to be changed/adjusted if the plant does not meet the estimated levels.
62. In respect of operational noise, they comment that initial mitigation measures have been suggested and with these installed, the noise levels have been predicted to be below background noise-level data. The applicant would need to ensure the mitigation is installed as detailed in the report. A post-completion acoustic assessment would be required once installed and fully operational.
63. ABC Environmental Protection also recommend planning conditions to require the submission of a Construction Environmental Management Plan; to restrict any lighting to acceptable levels and in respect of unexpected land contamination.

Other Consultees

64. **Ramblers' Association** – **object** due to the smells and inconvenience to local residents. Noting that the plant is being proposed to serve Chilmington Green and therefore it should be sited at Chilmington. Comment that the developers have failed to meet their obligations in terms of infrastructure provision, in particular highways improvements. When planning was proposed for this development they were told the area opposite the post office wouldn't be used for 20 years, and there was no mention of a sewage treatment plant.
65. **Southern Water** – advise that the sewer services at this location are the responsibility of IWNL. There is an inset agreement/NAV agreement in place between Southern Water and IWNL for the supply of sewerage services. The connection/discharge points to the public network and agreed discharge flow rates must comply with inset/NAV agreements terms.
66. **UK Power Networks** – provided plans demonstrating that there are no electrical lines or electrical plant within or crossing the site.

Residents

67. Residents were notified of the application via letters sent to properties close to the site, the display of a site notice outside Stubbs Cross Post Office and by press advert. Following the submission of additional information all residents originally notified and those who had previously commented were notified by letter or e-mail.
68. At the time of writing this report, 238 objections have been received from residents of 113 properties, primarily from Stubbs Cross and Shadoxhurst and including objections from the Stubbs Cross Action Group; Shadoxhurst Utilities and Drainage Team; and, Shadoxhurst Buildings Team. Many residents and groups have submitted more than one objection. Objections have also been received from the Maidstone Victory Angling Society and the Angling Trust. The concerns raised are summarised below.

Relationship with the Chilmington Green / SAGC Masterplan

69. The WwTP should be located in the middle of / closer to the development that benefits from it / that it would serve, i.e. within the boundaries of Chilmington Green. If the Plant is temporary, why can it not be built nearer the new development / on land alongside the A28, then decommissioned before the new housing comes forward?
70. The original planning of Chilmington Green proposed a green buffer between the development and Shadoxhurst, including new woodland. The Southern Water pumping station was not within the original plans. Now a WwTP is proposed on land that was meant to be a buffer. A WwTP should not be counted as separation. No detail is provided about the extent to which a physical buffer will be maintained between the WwTP and the ancient woodland to which it would border.
71. Why are these plans only just coming to light despite the plans for Chilmington Green being submitted years ago? Sewerage treatment should have been determined much earlier, not last minute. Residents should have been informed of this proposal years before development began and alternative sites should have been discussed.
72. The Southern Water pumping station and new pipeline to Ashford WwTW via Waterbrook has been built to meet the demands from Chilmington and South Ashford developments. The need for the proposed facility is therefore questioned.
73. Why is a waste treatment plant being considered in a residential area? It should be sited underground and in a location away from existing residents.

74. The Plant is identified as being for the growth of the area – how do residents know that the Plant will not have to grow and get larger in the future?
75. If the infrastructure already agreed is not sufficient then the Chilmington Green development should be reconsidered. The Council / developers should come up with a fully defined, costed and evidenced solution for the whole of South Ashford, not piecemeal arrangements for sewerage treatment.
76. The consequences of failure to invest adequately in strategic wastewater disposal should not be visited on the neighbours or future occupants of new development.
77. Granting permission for a WwTP would contrary to the original basis upon which planning for Chilmington Green was granted. The Chilmington Utilities Appraisal (2012) indicates that there would be capacity within the Southern Water infrastructure to support Chilmington Green and that the Environment Agency do not support proposals for an on-site WwTP.
78. The Environment Statement (ES) for Chilmington Green did not make provision for waste water treatment. The ES therefore needs to be reviewed.

Landscape and Visual Impacts

79. The development would be intrusive / unsightly / a visual eyesore / dominate the landscape / have negative effects on views and vistas / have a detrimental effect on the character of the area / have a devastating effect on the beauty of the local environment / is incompatible with the character, charm of the locality.
80. The screening is inadequate. The proposed planting would take years to mature and is only native deciduous trees and hedges - therefore will be bare for seven months of the year. Long-term screening is irrelevant if the plant is proposed to be decommissioned once the Southern Water treatment works is upgraded in 2030.
81. The development would add to the destruction of green fields.
82. Object to the scale of the development.
83. The Southern Water pumping station has already had an impact on the landscape / local area.

Water Quality

84. The application is solely to address the limitations imposed by Natural

England on the River Stour / Stodmarsh. The proposal is transferring a problem from one river catchment to another - the River Beult - where similar restrictions are not in place. Moving an existing pollution problem from one river to another cannot be acceptable.

85. The local watercourses are unable to manage the discharge from the WwTP. The flow of the Beult (a ditch) is not sufficient for wastewater to be discharged effectively. It runs dry in summer. The flow rate is not known as it has not been measured. There is no data to demonstrate the suitability of the watercourse to receive treated waste water.
86. Concerns about ecological and environmental risks associated with the disposal of treated water to the River Beult, within the immediate area and downstream at the SSSI. The surrounding basin is already of poor ecological status - concerns that more risks are being placed on the river
87. Concerns about water companies' miss-management of overflow and that foul sewerage might end up in the local watercourse. No confidence that regulations and procedures will be followed on this site.
88. Contaminated waterways can affect drinking water sources, ecosystems and recreational areas, putting the environment and human health at risk.
89. Concerns about the risks associated with the storage of treated wastewater and its use for irrigation.
90. The plant should be able to cope with the requirements from all of the developments that would feed into it, so that even in unprecedented weather situations the water company would not need (or be able to) discharge untreated effluent into the River. Concerns that rain water would be mixed with the treated water during heavy rain.
91. There should be full disclosure of the actions undertaken to obtain an environment permit - the Environment Agency's (EA) position should be understood prior to any Council planning approval. The EA and Natural England (NE) have indicated that approval of an environmental permit should not be assumed. The developers imply that NE are supportive and yet their consultation response show they have significant concern for the River Beult.
92. The proposal conflicts with EA regulatory guidelines – receptor watercourse must meet continuous flow criteria / approval is not normally given where connection to a public network is available and has capacity.
93. The applicant hasn't provided sufficient evidence to satisfy "beyond all reasonable scientific doubt," that the WwTW will comply with section 63 of the

Habitat Regulations.

94. The impact on the River Beult should be assessed by an independent expert.
95. Concerns about the impact of lost water volumes to the Stour catchment - the ecological implications of reduced water levels within the river and at Stodmarsh.
96. Concerns about risks to Stodmarsh from operational disruptions, including emergency or planned shutdowns / low initial loads as houses become occupied but below minimum capacity of WwTP / the need for tanker transfer of untreated waste water to Ashford Bybrook.
97. No proposals for downstream improvements and ongoing maintenance works to the watercourse.

Flood Risk and Surface Water Drainage

98. The additional flows into the River Beult, which currently only deals with surface water, will heighten flood risks. There is an area of Flood Zone 3 downstream of the proposed discharge. The EA confirm there is a high risk of surface water flooding adjacent to the site.
99. The area has a high water table - there have been problems with flooding and sewerage in gardens and on highways. Water is switched off at times of torrential rain to reduce the likelihood of flooding at Stubbs Cross and Shadoxhurst.
100. Increased rainfall / sudden increases of water may cause the WwTP's balance to be impinged and prevent appropriate waste breakdown – resulting in waste contamination of the surrounding environment. There is already a considerable problem within the village of untreated waste in the water table.
101. During heavy rain the Beult bursts its banks flooding farmland - effluent is going to end up on farmland or stagnate in ditches.
102. If it is proposed to recycle site surface water into the WwTP there would be significant changes in flows - this is non-compliant with applicable regulations. Disposal of surface water into the WwTP is not considered in the Te-Tech plant sizing or effluent flow calculations.
103. During winter, a large majority of the local land is underwater - has this been considered as part of the proposal?

Ecology and Biodiversity

104. The adverse impact of the proposal on the nearby ancient woodland / ancient and veteran trees / hedgerows / local wildlife (bats / owls / buzzards / weasel / hedgehogs) wildlife transit routes / geodiversity sites / wildflowers / aquatic life / biodiversity / natural habitats / the local ecosystem.
105. The chemicals and pollutants present in sewage waste can disrupt the balance of flora and fauna, leading to the decline of certain species and the proliferation of others that are more tolerant of polluted environments. This shift can have far-reaching consequences for our ecosystem's stability and biodiversity. Sewage pollution contributes to declining biodiversity and ecosystem health. How is the safety of existing wildlife going to be ensured?
106. Ferric chloride is to be used - scientific assessments indicate this substance is a risk to wildlife if released into the environment.
107. Chilmington Green has Great Crested Newts – have their breeding grounds been identified and would the WwTP have an impact?
108. Concerns about the impact of noise and light from the WwTP on the wildlife that lives / transits through the adjacent ancient woodland.

Odour Impacts

109. Odours would negatively impact resident's health, safety, wellbeing and quality of life. The bad drain smells would be unbearable / horrendous, especially on windy days. The smell would prevent residents from having their windows and doors open / enjoying being outside / sitting in their gardens. Odours would follow the wind taking the smell to Tally Ho Road, Shadoxhurst and beyond. The proposed bunds would not prevent or contain the smell.
110. The doors to the local shop / post office are constantly open for customers - the smell would negatively affect the business.
111. There have been sewerage / drainage problems in Shadoxhurst for 20+ years. The community had to put up with unbearable sewerage smells / multiple sewer overflows in summer 2022 - some residents had to move out of their homes.
112. The smell from Kennington sewerage works is horrendous, this would be the same.
113. The collection of sludge would be more frequent than every six days as stated - this would lead to more frequent bad odours.

114. The WwTP would emit chemical vapours - this could be harmful to nearby residents / to those that suffer from respiratory conditions. Concerns given the number of elderly residents living nearby. Concerns about bioaerosols and microorganisms transported through wind.
115. Why are preventative measures to reduce the smell not proposed? Why is there no mention of capturing the foul air and treating it with a carbon filter, biofilter, liquid redox technology or wet air scrubbing? Open tanks should not be used, the tanks should be covered / sealed.
116. Chilmington Green is already contributing to increased air pollution through traffic, this would further increase with sewerage.
117. Muck spreading already attracts large numbers of flies and insects – the WwTP would add to this problem. There would be an influx of pests / flies which carry harmful diseases.
118. Impact of the smell on walkers using footpaths through the fields and woods close to the WwTP.
119. Question the accuracy of the odour report - this type of modelling is notoriously inaccurate as sewage treatment works are notorious for working outside of permitted and modelled operating parameters.
120. The validity of the odour report is questioned – it uses a dispersion model based on US / East Malling weather patterns and topography and the wind speed and prevailing wind direction are not accurate.
121. The odour report fails to consider the proposals for irrigation water storage and distribution which would account for significant quantities of treated waste water output as the sewage load from new development increases.
122. The Petersfield plant is referenced in the application - it is understood that the planning authority insisted that plant should be sited at least 500 metres from dwellings due to the potential odour nuisance. The proposed site, in comparison, is 250-300 metres from existing dwellings.
123. Southern Water guidance requires a separation distance of 500m between a waste water treatment works and residential areas

Noise and Vibration

124. Concerns about noise, including constant hum and vibration, particularly at night, causing disturbance.

125. The noise assessment may be skewed by increased noise levels in the area due to road diversions / construction activity.
126. The noise report does not address traffic movements, including in the case of a 'breakdown' 24/7 tanker operations.

Ground Contamination

127. Concerns about the discharge of effluent into the surrounding area. There would be raw sewage in places where people walk. Public footpaths are utilised by dog owners and this could potentially make animals sick. What safeguards will be put in place to avoid "sludge overspill"?
128. The River Beult has virtually no flow / runs dry in summer, meaning that any waste output will be left to stand stagnant / overflow into fields causing unpleasant odours and a health risk to wildlife and residents.
129. If sewage is lying in an open ditch - with the type of rainfall experienced lately, it is likely to run out of the ditches, onto roads and contaminate local homes and businesses.

Highway Impacts

130. Chilmington Green Road / Magpie Hall Road cannot cope with the amount of traffic now, and is not equipped to handle more traffic. The road conditions are terrible / the road has collapsed in multiple places / has multiple potholes and cracks. The road isn't wide enough for two lorries to pass safely. More heavy vehicles would make this worse.
131. Traffic along Chilmington Green Road / Magpie Hall Road has increased over the past few years - it has become a 'rat run'. It's impossible to cross the road safely / walk / run / cycle along the road. Vehicles ignore the speed limit. Extra HGV traffic will make this situation worse. Continuous blocking of the road will cause an accident.
132. Construction and post construction heavy vehicle movements, queuing off-site and their routing needs to be considered for both the Southern Water Pumping Station and the WwTP. Long Length is to be permanently closed for the proposed Court Lodge development and a roundabout is proposed in Chilmington Green Road; this will not be suitable for U-turns by tankers.

Operation / Management / Maintenance

133. Question whether the WwTP would be of sufficient size to deal with the amount of waste water generated by the Chilmington development – question

the calculations in the nutrient neutrality assessment.

134. A lack of detail about how the WwTP would operate in an emergency situation – e.g. storm water management capacity / influent emergency shutdown storage / back-up power generation.
135. No details of storage / disposal of excess treated waste water discharge above 3 l/s - discharge as irrigation water and wetlands for tertiary treatment of treated waste water are mentioned but no details provided.
136. No provisions to prevent risk of leakage or spillage of waste water / treated waste water or sludge products being washed into the SuDS system?
137. No detail about modifications and additions to the waste water feed pipeline network that may be required.
138. The treatment plant may become smelly if not appropriately maintained. Who is going to undertake routine servicing / maintenance? If this is not done correctly who is to be held accountable?
139. Who will be responsible for emergency planning for serious accidents at the treatment plant / if there is an issue / if the plant fails?
140. Why are tankers needed to take away waste? How many tankers a day? Will they also be emptied during night?
141. No details of decommissioning have been provided – when would this happen / how would the plant be removed / to what extent would the site be restored / how can residents be certain that this would happen?

Nutrient Neutrality & Stodmarsh

142. Southern Water already plan to address the nutrient problem at their Bybrook Plant. Once Bybrook is upgraded the existing SW pumping station would be sufficient. It makes no sense to cause disruption and take time building a WwTP that may never or only be used for a couple of years and then lay idle.
143. The Government announcement about relaxing Natural England's advice to guidance rather than law means that the application decision date should be extended until all information is available.
144. The solution to Stodmarsh is a national issue – it is unfair to load the resolution solely on individual developments, especially given much of the nutrient pollution problem arises from the agricultural industry rather than the

house building industry. Central government should fund a national solution.

145. It is unclear what is happening with the recently built Southern Water pumping station - is the WwTP connecting to it?
146. Nutrient Neutrality could be achieved by creating natural wetlands on green space which would likely be a more acceptable solution.
147. The proposal appears to be trying to negate the possibility of creating a more sustainable solution which would take more time to establish.
148. A WwTP is not aligned with ABC's medium-term strategy to create wetlands.

Other Concerns

149. The WwTP may result in over-development or overcrowding of the site, exceeding the capacity and natural limits of the area - leading to an imbalance in the infrastructure and services available, putting a strain on resources and negatively impacting the local community.
150. Concerns about light pollution / overlooking to nearby residential properties / loss of privacy / the WwTP could cause shading / block sunlight / lead to loss of natural daylight to neighbouring properties.
151. The community has already had two years of disruption from the construction of the Southern Water pumping station / disruption to the area which is already overpopulated.
152. Concerns about the environmental impact on the countryside that is gradually deteriorating due to the ever increasing housing.
153. How can residents be assured that the developer would comply with all requirements / restrictions applied to the proposal?
154. If the Court Lodge and Kingsnorth Green developments are approved then it is likely that the size of this facility would need to be increased in the future.
155. The WwTP would set a precedent / open the door to the construction of other polluting industries in the area. This would impact the quality of life in Stubbs Cross and the surrounding area.
156. The proposal is age discrimination - forcing the elderly to live close to a WwTP. Has consideration been given to the demographic of the immediate local community?

157. This building work appears to have already commenced prior to any consultation.
158. Insufficient consultation with residents / the community. Residents have not had enough information about this proposal.
159. Independent reports are needed, commissioned by no one with an interest, to bring an unbiased assessment of noise, light, odour and traffic pollution.
160. The South East Water Strategic Potable Water Main runs adjacent to the site. Recognition and consideration of all constraints and risks should be identified and mitigation strategy provided.
161. If storage ponds / wetlands / reedbeds are required when the plant reaches 980 dwellings capacity, details of the overall site sizing and potential layout, with its associated environmental impact, should be identified and considered now

Non-material Matters

162. The following concerns are not material planning matters and therefore cannot be taken into account in the assessment of this application.
 - a. There is too much construction work going on in the area.
 - b. The developers have failed to meet their obligations in terms of infrastructure provision. There is no confidence in them.
 - c. The money to build the WwTP should be spent on the A28 road upgrade that could have been completed by now.
 - d. Why are the developers allowed to continue building houses? The development should be paused until this matter is resolved / the developers seek an alternative location for the WwTP.
 - e. The development will negatively affect house prices.
 - f. Residents should receive compensation for the disruption / ABC should reduce the council tax for local residents, if this is permitted. There should be compensatory schemes should the noise and odour assessments prove to be wrong.
 - g. No details about the WwTP were provided in solicitor's searches / by the developer / the CMO, / within promotional material for the SAGC

when residents purchased their new homes. 'If I had known I would not have purchased'.

- h. The impact on trade at the nearby shop/post office due to the sewerage odours – the owner has built up this business and employs local people, food deliveries are made to the elderly free of charge if they have mobility problems. Its closure would devastate the lives of many / leave elderly residents with no transport or shop leading to isolation, given that the bus serving Stubbs Cross and Shadoxhurst has been discontinued.
- i. The proposal will damage the reputation of the village and the homes that residents enjoy living in - due to the stigma attached to a WwTP.
- j. The SW pumping station and pipeline to Ashford risk becoming redundant.
- k. The inset/NAV agreement with IWNL for Chilmington Green never anticipated the changes now proposed. The existing agreement should be re-examined.

Matters relating to other Planning Permissions

- a. The Southern Water pumping station has had permission for two years – why has the planting scheme not begun yet?
- b. Why has the extension to the ancient woodland not be completed yet?

Planning Policy

163. 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), the Charing Neighbourhood Plan (2023), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

164. The relevant policies from the Chilmington Green Area Action Plan (AAP) are as follows:

- CG0 Presumption in Favour of Sustainable Development
- CG1 Chilmington Green Development Principles

CG6	Southern Fringe Character Area
CG20	Flood Risk and Sustainable Drainage
CG21	Ecology

165. The Ashford Local Plan 2030 is not part of the Development Plan for this site, although it's a material consideration. The AAP policies identified above are also consistent with the following policies in the Ashford Local Plan:

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
TRA7	The Road Network and Development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting Important Rural Features
ENV6	Flood Risk
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV12	Air Quality
ENV15	Archaeology
IMP1	Infrastructure Provision

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

Supplementary Planning Guidance/Documents

Dark Skies SPD, 2014

Public Green Spaces & Water Environment SPD (2012)

Sustainable Design and Construction SPD, 2012

Landscape Character SPD, 2011

Sustainable Drainage SPD, 2010

Other Relevant Documents

Chilmington Green Design Code (2016)

Chilmington Green Quality Charter

Government Advice

National Planning Policy Framework (NPPF) 2023

National Planning Practice Guidance

National Design Guide 2021

167. 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 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

168. The key areas for consideration in the assessment of this application are:

- Principle of Development – Land Use
- Landscape and Visual Impacts

- Water Quality
- Flood Risk and Surface Water Drainage
- Ecology and Biodiversity
- Odour Impacts
- Noise and Vibration
- Ground Contamination
- Heritage and Archaeology
- Highway Impacts

Principle of Development – Land Use

169. The WwTP is proposed on land within the boundary of the Chilmington Green development, for which outline planning permission has been granted. The site forms part of Phase 4 of the development and is identified on the approved plans as ecologically managed farmland (EMF). In total, 66ha of EMF is proposed as part of the development. The construction of the WwTP would reduce this to 64.86 hectares, a reduction of 1.73%.
170. AAP Policy CG1 sets out the key principles by which the development of Chilmington Green is to be brought forward. In particular, in relation to this application, part (b) of this policy identifies that “each main phase of the development will be sustainable in its own right, through the provision of the required social and physical infrastructure, both on-site and off-site”.
171. In addition, part (e) of policy CG1 identifies the importance of “*the creation of an integrated and connected network of green spaces and natural habitats, including part of Discovery Park, to help meet the recreational and sporting needs of the development but also to encourage walking and cycling, generate an attractive setting to the built form, and act as linkages and dispersal routes for ecology and wildlife*”.
172. The principles set out in Policy CG1 are reflected in Local Plan policy SP1 ‘Strategic Objectives’. Also relevant is Local Plan policy SP2 ‘The Strategic Approach to Housing Delivery’ which identifies the total housing target for the borough of 13,118 net additional dwellings between 2018 and 2030.
173. As explained earlier in this report, the WwTP is proposed to enable the early phases of the Chilmington Green development to achieve nutrient neutrality

and thus enable construction to progress beyond the reserved matter permissions that have already been approved. Chilmington Green is a significant strategic development in Ashford that will assist in meeting the borough's housing need. It is therefore important that the issues relating to nutrient neutrality are addressed so that the intended supply of new housing can be delivered.

174. It is acknowledged, that the Utilities Appraisal (2012) submitted in support of the outline planning application for Chilmington Green stated that "*proposals for an on-site waste to energy treatment works are not supported by Southern Water on the basis that their existing infrastructure has capacity available and the downstream Bybrook WWTW already employs waste to energy generation. It is understood that the Environment Agency also do not support proposals for an on-site WWTW.*" Whilst an on-site WwTP was not necessary in 2012, the issue of nutrient neutrality towards the end of 2020 has necessitated re-consideration of the original waste water proposals.
175. Whilst the Council has been working, since the end of 2020, to identify strategic solutions to the issue of nutrient neutrality to assist the delivery of housing development in the borough (albeit this has recently been paused), the Council considers that large allocated sites, such as Chilmington Green, should deliver their own mitigation solutions on-site, rather than rely on what could emerge as off-site strategic solutions.
176. The proposed development complies with AAP Policy CG1(b) in that it proposes physical infrastructure to support the delivery of the development. I also consider that the proposed development does not conflict with part (e) of Policy CG1 as, whilst the development would reduce the amount of EMF to be delivered, it would not compromise the delivery of an integrated and connected network of green spaces and natural habitats, it would not prevent the delivery of any proposed recreation, sports, walking or cycling routes within the development and it would not prevent linkages and dispersal routes for ecology and wildlife from being delivered.
177. In addition, the applicant proposes to provide an area of species-rich grassland within the site, which is described in the applicant's Ecological Impact Assessment Report as providing an "*alternative to a field margin of species rich grassland that would have been provided*". The Ecological Report also identifies that shrub/woodland planting around the proposed bund would provide suitable nesting habitat for species such as yellow hammer, linnet and corn bunting, all arable bird species.
178. In this context, whilst the minor (1.73%) reduction in the amount of EMF is regrettable, I consider that this reduction in EMF would not cause significant harm because the alternative habitats proposed would ensure that the site

would still deliver ecological benefits. Therefore, the principle of the development in terms of the change in proposed land use is, in my opinion, acceptable.

Landscape and Visual Impacts

179. The application site is currently part of an open field, located within a wider area of open fields, separated by hedgerows. Stubbcross wood to the south of the site is an important landscape feature. Whilst the landscape is predominantly open at present, the planning permission granted for Chilmington Green, and the development anticipated to be brought forward at Court Lodge in accordance with Local Plan site allocation S3, have established that the character of the area is to change and become more urban, albeit within a landscaped setting.
180. Due to the footprint, scale and visual appearance, the WwTP, will have a visual impact. It is therefore important to assess the degree of this impact taking into account the setting, both existing and as a result of changes to take place in the future following planned development.
181. Paragraph 130(c) of the NPPF sets out that planning decisions should ensure that developments “*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*”.
182. I consider that Paragraph 174 of the NPPF, which refers to ‘valued landscapes’ does not apply in this case as the site is not a ‘valued landscape’ in the context of the NPPF as it does not have a statutory or non-statutory designation (such as, for example, ‘National Landscapes’ which is the 22/11/23 rebranded name for Areas of Outstanding Natural Beauty) and is not identified for its particular landscape quality in the AAP, local plan or national or local landscape character assessments.
183. A key development principle for Chilmington Green, as set out in AAP Policy CG1(f) is to “*positively respond to the distinctive landscape character and assets of the site - including historic buildings, historic landscape and archaeology features, views and vistas, topography, woodland, ecologically sensitive areas, footpaths and bridleways*”. In addition, part (g) of policy CG1 identifies the importance of creating “*well-designed edges to the new development at appropriate densities that relate well to the open countryside*”.
184. The application site is located immediately to the south of the Chilmington Green southern fringe character area, therefore AAP Policy CG6 is also relevant. This policy seeks to ensure suitable landscape treatment is provided

in this character area to soften the impact of the built form and present a natural southern boundary to the development.

185. The principles set out in the AAP policies referred to above are also reflected in Local Plan policy ENV3a 'Landscape Character and Design' which seeks to ensure that development has regard to the landscape characteristics identified in the policy, proportionality, according to the landscape significance of the site.

186. At the national level, the site and the wider area is located within the '121 Low Weald National Character Area' (NCA) (2013). The NCA is described as:

"...a broad, low-lying clay vale which largely wraps around the northern, western and southern edges of the High Weald. It is predominantly agricultural, supporting mainly pastoral farming owing to heavy clay soils, with horticulture and some arable on lighter soils in the east, and has many densely wooded areas with a high proportion of ancient woodland."

187. In the Ashford Landscape Character SPD (2011) the site is identified as being within the Bethersden Farmlands Landscape Character Area in the District Landscape Type BF5 "Chilmington Open Arable". The key characteristics are identified as:

"Large open prairie style arable fields with gentle slopes rising to Coleman's Kitchen Wood; extensive loss of hedgerows, particularly between Chilmington Green and Long Length leaving remnant hedgerow trees isolated in the middle of vast fields; in other places there are continuous ancient laid hedges with oak, however this is rare; pollarded willows along the B-road near Great Chilmington. Willow Wood is a remnant hornbeam coppice isolated within the large fields; the area is crisscrossed by a network of footpaths – the Greensand Way and two byways; expansive views, especially around Coleman's Kitchen Wood but these are contained in proximity to Long Length."

188. The Landscape and Visual Impact Appraisal (LVIA) submitted with the outline planning application for the Chilmington Green development identified that there would be visual impacts as a result of the development on views looking north along Magpie Hall Road/Chilmington Green Lane and from Snailswood Farmhouse in Stubbcross and the adjacent public footpath. It has therefore already been established that a change in the visual amenity of the area is acceptable. Mitigation, in the form of tree, shrub and hedge planting, to soften the visual impact, and advanced planting of a woodland buffer to screen a portion of the Chilmington Green development when viewed from the south, were agreed as part of the outline permission. These measures are to be brought forward as part of Phase 3 of the Chilmington Green development.

The proposed WwTP would not prevent this mitigation from being brought forward.

189. The applicant has undertaken an LVIA for the WwTP development. The appraisal concludes that *“there would be a large residual effect on the landscape character of the site, with a slight effect on the local landscape character (within 500m of the site) and the Local Character Area BF5 “Chilmington Open Arable”.*”
190. The report continues that *“visibility of the proposals would be primarily limited to local visual receptors. The receptors most affected by the development would be the vehicular users of Criol Road, Chilmington Green Road, and limited stretches on Long Length and Magpie Hall Road. Residents along the eastern section of Tally Ho Road would experience slight-moderate residual level effects as a result of the development. Similarly pedestrian and horse riders using local PRow including AW300 to the west and AW222 and AW297 would experience slight effects once proposed vegetation has reached adequate maturity”.*
191. With regard to long distance views, the report concludes that these are very limited, and residual impacts are expected to be neutral.
192. The report identifies proposed mitigation, namely strengthening the boundary hedgerow to Chilmington Green Road and new native planting within the site; both of which are proposed to assist in reinforcing visual screening of the development from local roads, the PRow and residential properties.
193. I agree with the findings of the applicant's LVIA. The development would have an impact on the landscape character of the site and the immediate local area. I also conclude that the development would diminish the green buffer proposed between the Chilmington Green development and Stubbs Cross / Shadoxhurst, especially when taking account of the already constructed Southern Water pumping station. Whilst mitigation is proposed in the form of an earth bund with native shrub and tree planting, I consider that this would not be sufficient, until it is mature, to fully lessen the landscape impact given the scale and nature of the development. However, I acknowledge that as the landscape matures, the visual impacts of that which is proposed would reduce.
194. The most significant visual impact would be from properties closest to the site, adjacent to the junction between Tally Ho Road and Chilmington Green Road/Magpie Hall Road, where the WwTP would be visible beyond the recently completed Southern Water pumping station. The WwTP would also be highly visible from Chilmington Green Road and PRow to the south and north.

195. However, notwithstanding the above, I consider that the presence of the proposed WwTP would not be at odds with the changing nature of the area, transitioning from rural agricultural fields to a new built development. A green buffer would remain between the WwTP and properties to the south and south west in Stubbs Cross and Shadoxhurst. This would be further enhanced when the extension to Stubbcross wood is brought forward by the applicant. The applicant has advised that they would consider bringing forward early some tree planting that would assist in the visual screening of our proposed WwTP, although no details of this have been provided.
196. In addition, the WwTP would not compromise the design aims and objectives for the Chilmington Green Southern Fringe Character Area to the north, in particular to provide an appropriate transition between the development and the countryside.
197. In conclusion, I consider that with an appropriate landscape scheme in place, the harm to the landscape caused by the WwTP, even in the short term, would not be so significant as to warrant refusal of the application in terms of landscape impact. I therefore consider the proposed development to be acceptable in respect of its landscape impact and in compliance with the national and local planning policies identified above. The applicant has submitted a proposed planting plan, this has been reviewed by the Council's arboriculturalist who has suggested additional plant species that should be provided. Given the importance placed on the landscape mitigation, a planning condition to require the submission of a detailed landscape scheme for the site, including details of the proposed irrigation system and long term management would be essential, and I address this in my recommendation.

Water Quality

198. Concerns have been raised by local residents about the potential impact of the development upon the River Beult, specifically the discharge of treated waste water into the river, upstream of the River Beult Site of Special Scientific Interest (SSSI). The applicant has advised that the point of discharge is not yet confirmed, however, in the Flood Risk Assessment and SuDS Strategy Addendum that has been submitted it is indicated that the treated waste water could be piped into a watercourse approximately 280m downstream, to the northwest of the site. The pipe would run across land within the applicant's ownership. Given that the location of the discharge is not yet confirmed, the exact route of the outfall pipe is also not known. The outfall pipe will require both a permit from the Environment Agency (EA) and planning permission from the LPA. It is important to clarify, that the River Beult and the SSSI is not an internationally designated site (Special Area of Conservation (SAC), Special Protection Area (SPA) or a site listed in accordance with the Ramsar Convention on Wetlands), and therefore the LPA

is not required to carry out an Appropriate Assessment for the proposed WwTP, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

199. However, the River Beult is currently in an unfavourable condition, in part due to water quality impacts and Natural England (NE) has set targets for flow, ammonia, suspended solids, total phosphorus and siltation. NE has advised the applicant that they would need to ensure there were no negative impacts to the River Beult SSSI resulting from the discharge of treated waste water.
200. The NPPF, para 174(e) seeks to ensure that new development does not contribute to unacceptable levels of water pollution. This policy is reinforced by Local Plan policy ENV8 'Water Quality Supply and Treatment' which states that *"the Council will support, in principle, infrastructure proposals designed to increase water supply and wastewater treatment capacity subject to there being no significant adverse environmental impacts and the minimisation of those that may remain"*.
201. The Hydrological Statement submitted to support the overarching Chilmington Green nutrient neutrality assessment and mitigation strategy sets out the general parameters that the discharge from the WwTP should achieve to ensure there are no unacceptable effects on the River Beult. However, the applicant has also advised that the precise nature of the effects on the river will be influenced by the agreed point of discharge which will be determined through the EA permit process and that water flow monitoring will be carried out to ensure that discharge targets are met. The applicant has not submitted any further information to demonstrate that the development would not have a harmful impact on water quality in the river.
202. In order to legally operate the WwTP, the developer would need to obtain a permit from the EA to discharge treated waste water into the River Beult, in accordance with the Environmental Permitting (England and Wales) Regulations 2016. This permitting process is separate to the planning application process. Granting planning permission does not infer that the EA will subsequently grant a permit; it is possible that a permit might not be granted by the EA. The Council does not have to wait until an applicant has an EA permit before determining an application of this nature.
203. In their separate assessment of a permit application, the EA will consider the impact of the proposed waste water discharge on water quality, in both the water body that the treated waste water will flow immediately into and the wider river catchment, in this case the River Medway. As part of a permit application, the applicant will have to describe what is intended to minimise the risk of pollution from activities covered in the permit which would include

during normal operations and during any changes in normal operations, for example, in the event of breakdowns or enforced shutdowns.

204. If a permit is granted by the EA, the EA may impose conditions on that permit in order to protect water quality, for example, to restrict the amount of treated waste water that can be discharged; the rate of discharge; and, the concentration of treated waste water in relation to the volume of water in the river. As part of the permit application process the EA would consider whether the body that would operate the WwTP is competent enough to comply with any permit conditions. If a permit is granted, the EA would then be the responsible body to monitor compliance with the conditions of that permit.
205. I understand that the EA publishes notices of permit applications and members of the public have an opportunity to comment on those applications received. In addition the EA may consult other public bodies such as Natural England, Public Health England, local authorities and water companies.
206. The NPPF makes it clear that it is not the role of the planning system to duplicate matters governed under separate legislation. Paragraph 188 states:
- “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively”.*
207. Therefore, in line with the NPPF, it is not appropriate, in this case, for the Council to require the applicant to submit further information to demonstrate that the proposed development would not contribute to unacceptable levels of water pollution in the River Beult. To consider this would be to duplicate matters governed under separate legislation. This assessment will be undertaken by the EA in their consideration of the environmental permit that is legally required for the WwTP to operate. Following a discussion with the EA concerning the operation of their permitting process, I am content that the environmental concerns raised by residents and parish council’s – which I do understand - about the suitability of the River Beult to accept flows from the proposed Chilmington Green WwTP and the impact of the development on water quality within the river would be fully and robustly assessed by the EA under the permitting process. A permit would only be granted if the applicant is able to demonstrate to the EA’s satisfaction that there are sufficient flows within the ditches and that detrimental impacts to water quality would not occur

208. The EA has raised no objection to this planning application, confirming that *“there is no guarantee that a permit will be granted. The permitting team will make that assessment on the receipt of a permit application”*.
209. In light of this, I consider that sufficient safeguards are in place, in the form of the permit application process by the separate responsible agency, for the Council to be assured that the requirements of para 174(e) of the NPPF and Local Plan policy ENV8 will be met and that a reason for refusal of the application on planning grounds that it might have potential impacts on water quality could not be justified.
210. However, given that planning permission would be required for the outfall pipe to be installed, I consider it necessary to include in my recommendation a condition to require planning permission to be obtained for the outfall pipe before work can begin on construction of the WwTP.

Flood Risk and Surface Water Drainage

211. The site is located in Flood Zone 1 and therefore has a low risk of flooding. The Sequential Test, set out in the National Planning Practice Guidance (NPPG), 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 ‘less vulnerable’ in the NPPG flood risk vulnerability classification. ‘Less Vulnerable’ development is considered to be appropriate in Flood Zone 1.
212. The principle of the development of the site is therefore acceptable in respect of flood risk and in accordance with the NPPF which states that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).”*
213. The principle of the development is also in accordance with AAP Policy CG20 ‘Flood Risk and Sustainable Drainage’ which states that *“all proposals for built development at Chilmington Green should avoid areas within the 1 in 100 year floodplain”*. This is also supported by Local Plan policy ENV6 ‘Flood Risk’ which seeks to ensure that development would not be at an unacceptable risk of flooding or increase the risk of flooding elsewhere.
214. The information submitted by the applicant confirms that the rate of discharge from the WwTP itself would be 3l/s and the total gross discharge rate from site would be limited to 3.4l/s. The applicant has advised that a surface water drainage system is proposed to attenuate runoff rates in storm events and to safely manage surface water on site to reduce the risk of flooding elsewhere. This would involve the provision of filter drains at the perimeter of the WwTP area and at the base of the earth bund, to collect and attenuate surface water runoff prior to flowing into underground storage crates located within the site

parallel to the treatment plant. The detailed design and configuration would be finalised and dealt with by planning condition, if planning permission is granted.

215. On the basis of the information submitted by the applicant and the advice provided by the County council, I consider that the application complies with para 167 of the NPPF, which seeks to ensure that proposed development does not increase flood risk elsewhere. In addition to AAP Policy CG20 'Flood Risk and Sustainable Drainage' which states that "*all proposals for built development at Chilmington Green should.....reduce flood risk through well designed, integrated sustainable urban drainage systems (SUDS)*". This is supported by Local Plan policy ENV9 'Sustainable Drainage' which seeks to ensure that all development includes appropriate sustainable drainage for the disposal of surface water in order to avoid any increase in flood risk or adverse impact on water quality.

Ecology and Biodiversity

216. The site is currently agricultural land and is surrounded by agricultural fields, hedgerows, a ditch network and an area of ancient woodland (Stubbcross Wood), circa 40m to the south. The site is not located within or adjacent to any statutory designated areas.
217. There are two statutory sites within 3km. Alex Farm Pastures Site of Special Scientific Interest (SSSI), is located approx. 2.8km to the south-west. This is cited as supporting one of the best surviving examples in Kent of unimproved neutral grassland. It also supports a number of declining butterflies. Orlestone Forest SSSI is approx. 2.95km to the south and is a large area of ancient woodland. The site lies within the Impact Risk Zone for these SSSIs. The site is approx. 12.3km from the River Beult SSSI which lies to the east.
218. The applicant's ecological impact assessment report identifies the site as "*an area of disturbed land which has started to be colonised by ruderal and ephemeral species. Adjacent to this, the site supports arable land. No botanical species of conservation significance have been recorded. The habitats present within the site are considered to be of negligible importance with the exception of the hedgerows.*"
219. The applicant's ecology report identifies that dormice and breeding birds are likely to be present in the hedgerows on and surrounding the site. In addition, there is the potential for grass snakes and great crested newts to be present on the site.
220. The development would result in the loss of arable farmland and semi-improved grassland and up to 15m of hedgerow to provide for the site access.

The application proposes species rich shrub, tree and grassland planting and approx. 87m of new hedgerow planting within the site to mitigate for this loss.

221. Protection measures and good construction practices will also be required during site clearance and construction to ensure that the species and habitats identified are retained and disturbance is minimised. This would include, but not be limited to, the protection of retained hedgerows; the installation of fencing to prevent incursions into the habitat between the ancient woodland and the site; the implementation of a dormouse mitigation strategy, noting that an EPS licence from Natural England will be required; the implementation of a site clearance method statement with measures to protect grass snakes.
222. With regard to the Alex Farm Pastures and Orlestone Forest SSSI's – the applicant's report identifies that there would be no predicted disturbance. The Water Quality section of this report deals with the impact on the River Beult SSSI.
223. With regard to the ancient woodland and ditches adjacent to the site, the report identifies that there may be moderate negative effects during construction, for example from dust and runoff. However, these impacts can be mitigated through good construction practices. The development would not result in the loss of any of the ancient woodland.
224. Section 15 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment and do not cause significant harm to biodiversity, statutory designated sites and irreplaceable habitats
225. AAP Policy CG21 'Ecology; states that '*development at Chilmington Green will avoid the loss of locally important ecological networks and semi-natural habitats*'. The policy continues '*where any part of the development would impact on important ecological assets, it will be necessary to demonstrate that appropriate mitigation is already in place and suitably established, prior to the commencement of that part of the development*'. This is supported by Local Plan policy ENV1 'Biodiversity'.
226. On the basis of the information submitted by the applicant and the advice provided by the County Council, I consider that sufficient measures are proposed to protect ecology and biodiversity on and adjacent to the site during construction. In addition, sufficient opportunities to incorporate and enhance biodiversity on the site can be secured as part of the development. The application, therefore, complies with AAP Policy CG21 and Section 15 of the NPPF 'Conserving and enhancing the natural environment'. The development is also consistent with the Council's wider approach in other parts of its area, with reference to Ashford Local Plan policy ENV1 'Biodiversity' and ENV5 'Protecting Important Rural Features'.

Odour Impacts

227. The WwTP has the potential to emit odours, it is therefore necessary to assess these potential impacts upon the amenity of nearby existing and future residents.
228. The applicant has submitted an Odour Impact Assessment Report. The assessment identifies the likely sources of odour emissions from the WwTP; presents the results of an odour survey undertaken at an existing WwTP comparable to that proposed, alongside library data collected from other wastewater treatment facilities in the UK; and, via dispersion modelling, identifies the predicted extent of the odour impact on the immediate environment and nearby residents.
229. The applicant's assessment was undertaken in accordance with the Integrated Pollution Prevention and Control (IPPC) Technical Guidance Note "H4 Odour Management", published by the Environment Agency (EA), March 2011; Guidance on the assessment of odour for planning, published by Institute of Air Quality Management (IAQM) July 2018; and Odour Guidance for Local Authorities, published by DEFRA, March 2010 (now withdrawn).
230. The assessment predicts that odour emissions from the WwTP would be approximately 564 ouE/s (odour emission rate). Of these emissions approximately 57% are predicted to be generated by the sewage treatment stage (TE-CYC tanks) and 43% from the sludge handling and storage operations. The largest overall contributor to emissions are the main treatment sections of the TE-CYC tanks which account for 34% of the emissions from the site as a whole. The second and third largest contributors are the anoxic selector zones and sludge holding tanks, accounting for approximately 22% and 21% of emissions respectively.
231. The odour dispersion modelling was undertaken using the US Environmental Protection Agency (US EPA) AERMOD dispersion model. The model was run in accordance with guidance from the US EPA and the EA. The dispersion model was run using five years of data (2018-2022). The worst-case results from across the five years were used to create an overall 'worst-case' model.
232. Residents have raised concerns that the dispersion modelling is based on US weather patterns and topography. To clarify, the AERMOD model was developed by the US EPA and the American Meteorological Society. The EA Technical Guidance Note "H4 Odour Management" identifies the AERMOD model as being an appropriate model that is well established and routinely applied for odour assessment.

233. The applicant's report also states that the *“data describing the topography of the local area, and onsite source elevations was obtained from Ordnance Survey”*. It has therefore been confirmed that local data was used in the model and not data from the US.
234. Residents have also raised concerns about the use of meteorological data from East Malling, including the accuracy of the wind data. In response, the applicant's odour consultants have advised that the East Malling meteorological station is the nearest monitoring station to the application site. The proposed WwTP site and the East Malling site are *“both located in rural locations, with predominantly agricultural land use in the areas immediately surrounding each, and the elevations of both are very similar. As such the actual measured data from East Malling is suitable for the assessment”*. With regard to the wind data, I note that the wind speeds identified are comparable with the wind speeds identified during the noise survey undertaken on the site. There is also no evidence to suggest that the wind direction identified is incorrect.
235. The EA Technical Guidance Note ‘H4’ indicates that the use of meteorological data from a representative meteorological station, where the local features of the development site are similar, is an appropriate source of data to use in modelling. I have viewed the location of the East Malling meteorological station on Google maps and I have no reason to dispute the applicant's consultant's assertion that the local features are comparable to the application site.
236. Odour impact criteria are used to enable the odour impact of facilities to be predicted using dispersion modelling. These criteria are defined as a minimum odour concentration expressed in odour units, and a minimum exposure period, which is typically 2% of the time or the 98th percentile of hourly average concentrations in a given year. e.g. C98, 1-hour > 5 ouE/m³.
237. The EA guidance sets out benchmark criteria to be applied in dispersion modelling. Any results that predict exposures above these benchmark levels, after taking uncertainty into account, indicates the likelihood of unacceptable odour pollution. The benchmarks are: 1.5 odour units for most offensive odours; 3 odour units for moderately offensive odours; and, 6 odour units for less offensive odours.
238. IAQM guidance identifies three levels of odour impact - high, moderate and low offensiveness. This guidance 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”*.

239. For highly sensitive receptors, such as residential dwellings, odour concentrations between C98, 1-hour 3 and 5 ouE/m³ are considered to correlate to a 'Moderate Adverse' impact. Odour concentrations below this level are considered to be either slight or negligible.

240. The different levels of odour impacts for most offensive and moderately sensitive odours are set out in **Figures 8 and 9** below.

Odour exposure level [C ₉₈ , 1-hour x 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

Figure 8 - odour effect descriptors for impacts predicted by modelling: 'moderately offensive' odour

Odour exposure level [C ₉₈ , 1-hour x ouE/m ³]	Receptor Sensitivity		
	Low	Medium	High
≥10	Moderate	Substantial	Substantial
5 - <10	Moderate	Moderate	Substantial
3 - <5	Slight	Moderate	Moderate
1.5 - <3	Negligible	Slight	Moderate
0.5 - <1.5	Negligible	Negligible	Slight
<0.5	Negligible	Negligible	Negligible

Figure 9 - odour effect descriptors for impacts predicted by modelling: 'most offensive' odour

241. The dispersion model identifies that under normal operational conditions the C98, 1-hour = 3 and 5 ouE/m³ isopleths are predicted to fall within the WwTP site boundary. The report concludes that odour exposure levels at the nearest residential properties are predicted to fall substantially below the most appropriate odour impact criteria (C98, 1-hour = 3 ouE/m³). On this basis, the risk of odour impact posed to existing residents as a result of the odour emissions is likely to be very low. The estimated odour emission rates are provided in **Figure 10** and the results of the modelling are illustrated in **Figure 11**.

Stage of treatment	Odour source	Odour emission rate (OU _E /m ² /s)	Note
Sewage treatment	TE-CYC anoxic selector zone	1.8	Measured value multiplied by 3 ¹⁶
	TE-CYC tank fill/aerate phase	0.5	As measured
	TE-CYC tank aerate phase	0.5	As fill/aerate
	TE-CYC tank settle phase	0.3	As measured
	TE-CYC tank decant phase	0.3	As measured
Sludge handling	Sludge holding tank*	1.5	Measured value multiplied by 3 ¹⁶
	Sludge trailer*	5	Estimate based on reference data

*No reduction in emissions was applied for the covers on the sludge holding tank and sludge trailer which are likely to provide some degree of odour containment. As such the emission rates applied can be considered precautionary.

Figure 10 - Estimated odour emission rates from the WwTP



Figure 11 – Results of the dispersion model

242. The applicant’s consultant also undertook a sensitively analysis with double the emission rates applied to the sludge sources. The results of this model are illustrated in **Figure 12**. The model indicates that, even with doubled emissions the isopleths remain within the WwTP site boundary and the risk of odour impact at the nearby residential properties remains very low.

243. The report concludes that the odour risk to existing residents is likely to be very low. It can also be concluded from the result of the modelling that the risk of odour impacts to future residents of the Chilmington Green development and Court Lodge site allocation would also be very low.



Figure 12 – Results of the dispersion model sensitivity analysis – double emissions

244. Residents have asked why the te-cyc tanks cannot be covered or sealed and why preventative measures to reduce the smell are not proposed. In response, the applicant has advised that the tanks are required to be open for ease of inspection. No preventative measures are proposed because they are not required, as demonstrated by the results of the dispersion modelling and sensitivity analysis, any odour impacts would be confined within the WwTP site boundary.
245. Any odour problems that have occurred in the past from other facilities and any assessment undertaken or advice given in respect of a plant in a different location, i.e. the Petersfield Plant referred to by residents, are not a material consideration in the assessment of this application.
246. Concerns have also been raised about chemical odours. The applicant has advised that the only chemical that would be used would be Ferric dosing which does not emit odours. Dosing is required to improve nutrient removal and enhance waste water treatment performance. The precise process and composition of the chemical dosing would be regulated by the Environment Agency through any discharge permit that it grants.

247. From the information submitted, and the advice provided by the Council's Environmental Protection team, I conclude that the development would not be likely to have a detrimental impact on air quality in the form of odour impacts on nearby residents. The applicant has demonstrated that odour impacts would be confined to within the WwTP compound boundary and I have no information to counter that view.
248. I therefore conclude that the development complies with NPPF, para 174(e) which seeks to ensure that new development does not contribute to unacceptable levels of air pollution and Local Plan policy ENV12 which seeks to ensure that development does not lead to a significant deterioration in air quality.

Noise and Vibration

249. The fixed plant at the WwTP and activities such as vehicle deliveries and collections have the potential to create noise impacts. It is therefore necessary to assess these potential impacts upon the amenity of nearby existing and future residents. The applicant has advised that although the WwTP would operate uniformly throughout a 24-hour period, any deliveries and collections would only take place during the daytime.
250. The applicant has submitted a noise assessment undertaken in accordance with BS4142. A noise survey was undertaken to identify the background noise levels properties within the vicinity of the site currently experience. This data has been used to establish limits for noise generated by the proposed plant. An assessment has also been undertaken of the potential impacts on future residents of the Chilmington Green development, however, this is indicative as the exact nature and location of these homes is not yet known.
251. Residents have raised concerns that the noise assessment may be skewed by increased noise levels in the area due to road diversions and construction activity. The noise survey identified that the predominant noise in the area is from road traffic. Therefore, if any construction activity was taking place at the time of the survey it was not dominant in the background noise.
252. The assessment concludes that noise levels from the fixed plant are calculated to be at least 20 dB below the general ambient noise levels and to fall at or below the established noise limits in all time periods at all locations, thereby indicating a low noise impact. Noise from operational noise sources, would, at worst, be around 11 dB lower than the existing ambient noise levels at the existing residences and at the lower end of the existing ambient noise levels. It is also noted that these sources would only occur during daytime,

would not occur continually and, as such, are not expected to add any significant noise to the existing levels.

253. Noise mitigation measures are proposed, comprising the provision of acoustic shrouds around the air blowers and the provision of a bund around the perimeter of the site. With these mitigation measures in place, the applicant's report concludes that noise from the WwTP is not expected to result in noise disturbance to existing residents.
254. The impact upon future residents of the Chilmington Green development would need to be assessed as and when applications come forward for the later phases of that development. If necessary, it may be appropriate for these homes to include appropriate enhanced sound insulation measures in order to mitigate any adverse impacts. The applicant's report identifies that a 2.0m high timber acoustic fence might be required on top of the bund between the site and such future housing, however this fence does not form part of this current application. Such a fence would require planning permission and therefore its acceptability would be assessed as part of a future application.
255. From the information submitted, and the advice provided by the Council's Environmental Protection team, I conclude that the development, with the proposed mitigation measures, would not result in levels of noise that would be detrimental to nearby residents. I therefore conclude that the development complies with NPPF, para 185(a) which seeks to ensure that new development mitigates and reduces to a minimum potential adverse impacts resulting from noise from new development.

Ground Contamination

256. A Phase 1 desk study of was carried out for the whole Chilmington Green site as part of the outline planning application. This did not identify any contamination concerns about the proposed WwTP site. The site has been used for agriculture and therefore the risk of contamination is considered low. No further site investigation is required unless potential contamination is discovered during the construction phase of the works.
257. The applicant has advised that the operation of the WwTP would not involve discharge of treated waste water to ground. The potential risk of spillages would be addressed by the provision of low level bunds surrounding the relevant infrastructure to contain any spillages with appropriate collection in sumps or storage tanks segregated from the general surface water drainage systems. Any collected spillage would then be removed from the site. In addition, a chamber with control valve(s) downstream of the filter drain, is

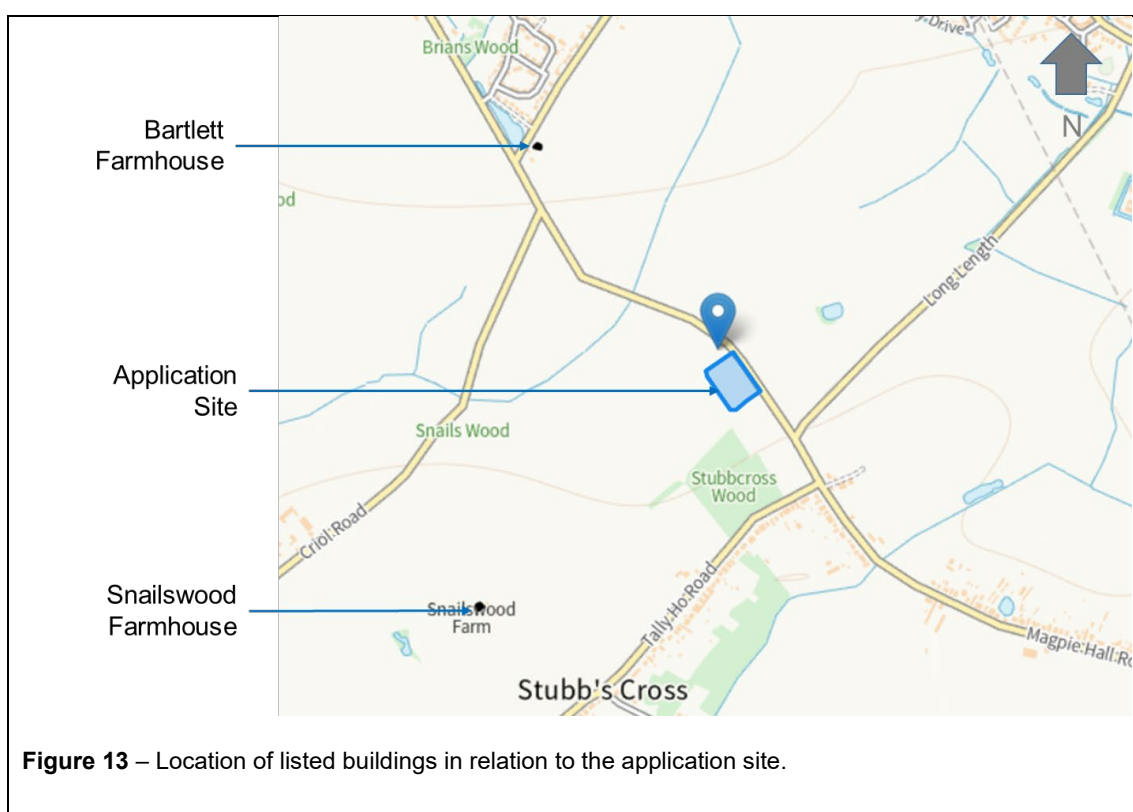
proposed to enable the filter drain to be shut off in a spillage event to prevent contamination entering into the surface water drainage system.

258. Concerns raised by residents about the risk of untreated waste water being discharged into the surrounding area would be addressed via the Environment Agency permitting process. The applicant will need to demonstrate in any such application what they will do to minimise the risk of pollution from activities covered in the permit, this includes during normal operations and during any changes in normal operations.
259. From the information submitted, and the advice provided by the Council's Environmental Protection team, I conclude that the site does not pose a known risk of contamination. If unexpected contamination is found, details will need to be submitted to the Council, including a mitigation strategy. In addition, I consider that sufficient safeguards are in place, via the EA's environmental permitting process, for the Council to be assured that the risk of spillages of untreated waste water into the surrounding area will be minimised.
260. Therefore, I conclude that the requirements of para 183 of the NPPF, which seeks to ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, and para 185 of the NPPF, which seeks to ensure that new development is appropriate for its location taking into account the likely effects, including pollution on health, living conditions and the natural environment, would be met.

Heritage and Archaeology

261. The nearest listed buildings to the WwTP site are Snailswood Farmhouse approximately 500m to the south-west of the site and Bartlett Farmhouse, on the edge of Chilmington Hamlet, approximately 500 m to the north. Both are Grade II Listed. The location of these listed buildings, in relation to the application site, is shown in **Figure 13** below. There are no conservation areas within the vicinity of the site. Given the distance and orientation of both listed buildings in relation to the WwTP site, I consider that the WwTP would not be within the setting of either listed building and therefore that there would be no impact on the historic significance of these heritage assets as a result of the development.
262. With regard to archaeology, the wider Chilmington Green site has potential for multi-period archaeological remains. The application site is in a sensitive location associated with Iron Age and Romano-British activity. The site is very close to a possible Roman road junction which may have associated activity around it. I understand that archaeology works were undertaken in the area in

association with the Southern Water pumping station and rising main development, however, no details have been submitted in respect of the application site. I, therefore, consider it prudent to attach an archaeology condition to the planning permission, if granted.



263. I conclude, that the proposed development complies with Section 16 of the NPPF 'Conserving and enhancing the historic environment' and AAP Policy CG1(f) which seeks to ensure development positively responds to the distinctive landscape character and assets of the site - including historic buildings, historic landscape and archaeology. This is also supported by local Plan policies ENV13 'Conservation and Enhancement of Heritage Assets' and ENV15 'Archaeology'.

Highway Impacts

264. The WwTP site would be accessed off Chilmington Green Road, via a single access point. To facilitate the movement of vehicles through the site, a looped

internal estate road is proposed, as shown in **Figure 6** above 'Proposed Site Layout Plan'. This would allow all vehicles to enter and exit the site in forward gear. The entrance is wide enough to enable two-way vehicular traffic and to achieve the necessary turning circles for operational traffic. The Compound security gates would be set back by 19.7m from the edge of Chilmington Green Road to avoid the need for vehicles to wait on the highway when accessing the site.

265. The WwTP would be visited on a weekly basis for maintenance. In addition, sludge would be collected and taken away for processing. The regularity of those vehicle visits will increase as the operation of the WwTP increases to serve additional houses. It is currently anticipated that upon completion of Chilmington Green Phase 1 (circa 1500 homes) a sludge collection would be required every 16 days. On completion of Phase 2 (circa 2600 homes) this would increase to every 6 days.
266. KCC Highways and Transportation raised no concerns about the number of vehicle movements anticipated to be generated by the development and the effect on the highway, however, they initially raised an objection to the application relating to concerns that the visibility splays that were proposed would not be sufficient. In response, the applicant has proposed to bring forward a reduction in the speed limit along Chilmington Green Road from the current 60mph to 40mph. In line with KCC advice and guidance, the applicant has recently undertaken informal consultation with key stakeholders and residents about the proposed speed limit reduction. Following this, the applicant has formally submitted an application for a Traffic Regulation Order (TRO) to KCC to introduce the speed restriction. On the basis of this speed limit reduction being put in place, KCC have now removed their objection to the development.
267. From the information submitted, and the advice provided by KCC I conclude that the proposed development would not have a severe impact on the highway network and therefore complies with para 111 of the NPPF which states that "*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*". The application also complies with Local Plan policy TRA7 'The Road Network and Development'.

Other Matters

268. **Light pollution** – the applicant has advised that there will be limited lighting. The site will not be staffed and requires limited visits for maintenance. Low level, discrete lighting would be provided, for example on the handrails of platforms – the detail would be finalised during the detailed design process.

269. Given that there is a potential for lighting impacts on the amenity of neighbouring residents and wildlife if the lighting provided is not appropriately designed, I recommend a condition is attached to any planning permission that is granted to ensure that the lighting design approach and the lighting levels that arise from that approach are acceptable and balance the need for on-site safety for operatives alongside the need to avoid light pollution impacting on the qualities of the locality and ecological receptors. The use of Passive Infra-Red technology will be an important component of a scheme alongside a robust landscaping approach to the hinterland of the WwTP.
270. **Overlooking / loss of privacy / loss of daylight and sunlight** – The nearest existing and proposed houses are/would be located approx. 300m from the site. Given the maximum height and scale of the development, a distance of 300m would ensure that there would be no impacts on residents in respect of overlooking / loss of privacy / loss of daylight and sunlight.
271. **Decommissioning** – the applicant has indicated that the WwTP may not be required permanently and may therefore be decommissioned in the future. No details have been provided about what would happen to the site if this were to happen. I therefore recommend a condition, if planning permission is granted, to require details of a decommissioning plan to be submitted and agreed if at some point in the future the WwTP is to be decommissioned.

Human Rights Issues

272. 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

273. 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

274. The principle of the construction of a WwTP on the application site is acceptable and in accordance with relevant national and local planning

policies. The development would result in a slight reduction in the amount of ecologically managed farmland proposed as part of the wider Chilmington Green development, however, the proposed landscape would deliver ecological benefits and therefore I consider this reduction to be acceptable.

275. The WwTP would have an impact on the landscape character of the site and the immediate local area. It would also diminish the green buffer proposed between the Chilmington Green development and Stubbs Cross / Shadoxhurst. The landscaping scheme proposed will not be sufficient until it is mature to fully lessen the landscape impact given the scale and nature of the development. However, the visual impacts of the proposal would reduce as the landscape matures. I have balanced these visual impacts against the changing nature of the landscape in the area due to the housing development that has been granted planning permission as part of the Chilmington Green development and the development that is proposed in response to the Council's Court Lodge Local Plan housing site allocation. I consider that, with an appropriate landscape scheme in place, the harm to the landscape, even in the short term, would not be so significant as to warrant refusal of the application. I therefore consider the proposed development to be acceptable in respect of its landscape impact.
276. With regard to water quality, I am satisfied that the environmental permit process, administered by the Environment Agency, will sufficiently consider and address this issue. Being mindful of the NPPF requirement, that planning decisions should not duplicate matters subject to separate pollution control regimes, I am satisfied that the applicant is not required to provide any further information in respect of water quality in order for a decision to be made.
277. The applicant has demonstrated that the development would not result in adverse impacts upon the amenity of nearby existing residents in respect of odour and noise. In addition, the development would not have a severe impact on the local highway network.
278. Subject to the submission of additional details to be secured via condition, the applicant has demonstrated that the development would not result in unacceptable impacts to ecology and biodiversity and heritage and archaeology.
279. There remain outstanding points that need to be addressed by the applicant in respect of flood risk and sustainable drainage. Subject to these issues being satisfactorily addressed, I consider the proposed development to be acceptable, subject to the conditions broad details of which are given below.

Recommendation

(A)

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

(B) Permit, subject to conditions

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Planning permission for the outfall pipe to be obtained prior to the commencement of construction of the WwTP.
4. Construction Environmental Management Plan (CEMP)
5. Archaeological field evaluation and investigations
6. Detailed ecological mitigation strategy
7. Details of all boundary fencing
8. Detailed landscaping scheme, including details of early provision of Stubbcross wood extension.
9. Traffic Regulation Order for Chilmington Green Road
10. Measures to prevent discharge of surface water to the highway
11. Delivery of site access
12. Provision and maintenance of visibility splays
13. Use of a bound surface for first 15 metres of the access road.
14. Post completion odour assessment

15. Post completion acoustic assessment

16. Details of site decommissioning and reinstatement in the event that the WwTP is no longer required.

17. Hedgerow protection

18. Lighting design strategy

19. Light levels

20. Reporting of Unexpected Contamination

Note to Applicant

1. Working with the Applicant

2. Highways

Working with the Applicant

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

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

In this instance:

- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2023/0715)

Contact Officer: Faye Tomlinson

Email: faye.tomlinson@ashford.gov.uk

Telephone: (01233) 330275

Application Number	22/00571/AS	
Location	Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN26 1JR	
Grid Reference	E 596682 N 140052	
Parish Council	Great Chart with Singleton	
Ward	Weald Central	
Application Description	Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access only (excluding internal circulation routes), with all other matters reserved.	
Applicant	Hodson Development Ltd	
Agent	n/a	
Site Area	20 Hectares	
(a) 48 'R', 4 comment	(b) Bethersden 'R' Great Chart 'R' Kingsnorth 'R' Shadoxhurst 'R'	(c) NH 'R' / KCC Highways 'R' / KCC Ecol 'R' / KCC Flood 'R' / KCC Heritage 'X' / KCC ED 'X' / KCC PROW 'X' / ABC Env 'X' / ABC Hous 'X' / RA 'R' / SW 'X' / WKPS 'R' / KP 'X' / NHS 'X'.

Introduction

1. This application is reported to the Planning Committee because, as a result of the number of dwellings proposed, under the Council's scheme of delegation it falls to be determined by the Planning Committee.

Site and Surroundings

2. The application site has an area of approximately 20ha and is located within the parish of Great Chart with Singleton. The site is relatively flat and is currently in agricultural use.
3. The A28 Ashford Road extends to the west of the site. The site is bounded by a low hedgerow to its western boundary with the A28, as well as taller hedgerows and trees to the eastern and southern boundaries. To the north, a

small section of the application site is located within the boundary of the adopted Area Action Plan for Chilmington Green. This land is identified for new housing and highway works within Phases 1 and 2 the Chilmington Green development. Phase 1 of the Chilmington Green development is currently under construction further to the north-east of the application site.

4. To the east, the site abuts the boundary of the adopted Area Action Plan for Chilmington Green. This adjacent land has been identified as land for ecological mitigation and water attenuation for Phase 1 of the Chilmington Green development.
5. The site is bordered by Public Right of Way (PROW) AW245 to its eastern boundary, whilst PROW AW292 extends across the site from east to west, close to the northern site boundary and the previously approved highway works.
6. The site is currently set within open countryside, outside the identified village confines of Great Chart and with only sporadic residential development in the vicinity other than the approved elements of the Chilmington Green development which are under construction to the north-east. To the south of the site is Possingham Farmhouse, a Grade II Listed farmhouse located approximately 70 metres from the closest (southern) site boundary. To the south-west of the site, a cluster of Grade II listed buildings are located approximately 180 metres from the south-western site boundary on the opposite (western) side of the A28 in the vicinity of Lodge Place. Three additional dwellings are located to the western side of the A28 towards the north-west of the site, close to the junctions with Old Surrenden Manor Road and Sandy Lane.
7. As identified above, a small section of the application site (to the north of the site) is located within the boundary of the adopted Area Action Plan for Chilmington Green. Nonetheless, the majority of the application site sits outside the Area Action Plan boundary and is not allocated for development within the Local Plan or the adopted Area Action Plan for Chilmington Green.
8. The site is identified in the Ashford Local Development Framework Landscape Character Study as being located within the Bethersden Farmlands (Chilmington Open Arable) landscape character area, where there are recommendations to restore and create landscape when dealing with planning proposals. The site is located within Flood Zone 1.

Proposal

9. Outline planning permission is sought for the development of up to 655 dwellings, including 30% affordable housing, along with associated

infrastructure and landscaping. The applicant is seeking all matters to be reserved for future consideration at the reserved matters stage save for access (excluding internal access & circulation routes) which has been applied for in detail as part of the application.

10. The following parameter plans are sought to be approved at this stage which would be used to set the framework for later reserved matters submissions:

- Access and Movement Parameter Plan.
- Building Heights Parameter Plan.
- Building Density Parameter Plan.
- Land Use Parameter Plan.
- Landscape Open Space Parameter Plan.

11. Two vehicular accesses are proposed, the first being to the north of the site via a new roundabout at the junction of the A28 and Sandy Lane (previously approved by application ref 12/00400/AS) and a second access from the A28 to the west of the site. An illustrative site layout has been submitted (**Figure 1**) that shows the broad arrangement of dwellings within the residential plots, some buffer landscaping, tree planting and a road layout. As all matters are reserved, other than the access arrangements into the site, the details shown on this site layout are illustrative and should be treated as such.



Figure 1: Illustrative Site Layout

Planning History

12. The following is relevant relating to the application site;-
13. **20/00001/EIA/AS** – Request for a screening opinion for a residential development comprising up to 600 dwellings, associated infrastructure, car parking and landscaping and open space. On 19 May 2020 the LPA confirmed that an Environmental Impact Assessment is not required for the development described above.
14. The following are relevant to land adjoining the application site that forms part of the Chilmington Green development:
15. **12/00400/AS** – Outline planning permission granted on 6 January 2017 for a Comprehensive Mixed Use Development comprising:
 - up to 5,750 residential units, in a mix of sizes, types and tenures;
 - up to 10,000 m² (gross external floor space) of Class BI use; up to 9,000 m² (gross external floorspace) of Class AI to A5 uses;
 - Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each);
 - Community Uses (class DI) up to 7,000 m² (gross external floorspace);
 - Leisure Uses (class D2) up to 6,000 m² (gross external floorspace);
 - Provision of local recycling facilities;
 - Provision of areas of formal and informal open space;
 - Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre);
 - Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road I Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes;

- New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and
- Associated groundworks

where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three accesses onto the A28 and the access onto Coulter Road/Cuckoo Lane.

16. **21/00840/AS** – full planning permission granted on 1 October 2021 for an Infrastructure route which includes carriageway, footpath/cycleway, indicative locations of visitor parking bays and soft verges to the Phase 2 Avenue providing access to the Chilmington Green Secondary School site within at Chilmington Green, Great Chart, Ashford.
17. **21/00840/AMND/AS** – permission granted on 27 May 2022 for a minor amendment to planning permission 21/00840/AS to alter the junction configuration at the crossroads at Chilmington Avenue and Chilmington Green Road.
18. **12/00400/COAO/AS** – application submitted on 30 May 2022 for approval of details pursuant to Condition 17 (Detailed Phase 2 Masterplan) pursuant to planning permission ref: 12/00400/AS – Pending Decision.
19. **OTH/2023/0031** – Reserved Matters application submitted on 6 January 2023, pursuant to planning permission 12/00400/AS, for appearance, landscaping, layout, scale and access for the provision of ecological mitigation and water attenuation on Land Parcels EC6, EC7, EC8, F8 and EC17– Main AAP Phase 1, together with associated landscaping and infrastructure – Pending Decision.

Consultations

20. **KCC Highways - Object.** Numerous concerns are raised regarding the principle of the development of this site and the adequacy of the submitted Transport Assessment. Specific concerns are raised regarding:
 - The lack of existing local facilities in the vicinity of the site which makes this an unsustainable location for the proposed development.
 - The lack of public transport to serve the development, and the lack of pedestrian connectivity to bus stops along the A28 due to there being no footway along the A28.

- The submission of an inadequate Transport Assessment including inaccurate crash data, no Stage 1 Road Safety Audits for the proposed accesses to the site, incorrect TRICS data parameters, insufficient traffic surveys, inadequate assessment the likely impact on the A28, and of the capacity of nearby junctions.
 - The lack of a Travel Plan.
21. As a result, KCC Highways consider the development would be likely to have a severe impact on highway safety along the A28 corridor.
22. **National Highways- Object** Recommend that planning permission not be granted.
23. Initially responded raising concerns regarding the impact of the development on the strategic road network. The response required the applicant to:
- Provide a highway safety assessment, depending on degree of traffic impact on the SRN,
 - Traffic flow diagrams to be revised,
 - Trip distribution/assignment to be fully justified and extended to include M20 junction 9.
24. Since the response was issued, Circular 01/2022 has come into effect. The applicant provided a revised Transport Assessment (TA) which did not accord with Circular 01/2022. The revised TA is therefore considered insufficient and does not address the concerns previously raised. National Highways advise that given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and NPPF 2021 [particularly paras 110 to 113]).
25. **KCC Ecology – Object** Recommend that additional information is provided prior to the determination of the application.
26. Identify that the submitted ecological impact assessment is incomplete and does not adequately assess cumulative impacts on ecological receptors from nearby developments. The additional information sought by KCC Ecology includes:
- An assessment of cumulative impacts for all important ecological receptors;

- Ditch survey data for great crested newts;
 - Complete survey data for hazel dormice;
 - Complete survey data for bats;
 - Complete survey data for breeding birds;
 - A mitigation/compensation strategy that considers all necessary ecological receptors e.g., great crested newt, hazel dormice, bats, breeding birds, badgers in relation to cumulative impacts, recreational pressures on and off-site and complete survey data;
 - Full transparency regarding the Biodiversity Metric Calculation Spreadsheet in Excel format and visibility of the plans upon which the calculations were based.
27. **KCC as Lead Local Flood Authority - Object.** KCC as the LLFA are generally in agreement with the principles proposed for dealing with surface water, namely a system which attenuates the water in two basins each with a restricted discharge to the surrounding ditch network at a combined rate equating to 4l/s/Ha. However, additional information is requested regarding:
- Greenfield runoff rate calculations –
 - The Flood Risk Assessment does not take account of new (2016) guidance on using climate change allowances in Flood Risk Assessments. The submitted assessment will need to be revised.
28. **Southern Water - No objection.** Recommend a condition is imposed on any grant of permission relating to the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development, along with an informative requiring details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
29. **KCC Public Rights of Way - No objection.** Public Byways AW292 and AW245 are directly affected by the site and Public Footpaths AW239, AW237 and AW220 either abut or are in close proximity to the proposed development. KCC PROW have no objection to the application but request by condition that a PROW scheme of management is submitted and approved by ourselves prior to the commencement of any work, and that all PROW works are completed and approved by ourselves prior to first occupation.

30. KCC PROW also advise that a financial contribution, in the form of Section 106 Agreement funding, should be allocated to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed and to ensure connectivity to the main Chilmington Green development, schools, facilities etc. The routes for s106 funding would include Public Footpaths AW239, AW220, AW237.
31. **Weald of Kent Protection Society - Object** on the following grounds:
- The proposal is contrary to the approved ABC Local Plan.
 - The site is not included in the Chilmington Green Development Plan.
32. **Ramblers' Association - Raise concerns** that the Chilmington Green development currently in progress has already had a significant impact on the local PROW network, with a number of routes being temporarily closed or diverted during ongoing or proposed construction. This additional development may necessitate further restrictions.
33. Concerns are also raised about numerous discrepancies within the application documents, including the legal rights for use of the PROW network, the location of the PROW within the site, the number and nature of crossings over PROW and the legal status of routes, in particular PROW AW292 which is referred to in the LVIA (p14 3.4) as being “subject to a stopping up order” (May 2021) but the actual status is a (Prohibition of Traffic) Temporary Order, which is substantially different. Concern also raised regarding the use of PROW AW292 which would be crossed by the primary access into the development.
34. **KCC Economic Development - No objection.** KCC Economic Development has assessed the implications of this proposal in terms of the delivery of its community services and considers that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution through the s.106 agreement process. Contributions sought towards primary education, secondary education, community learning, youth services, library services and social care. An additional planning condition regarding broadband infrastructure is requested on any grant of permission.
35. **ABC Environmental Protection No objection.** To promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality, request the application of a condition to provide appropriate electric vehicle charging facilities. Additional conditions requested regarding the submission of a Noise Assessment to deal with traffic noise from the A28 and the nearby secondary school, to include details of any

necessary sound insulation to mitigate these impacts, a Contaminated Land Assessment and a Construction Environmental Management Plan.

36. **KCC Heritage - No objection.** The site of the proposed development lies in an area with multi-period archaeological potential. Prehistoric and Roman remains have been found in the area and several ancient routeways cross this area with potential for prehistoric and later farmsteads. There is also some potential for modern archaeology associated with the Ashford airfield, with a runway traversing the site and potential for associated cultural remains. Given the archaeological potential, a condition should be imposed on any grant of permission requiring appropriate field evaluation, safeguarding and post-excavation assessment and publication.
37. **ABC Housing - No objection** but comment that the application has a very high proportion of flats within the social/affordable rent allocation (currently proposed as 20 x 1-bed and 26 x 2-bed flats). The preference would be for an allocation of two-bedroom houses (currently there are none proposed) as well as three-bedroom houses (currently there are 17 which is considered acceptable), with fewer two-bedroom flats. The amount of one-bed flats is also considered very high in proportion to the other sizes of property ABC Housing would be concerned about the ability of any Registered Provider (RP) to manage the large number of one-bed homes in such close proximity.
38. Where they may also be a major issue in the proposals is the numbers of 1-bed flats proposed in the affordable home ownership quota. RPs have expressed concern about the lack of buoyancy in the market for shared ownership flatted units, particularly 1-bed units, and so ABC Housing would wish to see far fewer flatted units, and preferably none, in any s106 agreement.
39. ABC Housing would expect that the affordable housing units would be spread throughout the site rather than positioned in just a cluster and that the affordable housing properties would be visually integrated into the site and not discernible in terms of appearance/design/layout from the open market dwellings.
40. **Kent Police - No objection.** Recommend consulting a local Designing Out Crime Officer or qualified specialist to help design out crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict at the earliest opportunity. Request a condition be included as part of any planning approval to ensure that crime prevention is addressed effectively.
41. **Kent and Medway Clinical Commissioning Group** - The CCG has assessed the implications of this proposal on the delivery of general practice services and is of the opinion that it will have a direct impact which will require

mitigation through the payment of an appropriate financial contribution towards the refurbishment, reconfiguration and/or extension of the Woodchurch Surgery and/or Headcorn Surgery and/or towards new general practice premises development in the area.

42. **Great Chart with Singleton Parish Council – Object.** The site falls outside the Red Line boundary of the Chilmington development, and therefore no development should be allowed to take place in this area as per the Local Plan 2030 and the Chilmington Green Area Action Plan. This area was supposed to act as a buffer between the Chilmington development and the surrounding villages. The density of the proposed housing is considered too high. A number of other detailed concerns are expressed but are not listed in the response as the parish council strongly believes that this application should not be approved as a matter of principle.
43. **Shadoxhurst Parish Council - Object.** The application claims to be “a logical extension to the Chilmington Southern Fringe Character Area” but it fails to respect the ‘urban to rural transition’ design criteria embedded in the Chilmington Green Area Action Plan (AAP). As an ‘extension to Chilmington’ then the Adopted AAP and its policies should apply, in particular CG22 which relates to ‘Phasing, Delivery & Implementation’. The present application provides no evidence that any of the justifying criteria for this are met. Adding an extension to a development that has yet to be designed, let alone built, decries the claimed rational logic. In addition, the Parish Council question whether the development complies with the requirements of policy HOU5, the lack of accessibility to services, the impact of the development on the local highway network (in particular the A28), the harm caused to the Stodmarsh protected sites, the inadequacy of the submitted ecological appraisal, the need for Biodiversity Net Gain, the need for an Environmental Impact Assessment, and the urbanising impact of the development on the landscape and character of the area.
44. **Kingsnorth Parish Council - Object** due to the lack of a Transport Assessment and the development not being included in the Local Plan.
45. **Bethersden Parish Council - Object** due to the extension of built development onto agricultural land and the impact on local infrastructure, in particular the roads and drainage infrastructure.

Representations:

46. A total of 48 letters of objection have been received to the application which raise the following comments:

- i. The developer should deliver what they have approval for at Chilmington Green before proposing development on additional land, including delivering the infrastructure required in the S.106 Agreement. In particular, concerns raised regarding the lack of housing, play areas and highway improvements as part of the Chilmington Green development.
- ii. Insufficient infrastructure in the vicinity of the proposed development, in particular the lack of a bus service, highway infrastructure, GP and hospital capacity, school capacity, an inadequate drainage/sewage system, and a lack of jobs.
- iii. No connectivity to the closest services and facilities, which are too far away from the site. The application is dependent on facilities within Chilmington Green that are not yet provided. Concerns raised as to whether these facilities would have the capacity to accommodate this development and the phasing of their provision.
- iv. The encroachment of further development into the countryside being unsustainable and detracting from the planned green buffer to the approved Chilmington Green development. This would cause harm to the southern fringe character area of Chilmington Green and the Discovery Park. Additional development should be directed to existing towns and on brownfield sites.
- v. The visual impact of the development and the harm caused to the landscape character, in particular due to the lack of an appropriate landscape buffer, as well as the proposed densities and scale of development being too high. These would be inappropriate for the setting of the site and would fail to ensure an adequate transition to the countryside. This conflicts with the approved parameters of the Chilmington Green Area Action Plan.
- vi. The planned Chilmington Green development went through an extensive examination and consultation process. This application undermines that process and detracts from the character of the approved Chilmington Green development and how it relates to its surroundings.
- vii. Impacts on the local highway network due to the additional traffic generation, existing safety concerns as a result of lack of improvements to mitigate the approved Chilmington Green development, in particular on the A28.
- viii. The impact on ecology, in particular due to the loss of farmland habitat, additional noise and light pollution, and a lack of appropriate surveys being carried out for protected species.

- ix. The impact on the Stodmarsh protected sites as a result of the lack of suitable measures to ensure nutrient neutrality. The development would therefore not address the shortfall in five-year housing land supply because it cannot be built out as it hasn't demonstrated that it would be nutrient neutral.
 - x. The impact on nearby listed buildings, in particular the Grade II Listed Possingham Farmhouse, due to the close proximity and scale of the proposed development, and an inadequate landscape buffer. In addition, the lack of a Heritage Statement being submitted that fully assesses the impact on nearby heritage assets.
 - xi. The impact on neighbour amenity, in particular due to the urbanisation of the area, additional traffic, noise and disturbance.
 - xii. The lack of incorporation of sufficient sustainable construction measures.
 - xiii. Increased flood risk.
 - xiv. The proposed play areas within the development being too small.
 - xv. The lack of an Environmental Statement as the development would constitute EIA development due to its relationship with the wider Chilmington Green development.
 - xvi. Concerns regarding the lack of sales of houses in the Chilmington Green development, the viability of development in this area and the need for additional unallocated development.
 - xvii. Impact on property values.
47. In addition, four letters were received which neither objected to nor supported the proposed development. These raised the following matters:
- i. Questioned whether the development is within the Chilmington Green Area Action Plan area – if it is outside then why is additional land required when the allocated site hasn't been delivered?
 - ii. The applicant should focus on the approved development and infrastructure before being allowed to develop on additional land.
 - iii. An inaccuracy in the Planning Statement about the location of the new access into the development.
 - iv. A request for a copy of the Traffic Impact Assessment.

Planning Policy

48. The Development Plan for Ashford Borough comprises;-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),
 - (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
 - (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vii) the Egerton Neighbourhood Plan (adopted March 2022)
 - (viii) the Charing Neighbourhood Plan (adopted July 2023)
 - (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
49. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
 - (ii) Pluckley Neighbourhood Plan Review currently at Regulation 16 stage in the plan making process.
 - (iii) Aldington & Bonnington Neighbourhood Plan currently at Regulation 14 stage in the plan making process.
50. The relevant policies from the Development Plan relating to the part of the application site outside of the Chilmington Green AAP area are as follows:-

Ashford Local Plan 2030

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6	Promoting High Quality Design
SP7	Separation of Settlements
HOU1	Affordable Housing
HOU5	Residential windfall development in the countryside
HOU6	Self and Custom Built Development
HOU12	Residential space standards internal
HOU14	Accessibility standards
HOU15	Private external open space
HOU18	Providing a range and mix of dwelling types and sizes
TRA1	Strategic Transport Schemes
TRA3a	Parking Standards for Residential Development
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
ENV3a	Landscape Character and Design
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
ENV14	Conservation Areas
ENV15	Archaeology
COM1	Meeting the Community's Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision
IMP4	Governance of public community space and facilities

Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste
Early Partial Review (2020)

DM7	Safeguarding Mineral Resources
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51. The relevant policies relating to the part of the application site within the Chilmington Green AAP area are as follows:-

CG0	Presumption in Favour of Sustainable Development
CG1	Chilmington Green Development Principles
CG11	Highways and Access
CG12	Public Transport
CG13	Cycling and Walking
CG20	Sustainable Drainage
CG21	Ecology
CG22	Phasing, Delivery and Implementation

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

Ashford Borough Council Climate Change Guidance for Development
Management 2022

Government Advice

National Planning Policy Framework (NPPF) 2023

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 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:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraphs 20 – 23 - Strategic policies.

Paragraph 34 - Developer contributions.

Paragraph 38 - Decision making.

Paragraphs 47 to 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations.

Paragraphs 60 to 67 - Delivering a sufficient supply of homes.

Paragraphs 68 to 73 - Identifying land for homes.

Paragraphs 74 to 77 – Maintaining supply and delivery.

Paragraphs 78 to 80 – Rural housing.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 104 to 109 – Promoting sustainable transport.

Paragraphs 110 to 113 - Considering development proposals.

Paragraphs 114 to 118 - Supporting high quality communications.

Paragraphs 119 to 123 - Making effective use of land.

Paragraphs 124 to 125 - Achieving appropriate densities.

Paragraphs 126 to 136 - Achieving well-designed places.

Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.

Paragraphs 174 to 178 - Conserving and enhancing the natural environment.

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 183 to 188 - Ground conditions and pollution.

Paragraphs 189 to 208 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

54. The main considerations in the assessment of the application are as follows:
- a) Principle of development
 - b) Landscape and visual impact
 - c) Highways and transportation
 - d) Ecology

- e) Flood risk, drainage and surface water
- f) Heritage
- g) Residential amenity
- h) Housing, including affordable housing
- i) Contamination
- j) Sustainability and climate change
- k) Habitats Regulations Assessment
- l) Housing land supply
- m) Community infrastructure

a) Principle of development

55. Policy SP1 of the ALP 2030 identifies a number of strategic objectives, the first of which is to focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and to make best use of suitable brownfield opportunities.
56. A small parcel of land to the north-east of the application site is located within the boundary of the Chilmington Green Area Action Plan (AAP). This comprises land granted full planning permission to construct a new highway and access off the A28 and land granted outline planning permission for new housing, all part of the Chilmington Green development. The highway works would form 'access C' into the Chilmington Green development from the A28, which provides an entrance to the Orchard Village character area (as established within the Chilmington Green Design Code). The housing, granted outline planning permission, is due to be brought forward as part of Phase 2 of the Chilmington Green development. This land is identified, in the current application for the Phase 2 masterplan, as land parcel A2, and is proposed to provide 32 houses.
57. The remainder of the application site is located outside the boundaries of the AAP, on land that does not form a site-specific allocation within the development plan for Ashford. The AAP defines the boundary of the built footprint of the Chilmington Green development, providing firm spatial boundaries within which development at Chilmington Green should take place.

58. The submitted parameter plans for the Possingham Farm development show almost all of the proposed dwellings to be located outside of the AAP boundary, with only the approved highway works and a small area of housing land, identified above, to the north of the site being located within the AAP boundary. With this in mind, for the purposes of assessing the site's suitability for development, the development has to be assessed almost entirely against Local Plan policy HOU5 – '*Residential windfall development in the countryside*'. I deal with that below.
59. On this basis I have addressed below the key issues affecting the very large majority part of the site which falls outside the AAP area. However, the lack of detailed consideration of the part of the application that falls within the AAP area does not imply that it is acceptable when assessed against the policies in the AAP and other material considerations; it also ensures that this report does not prejudice the consideration in due course of the pending application in respect of parcel A2. It is merely a practical recognition that the primary intent and focus of this application is on large-scale development outside parcel A2 and that its acceptability, or otherwise, rests largely (through not exclusively) on that. In the event of an appeal being made, the Council will, in the light of the then status of the pending application in respect of parcel A2, the AAP and all other material considerations, confirm its assessment of this application's proposals in respect of that small parcel.

Residential windfall development in the countryside

60. Local Plan policy HOU5 sets out a series of criteria to be met for development that is adjoining or close to the existing built up confines of the listed settlements. In this case the Possingham Farm site does not adjoin any of the listed settlements, however it could be considered close to Ashford and Great Chart. The HOU5 criteria are set out below:
- a. *The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;*
 - b. *The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services*
 - c. *The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local*

and wider road network without adversely affecting the character of the surrounding area

- d. The development is located where it is possible to maximise the use of public transport, cycling and walking to access services*
- e. The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality*
- f. The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*
 - i) it sits sympathetically within the wider landscape,*
 - ii) it preserves or enhances the setting of the nearest settlement,*
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside,*
 - iv) it is consistent with local character and built form, including scale, bulk and the materials used,*
 - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
 - vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1*

61. I assess below the proposed development against these HOU5 criteria, as well as the other main areas of consideration, in the topic-specific sections of this report.

b) Landscape and visual impact

62. The application site comprises undeveloped agricultural land which is not allocated for development in the development plan. The site is bordered by the A28 to the west, which is a main route into Ashford from settlements to the west and south-west, such as Tenterden, Tunbridge Wells and villages such as Bethersden. The site is located in a prominent location which is highly visible from the A28, as well as the adjacent Public Rights of Way AW292 and AW245.

63. The landscape character from the A28 transitions gradually, from rural countryside in the vicinity of the application site, to suburban forms of residential development at the approach of Singleton and into Ashford.
64. The Chilmington Green AAP requires lower densities and a lower scale of development in areas closer to the countryside, such as in the vicinity of the application site, with higher densities and building heights in more central areas. This, coupled with the use of landscape buffers and design measures, will ensure that the Chilmington Green development responds sympathetically to the rural landscape character of its setting. I consider that the Possingham Farm site currently makes a positive contribution to the rural character of the area and that it will positively contribute to the rural setting of the Chilmington Green development as that is further built out.
65. The site is bounded by a hedgerow along its western boundary with the A28. Whilst this boundary hedgerow is proposed to largely be retained, a development of the proposed scale, density and site coverage would naturally create an increased visual impact within the wider landscape.
66. The Landscape and Visual Impact Appraisal (LVIA) submitted with the application identifies that the development would be likely to have an initial major-moderate adverse impact on views from the east of the site, including from PROW245, and to the south and west of the site, including from the A28. The LVIA identifies that with mitigation, such as green infrastructure within the development and the built form and design of the development, the impact of the development could be mitigated.
67. I acknowledge that a landscape buffer could reduce the visual harm of the development on countryside views, however, I consider that the proposed indicative layout fails to accommodate a sufficient landscape buffer. For example, to the north-east of the development, a residential parcel containing 3 and 4-storey dwellings of the highest density range is proposed to directly abut the site boundary, with no landscape buffer. To the south of the site, close to the Grade II Listed Possingham Farmhouse, a landscape buffer of approximately 5m is proposed. A significantly greater landscape buffer would be required to be effective in accordance with policy HOU5 of the Local Plan and to reduce the visual impact of the encroachment of development on the countryside.
68. Turning to the general layout proposed, the layout is dense and would fail to respect the pattern of development in the area. The densities proposed in this application start at 50-59dph to the north of the site, closest to the adjacent Chilmington Green development, and reduce to 30-39dph to the south of the site. For comparison, the Chilmington Green plots closest to the application site would have a density of 16-25dph. I note that the densities in the centre of

Chilmington Green site increase to 41-66dph but this is within the centre of the site and located closest to the proposed facilities and the proposed bus route. There are no such facilities proposed within the application site so I do not consider the high densities proposed to be appropriate for this site and they would sit uncomfortably with the reduced density at the edges approach taken in the Chilmington Green development and so undermine that intentional design approach for this location.

69. Additionally, little meaningful public open space is proposed, in particular within the residential parcels themselves. The development would lack public open space and would not accord with the 'garden community' ambitions of the approved Chilmington Green development in the vicinity of the site.
70. Given the proposed density of the scheme, as identified by the indicative proposals illustrating how it could be accommodated, the development would not accord with prevailing local character and built form and would contribute towards an urbanising impact upon the countryside. The density proposed would in turn have a harmful impact on landscape character. I do not consider the above objections could realistically be addressed by a future reserved matters application without a significant reduction in the number of residential units proposed and the application is made to the Council with up to 655 homes in mind within the defined red-line application site.
71. I therefore consider the proposed development would result in an overly urban form of development that would not provide an acceptable landscape buffer to the countryside and would harm the rural character of the area, as well as the setting of the Chilmington Green development. The development would also fail to provide a good standard of public amenity for future residents of the site. The development is therefore in conflict with policies SP1, HOU5 and ENV3a of the Local Plan and the NPPF which seek to ensure that the scale and nature of development is appropriate to its context.

c) Highways and transportation

72. Local Plan policy TR8 requires applications for development proposals of this scale to be accompanied by a Transport Assessment which assesses the impact of development proposals on the highway network and details any necessary mitigation to be secured as part of development proposals.
73. Paragraph 111 of the NPPF states that "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".

74. KCC Highways and Transportation were consulted on the scheme and have responded with a holding objection, raising a number of concerns with the proposed development and the level of information provided to assess the impact of the development on the highway network. The objection specifically relates to the lack of local facilities in the vicinity of the site, the lack of public transport to serve the development, the submission of an inadequate Transport Assessment, and the likely severe impact on highway safety along the A28 corridor.
75. In addition, National Highways have raised a holding objection due to concerns that the development has the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in particular, within the vicinity of the M20 motorway at junction 9. Further information is required from the applicant to demonstrate the potential impacts.

Local facilities

76. The facilities within the proposed district and local centres at the Chilmington Green development have not yet been provided and are not scheduled to be provided for some time. Without these facilities in place, homes within the application site would not be served by appropriate local facilities that would be convenient and accessible by sustainable modes of transport.
77. As a result of the lack of local facilities, journeys to the nearest existing and future services are likely to be made by private motorised transport and not more sustainable modes, such as walking or cycling.
78. In view of the lack of local facilities in the vicinity of the site, the development cannot be considered to be sustainable by association with Chilmington Green and the proposal would be in conflict with policies SP1, HOU5, TRA5 and TRA6 of the Local Plan and the NPPF which seek to focus development at accessible and sustainable locations and to promote sustainable modes of transport. A concurrent view is held by KCC Highways & Transportation.

Public transport

79. The Chilmington Green development is not currently served by a bus service. The initial service agreed in the S.106 to serve Phase 1 for that development has not been provided in accordance with the agreed timescales. The service proposed to serve Phase 3 of the Chilmington Green development that would run closest to the Possingham Farm site is not due to be brought forward for many years. In addition, the applicant for this application has not proposed to secure a bus service to serve this development. The proposed development would therefore not be accessible by public transport and any future occupiers would be reliant on private cars for their day-to-day journeys.

80. As a result of the lack of public transport options, the development of this site cannot be considered to be sustainable and the development would be in conflict with policies SP1, HOU5 and TRA4 of the Local Plan and the NPPF which seek to focus development at accessible and sustainable locations where there are opportunities for residents to make use of existing or altered/expanded public transport options. A concurrent view is, again, held by KCC Highways & Transportation.

Transport Assessment

81. KCC Highways and Transportation and National Highways, in their roles as Local and Strategic Highway Authorities, have advised that the submitted Transport Assessment is deficient in assessing the impact of the proposed development on the local and strategic highway network.
82. The Local Highway Authority has advised that additional information would be required in order to allow a full assessment of the impact of the development on the highway network to take place, namely full details of crash data, Stage 1 Road Safety Audits for the proposed vehicular accesses into the development, updated trip generation calculations (TRICS assessment), updated travel pattern data, updated trip distribution calculations and revised junction assessments to incorporate assessments of additional junctions.
83. The Local Highway Authority has advised that they consider the impact of the development on the highway network has been downplayed as a result of the above discrepancies in the Transport Assessment. Nonetheless, on the basis of the information submitted, they have advised that they consider the proposed development would have a severe impact on the A28 corridor, which would lead to increased travel times, delay and congestion and would have a resulting detrimental impact on highway safety.
84. The Strategic Highway Authority has advised that there is need for consideration to be given to Department for Transport Circular 01/2022; a highway safety assessment, depending on degree of traffic impact on the SRN; revised traffic flow diagrams; and, trip distribution/assignment to be fully justified and extended to include M20 junction 9. They also advise that once the above information has been satisfactorily provided, further assessment may be required, including highway capacity analysis, collision analysis and consideration of committed/local plan development.
85. In view of the lack of a comprehensive and robust assessment of the impact of the development on highway safety and capacity being submitted by the applicant, as well as the concerns raised by the Local and Strategic Highway Authorities regarding the impact of the development on the highway network, I consider the proposal would be in conflict with policies SP1 and HOU5 of the

Local Plan which seek to direct development to areas where safe and sustainable transport options are available, as well as policies TRA7 and TRA8 which require an assessment of the impact of development proposals on the highway network and any necessary mitigation to be secured as part of development proposals.

86. The development would also be in conflict with paragraph 110 of the NPPF which states that applications for development should provide a safe and suitable access to the site and that any significant impacts on the highway network or on highway safety should be mitigated. Given the Strategic and Local Highway Authorities concerns regarding the likely severe impact of the development on highway capacity and the resulting detrimental impact on highway safety, the application should be refused in accordance with paragraph 111 of the NPPF.

d) Ecology

87. Local Plan policies SP1 and ENV1 seek to conserve or enhance biodiversity. Policy ENV1 states that development should avoid significant harm to biodiversity assets and that where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in accordance with an agreed timetable. Development proposals should seek opportunities to incorporate and enhance biodiversity, including taking opportunities to help connect and improve wider ecological networks.
88. Paragraph 180 of the NPPF states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
89. KCC Ecologists were consulted on this application and have advised that the applicant’s submitted ecological impact assessment is incomplete and that additional information would be required in order for the impact of the development to be fully understood.
90. KCC’s response advises that additional survey data is required in relation to great crested newts, hazel dormice, bats, breeding birds. There is also an inadequate assessment of cumulative impacts on species as a result of other nearby development. KCC advise that the survey data should be used, along with the assessment of cumulative impacts, to inform an updated and robust compensation/mitigation strategy.
91. In the absence of appropriate surveys and a robust assessment of the cumulative impact of development in the vicinity, I consider that the applicant has failed to demonstrate that the development would not cause harm to

protected species. The applicant has also failed to demonstrate that appropriate mitigation measures can be secured. The proposal is therefore in conflict with policies SP1 and ENV1 of the Local Plan. Given the lack of appropriate mitigation, or compensation, for the harm caused to biodiversity resulting from the development, the application should be refused in accordance with paragraph 180 of the NPPF.

e) Flood risk, drainage and surface water

92. Policy ENV6 of the Ashford Local Plan states that proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 outlines that all developments should include appropriate sustainable drainage systems. The Council's Sustainable Drainage SPD sets out how developers can meet the requirements of policy ENV9.
93. KCC as the LLFA were consulted on the application in their role as Lead Local Flood Authority. KCC raised a holding objection to the proposed development as a result of a lack of information in relation to the extent of the developable area used in the drainage calculations to calculate the greenfield runoff rates, as well as the surface water drainage strategy not incorporating the most up to date guidance from the Environment Agency on the use of climate change allowances in flood risk assessments. It is open for any applicant to enter into chargeable pre-application discussions with the LLFA to help identify the information that will need to be supplied prior to making an application.
94. Given the overall policy objection to the scheme, the additional calculations and modelling have not been requested of the applicant. On the basis of the information that has been submitted, the application would be in conflict with policies SP1, ENV6 and ENV9 of the Ashford Local Plan.

f) Heritage

95. Policy ENV13 of the Local Plan requires development proposals to preserve or enhance the heritage assets of the Borough. Where a proposal would lead to the loss of or harm to the significance of a heritage asset or its setting, development will not be permitted unless it can be demonstrated that public benefits will be delivered by the development that outweigh the harm to, or the loss of, the heritage asset. This requirement is replicated by paragraphs 200-202 of the NPPF.
96. The nearest heritage asset to the proposed development is Possingham Farmhouse, a Grade II Listed building located to the south of the site. A further cluster of Grade II listed buildings are located to the south-west of the site in the vicinity of Lodge Place, to the opposite side of the A28.

97. The site boundary is located approximately 70 metres to the west and 130 metres to the north of Possingham Farmhouse, with the submitted land use parameter plan indicating that the built development would be set away from these boundaries by distances of approximately 10 metres to the west and 5 metres to the north. The built development would therefore be located approximately 80 metres and 135 metres away from the farmhouse.
98. The applicant has not submitted a heritage assessment, however the applicant's planning statement concludes that *"the proposed development is considered to incur only a very low degree of harm, at the lowest end of the spectrum of less than substantial harm, to the significance of Possingham Farmhouse through the general erosion of its wider agricultural landscape setting. No potential adverse impacts have been identified in relation to the Lodge Place group of listed buildings."*
99. Given the distances of separation to the nearby heritage assets, as well as the presence of the intervening landscaping and the A28, I broadly concur with the applicant's assessment of the impacts of the proposed development on the heritage assets. Whilst the impact is on the lower spectrum of less than substantial harm, in accordance with the requirements of policy ENV13 of the Local Plan and the NPPF, this harm would need to be weighed against the public benefits of the development, which would need to be assessed to that end.

Archaeology

100. Policy ENV15 of the Local Plan requires an assessment of the impact of the development on archaeological heritage.
101. KCC Heritage were consulted on the application and advised that as a result of the potential archaeological interest of the site, a condition should be imposed on any grant of permission requiring appropriate field evaluation works and follow-up work to be carried out in order to preserve and/or record important archaeological remains. I consider appropriate conditions could adequately address this matter, should the development be otherwise considered acceptable.

g) Residential amenity

102. I consider that the existing neighbouring residents in the vicinity of the site are unlikely to be affected by the residential activity generated by the proposals when the development is fully occupied. I consider there to be the potential for there to be impacts on the amenities of existing local residents during the construction of the development, but that relevant environmental protection

measures could be secured by a planning condition, such as requiring the provision of a Construction Management Plan, to help mitigate these impacts.

103. In terms of the amenities of the future occupiers of the development, I consider that conditions could be imposed to ensure that future residents would benefit from adequate internal and external private space, in accordance with relevant Local Plan policies HOU14 and HOU15.
104. I am satisfied that mitigation measures secured by condition could appropriately safeguard the amenities of existing local residents and the future occupiers of the development, should the development otherwise be considered acceptable.

h) Affordable housing

105. Policy HOU1 of the Local Plan requires the provision of no less than 30% of residential units in schemes in this area to be provide as affordable housing. In addition, policy HOU14 requires at least 20% of all new build homes to be built in compliance with Building Regulations part M4(2) as a minimum standard and a maximum of 7.5% of the affordable rented homes should be built to Building Regulations part M4 (3b).
106. The applicant has proposed a 30% affordable housing provision as part of this development, to be provided at the agreed tenure split of 10% affordable/social rent accommodation and 20% affordable home ownership products (including a minimum of 10% shared ownership). The applicant has also confirmed their intention for a minimum of 20% of the residential units to be compliant with Building Regulations part M4(2). The applicant has not confirmed that a maximum of 7.5% of the affordable rented homes would be built to Building Regulations part M4 (3b).
107. Whilst the applicant's stated affordable housing provision would comply with the requirements of policy HOU1 and the provision of M4(2) compliant dwellings would comply with the requirements of policy HOU14(a), in the absence of a S.106 agreement to secure this affordable housing the development, as currently proposed, would not comply with the requirements of Local Plan policies HOU1 and HOU14(a), noting also that the requirements of policy HOU14(b) would also need to be met..
108. Policy HOU6 of the Local Plan requires all sites within and on the edge of Ashford delivering more than 40 dwellings and in the villages and rural areas sites delivering more than 20 dwellings to supply no less then 5% serviced dwelling plots for sale to self or custom builders. The applicant has not proposed any self / custom build plots as part of the development, contrary to policy HOU6.

109. Policy HOU18 of the Local Plan requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The applicant has provided an indicative dwelling mix, as shown in **Figure 2** below. As set out in the ‘Consultation’ section of this report above, the Council’s Housing Services team has raised concerns about the very high proportion of flats proposed within the social/affordable rent allocation. Given that this application is submitted in ‘Outline’ the dwelling mix is indicative. Future reserved matters applications would need to comply with policy HOU18 - a condition would be required to secure this compliance.

House Type	No of Private Dwellings	Percentage (circa %)	No of Affordable Dwellings	Percentage (circa %)
1 Bed dwelling	46	10%	59	30%
2 Bed dwelling	160	35%	78	40%
3 Bed dwelling	183	40%	50	25%
4+ Bed dwelling	69	15%	10	5%
Total	458	100%	197	100%

Figure 2: Illustrative Dwelling Mix

i) Contamination

110. Paragraph 183 of the NPPF requires an assessment of the ground conditions of a site, including any risks arising from contamination, alongside an assessment of proposed mitigation and/or remediation.
111. ABC Environmental Protection have assessed the proposal in terms of potential contamination and have recommended that a condition be imposed on any grant of permission requiring necessary assessments to be carried out, and any appropriate remediation measures to be identified, prior to the commencement of the development. I consider an appropriate condition could adequately address this matter, should the development be otherwise considered acceptable.

j) Sustainability and climate change

112. Policy SP1 of the Local Plan requires new developments to be resilient to and mitigate against the effects of climate change. The Council’s Climate Change Guidance for Development Management sets out guidance on the types of infrastructure that will be expected to be delivered as part of new housing development in order to help mitigate the impacts of climate change, namely solar technology, EV charging and rainwater harvesting.

113. The applicant proposed that the development would be constructed to comply with Part L 2013 of the Building Regulations as a minimum, and that the water efficiency standards would meet the required maximum of 110 litres per person per day, as stated by Local Plan policy EN7.
114. Given the lack of sustainable construction measures and lack of infrastructure proposed for this development, I do not consider the development would help to mitigate against the effects of climate change. The development would therefore be in conflict with Local Plan policy SP1 and the Council's Climate Change Guidance for Development Management and para 157 of the NPPF

k) Habitats Regulations Assessment

115. The Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which includes a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar Site. This advice 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.
116. In line with established case law and the 'precautionary principle', Natural England advise 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, where necessary, subject to an Appropriate Assessment, in order for planning permission to lawfully be granted.
117. The site is located in close to the Stour catchment area and the nearest mains waste water drainage connect would drain into the Ashford waste water treatment works at Bybrook which is located within the Stour catchment. The application proposes overnight accommodation which could have an adverse impact on the integrity of the Stodmarsh protected sites.
118. With regard to the management of wastewater from the development, the nutrient neutrality statement submitted with the application states that the development is proposed to connect to a new wastewater system for the wider Chilmington Green development which would treat wastewater onsite and discharge treated effluent outside of the Stour Management Catchment. A planning application has been submitted for the construction of a waste water treatment plant (WwTP) within the Chilmington Green site and this is reported separately on this Committee Agenda. The documents submitted with the WwTP application indicate that it would only be sized to treat waste water from part of the Chilmington Green development. There would not be

capacity to treat waste water from the proposed development of Possingham Farm. It is therefore unclear how the applicant intends to deal with waste water from the development in order to achieve nutrient neutrality. As a result, a likely significant effect on the aforementioned protected sites cannot be ruled out and an Appropriate Assessment could not be adopted on the basis of that which is presently proposed.

119. With regard to the management of surface water from the development, the site is located outside the Stour catchment and surface water would drain away from the Stour catchment. There is no hydrological pathway for surface water between the site and the Stodmarsh protected sites so a likely significant effect on the protected sites from surface water can be ruled out.
120. As matters stand, the applicant has failed to demonstrate that the development would not have a significant adverse effect, either alone or in combination, on the integrity of the Stodmarsh SAC, SPA and Ramsar Site. Planning permission cannot therefore be lawfully granted for the development and I recommend that this forms a reason for refusal of the application.

I) Housing land supply

121. Turning to housing land supply considerations, the Council is not currently able to demonstrate the minimum five-year supply of housing, as required by paragraph 74 of the NPPF.
122. 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 Inspector's figure of 3.5 years is relevant, and therefore material to the determination of planning applications and appeals.
123. Of importance is that 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
 - e. Appel Ref: : APP/E2205/W/23/3320146 - Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, dated 6 November 2023.
 - f. Appeal Ref: APP/E2205/W/23/3322574 - Land East of Ashford Road, Kingsnorth, dated 26 October 2023.
124. The inability to demonstrate a 5 year supply of deliverable housing sites means that, paragraph 11(d) of the NPPF (referred to as the 'tilted 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.*
125. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise.
126. 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 outside the Stour catchment, however new housing, if connected to the nearest mains drainage, would drain to a waste water treatment works within the Stour catchment and as a result 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 criterion (i) of paragraph 11(d).

127. 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 does not apply for development that is likely to have a significant effect on a habitats site and unless an appropriate assessment has concluded that the development will not adversely affect the integrity of the habitats site (e.g. Stodmarsh).
128. The applicant has failed to demonstrate that the development would not have a significant adverse effect, either alone or in combination, on the integrity of the Stodmarsh SAC, SPA and Ramsar Site, therefore criterion (i) of para 11(d) of the NPPF applies. This provides a clear reason for refusing the development proposed.
129. Finally, with regard to criterion (ii), I consider that the harm from adverse planning impacts of granting planning permission for the proposed development, as described above, would significantly and demonstrably outweigh the planning benefits (housing delivery) when assessed against the NPPF read as a whole.

m) Community infrastructure

130. Regulation 122 of the Community Infrastructure Regulations 2010 stipulates that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Section 106 planning obligation requests include provision for primary healthcare and county council services, affordable housing and the borough's public open space.
131. If the proposed development was acceptable in all other respects (which, in my opinion, it is not) then the planning obligations set out in the **Table 1** below would be sought through a recommendation that outline permission be granted subject to the applicant entering into a s.106 agreement.

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 basis of the Council's CIL compliance statement along with any necessary additions, amendments and clarifications as may be required for the Planning Inspectorate. In particular, trigger points identified below will need to be revised into phased trigger points to align with any proposed phasing strategy put forward; for the time being, indicative trigger points within each phase are shown.

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20	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>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</p>	<p>66 affordable rent units</p> <p>131 shared ownership units (66 units to be shared ownership and 65 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>

	<p>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>		
2	<p><u>Accessible and Adaptable Dwellings</u> Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>Wheelchair accessible housing [totalling 7.5% of affordable rented dwellings] built in compliance with building regulations M4(3b) standards shall be provided within the affordable rented element of the development.</p>	<p>131 M4(2) across the whole site.</p> <p>Not fewer than 7.5% M4(3b) of the affordable rented dwellings in each phase.</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 existing allotments and/or community garden within the Great Chart with Singleton Parish, to provide a qualitative improvement, and/or provision of new allotments.</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 Quarter 3 of 2012</p>	<p>Upon occupation of 75% of the dwellings</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>The Amenity Open Space Land to be transferred to a Stewardship Body to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</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>	<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 upon occupation of 75% of the dwellings.</p>
<p>5</p>	<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 Great Chart with Singleton Parish.</p>	<p>£338.40 per dwelling for capital costs</p> <p>Indexation: BCIS General Building Cost index Quarter 1 of 2019</p>	<p>Before the occupation of 75% of the dwellings.</p>

<p>6</p>	<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 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 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 be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</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 Bod</p>	<p>On site:</p> <p>A minimum of 0.79 hectares + £663 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index Quarter 3 of 2012</p>	<p>The play facilities to be provided before the occupation of 50% of the dwellings.</p> <p>The maintenance contribution to be paid to the Council before the occupation of 50% of the dwellings (or upon completion of the facilities in the relevant phase, if earlier). The Council to transfer the maintenance contribution to the Stewardship Body.</p>
<p>7</p>	<p><u>Community Building</u> Project detail (off site):</p>	<p>Off site:</p> <p>£1870.83 per dwelling</p>	<p>50% of the total amount due will be payable before the occupation of 50% of</p>

	<p>Contribution towards an existing facility or the construction of a new facility in the Great Chart with Singleton Parish.</p>	<p>for capital costs + £528.33 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index Quarter 3 of 2012</p> <p>Indexation applied from the date planning permission is granted.</p>	<p>the dwellings, with the remainder being payable upon occupation of 75% of the dwelling</p>
<p>8</p>	<p><u>Indoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards indoor 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) + £527,32 per dwelling for capital costs (sports hall)</p> <p>(capital only – contributions are derived from the latest Sport England Calculator).</p> <p>Indexation: BCIS</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>

		General Building Cost index quarter 1 of 2019	
9	<p><u>Informal Natural Green Space</u> Project detail (on site):</p> <p>To provide the Informal Natural Green Space in accordance with the relevant reserved matters approval</p> <p>The developer to ensure the Informal Natural Green Space 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 to be transferred to the Stewardship Body to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</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>On site:</p> <p>3.14 hectares to be provided on site. + £325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index quarter 3 of 2012</p>	<p>The Informal Natural Green Space to be provided before the occupation of 50% of the dwellings.</p> <p>The maintenance contribution to be paid to the Council before the occupation of 50% of the dwellings (or upon completion of the informal natural greenspace, if earlier). The Council to transfer the maintenance contribution to the Stewardship Body.</p>
10	<p><u>Outdoor Sports Provision</u></p>	Off site:	Before occupation of 75%

	<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>£500.00 per dwelling for capital costs + £358.00 per dwelling for maintenance</p> <p><i>(For capital contributions - calculations are derived from the latest Sports England Calculator)</i></p> <p>Indexation: BCIS General Building Cost index quarter 1 of 2019</p>	<p>of the dwellings.</p>
<p>11</p>	<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 house £45 per flat</p> <p>Indexation: applied from the date of the planning committee meeting.</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>

<p>12</p>	<p><u>Self/Custom Build Housing</u></p> <p>Amount to be secured in accordance with Policy HOU6:</p> <p>Up to 33 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>	<p>Up to 33 serviced plots (5% of total dwellings). To be provided across the site.</p>	<p>Each reserved matters application to be accompanied by a Self/Custom Build Housing proposal, to include timings/trigger points</p>
<p>13</p>	<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 Cost index quarter 3 of 2012</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>14</p>	<p><u>Voluntary Sector</u></p> <p>Project detail:</p>	<p>£87.00 per dwelling</p>	<p>Before the occupation of 75% of the dwellings.</p>

	Off site provision within the Great Chart with Singleton Parish.	Indexation: BCIS General Building Cost index 2019	
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 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 Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on 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 Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
17	<p><u>Primary Education Land</u> Project detail: Proportionate contribution towards a new primary school site at Court Lodge or alternative location in the planning group or neighbouring planning group.</p>	<p>£590.95 per flat £2363.93 per house £0 for any 1-bed dwelling with less than 56 m² gross internal area.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>

		Indexation: BCIS General Building Cost Index from Oct 2016	
18	<p><u>Libraries</u> Project detail:</p> <p>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>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>
19	<p><u>Primary Schools</u> Project detail:</p> <p>Towards new education places at the new 2FE primary school at Court Lodge and/or within the planning group or neighbouring planning group.</p>	<p>Per Flat £1134.00</p> <p>Per House £4535.00</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 upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

20	<p><u>Public Rights of Way (PROW)</u> Project detail:</p> <p>A financial contribution towards improvements to public footpaths AW239, AW220, AW237 to provide connectivity to the facilities to be provided at the Chilmington Green development.</p>	<p>Amount of financial contributions to be confirmed</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>The triggers for payment of the financial contributions to be confirmed.</p>
21	<p><u>Secondary Schools</u> Project detail:</p> <p>Towards the provision of new secondary places at Chilmington Green and/or within the planning group</p>	<p>Per Flat £1172.00</p> <p>Per House £4687.00</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 upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
22	<p><u>Travel Plan Monitoring Fee</u> Project details:</p> <p>Contribution towards the cost of monitoring compliance with the Travel</p>	<p>£1000 per annum for from commencement of development until 5 years after completion</p>	<p>First payment before the first occupation of the development and on the anniversary thereof in</p>

	Plan	of the development. Indexation: Indexation applied from the date of the planning committee meeting.	subsequent years
23	<u>Youth Services</u> Project detail: Towards additional resources for the Ashford youth service to enable outreach services in the vicinity of the development.	£65.50 per dwelling Indexation: BCIS General Building Cost Index from Oct 2016	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.
Other Obligations			
24	<u>Health Care (NHS)</u> Project detail: Towards refurbishment, reconfiguration and/or extension of Woodchurch Surgery and/or Headcorn Surgery and/or towards new general practice premises development in the area	£864.00 per dwelling. Indexation: Indexation applied from the date of the planning committee meeting.	Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings
25	<u>Strategic Highways, including any contributions towards the repayment of Regional Infrastructure Funding (RIF) utilised for improvements made to Drovers Roundabout and/or Junction 9 of</u>	Amounts and	Triggers to be determined

	<p><u>the M20 (including the Skyway Bridge adjacent to J9)</u></p> <p>Planning Obligations to be determined by the Strategic and Local Highway Authority's upon receipt of sufficient information to determine the impact of the development upon the strategic and local highway network and the identification of any mitigation and/or repayment of forward funding that may be required.</p>	indexation to be determined	
26	<p><u>Sustainable Travel</u></p> <p>Planning Obligations to be determined by the Local Highway Authority upon receipt of sufficient information to determine the impact of the development upon the local highway network and the identification of any mitigation that may be required.</p>	Amounts and indexation to be determined	Triggers to be determined
27	<p><u>Stodmarsh Mitigation</u></p> <p>Planning Obligation to be determined, when the competent authority is satisfied that the applicant has demonstrated that there would be no adverse effect on the integrity of the designated sites, to secure the necessary measures to ensure this for the lifetime of the development.</p>	To be determined	Triggers to be determined
28	<p><u>Community Stewardship Body</u></p> <p>A Community Stewardship model of governance to be established to manage and maintain the Amenity Open Space Land; Children's' and Young People's Play Space; and Informal Natural Green Space. To be taken forward by either:</p>	If Option A is taken forward then a Start-up contribution to be paid to the Council	Prior to submission of the first reserved matters, a decision to be agreed between the Council,

	<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>and transferred to the CMO - amount (with indexation) to be determined.</p> <p>If Option B is taken forward, the developer to fund the start up of the stewardship organisation directly.</p>	<p>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 plan.</p> <p>The Stewardship arrangement to be in place prior to first marketing of the dwellings.</p>
Monitoring			
29	<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</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>

		applied from the date of the planning committee meeting.	
<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			

Conclusion

132. In view of the above assessment, the development would be contrary to the NPPF and Development Plan policies. The density and scale of development proposed, along with the extent of the proposed residential parcels within the development, would result in an urbanising form of development that would fail to accord with prevailing local character, would demonstrably harm the landscape and would result in less than substantial harm to the Grade II Listed Possingham Farmhouse.
133. The development would not be adequately served by local facilities and services so it would represent a poor quality of development for future occupiers which would fail to encourage sustainable modes of transport, with the future occupiers of the development being reliant on private cars for day-to-day activities. Furthermore, the development would be likely to result in a severe impact on the capacity of the highway network, with a resulting detrimental impact on highway safety.
134. The submitted Flood Risk Assessment has failed to demonstrate that the development would not increase flood risk in the vicinity of the site, whilst the submitted Ecological Appraisal does not include appropriate surveys and therefore fails to demonstrate that the development would not cause harm to protected species and habitats. In addition, the development would be likely to impact negatively upon the Stodmarsh European protected Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site which means that planning permission cannot lawfully be granted on the basis of the information currently submitted by the applicant.
135. The development would fail to incorporate sufficient sustainable construction measures and infrastructure to help mitigate against the effects of climate change. The applicant has also failed to enter into a legal agreement to secure the delivery of the necessary affordable housing, Building Regulations M4(2) and M4(3) compliant dwellings, custom and self-build housing, and financial contributions to mitigate the impact of the development on local services and infrastructure, together with the costs of monitoring and reporting.
136. Whilst I acknowledge that the development of this site could potentially result in the delivery of housing to help meet the Council's five-year housing supply, the development cannot proceed at the present time due to the harm caused to the Stodmarsh protected sites which limits the weight that can be given to the potential delivery of housing and also results in the 'tilted balance' of Paragraph 11 of the NPPF being disengaged. Nonetheless, I consider the harm that I have identified would result from this inappropriate and harmful development proposal would significantly outweigh its benefits.

137. In addition, the infrastructure identified in the Table 1 is not secured and therefore that in itself is a ground for refusal under policies HOU1, HOU6, COM1, COM2 and IMP1 of the Ashford Local Plan 2030.

Human Rights Issues

138. I have 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

139. 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.

Recommendation

Refuse

on the following grounds:

and delegate authority to the Assistant Director – Planning & Development and the Strategic Development and Delivery Manager to add any further required text and/or references to the Chilmington Green AAP in respect of the part of the application that is within its area:

The application is contrary to policies SP1, SP2, SP6, HOU1, HOU5, HOU6, HOU14, HOU18, TRA4, TRA5, TRA6, TRA7, TRA8, ENV1, ENV3a, ENV6, ENV8, ENV9, ENV12, ENV13, COM1, COM2 and IMP1 of the Ashford Local Plan 2030, the Council’s Climate Change Guidance for Development Management and guidance contained in the NPPF for the following reasons:

1. The development would constitute an overly dense and urban form of development that would visually encroach on the countryside and harm the landscape character of the area. The density of the development would fail to accord with the character of the permitted adjacent Chilmington Green development and would consequently harm the setting of that development. The

density of the development would also result in a failure to provide a good standard of public amenity for future residents of the development.

2. The development would be located in a presently unsustainable location where future residents of the development would not have access to appropriate local services and facilities that are convenient and accessible by sustainable modes of transport.
3. In the absence of a comprehensive and robust assessment of the impact of the development on the strategic and local highway network and highway safety, the applicant has failed to demonstrate that the development would not have a severe impact on the highway network and/or an unacceptable impact on highway safety, and/or a requirement to contribute to the repayment of forward-funding secured and used by the Council to provide highway capacity at Drovers roundabout and/or M20 Junction 9.
4. In the absence of appropriate surveys and a robust assessment of the cumulative impact of development in the vicinity of the site, the applicant has failed to demonstrate that the development would not cause harm to protected species. The applicant has also failed to demonstrate that appropriate mitigation measures can be secured.
5. In the absence of appropriate information about the impact of the development on flood risk and the delivery of a sustainable drainage system as part of the development, the applicant has failed to demonstrate that the development would not result in a risk of flooding or that an appropriate sustainable drainage solution would be proposed.
6. The applicant has failed to demonstrate that public benefits would be delivered by the development that would outweigh the less than substantial harm to the setting of an adjacent listed building (Possingham Farmhouse).
7. The applicant has failed to demonstrate that the development would be resilient to, and help mitigate against, the effects of climate change.
8. The applicant has failed to demonstrate that the development would not add to the deterioration of the water quality at the Stodmarsh European designated site, thereby harming internationally-protected habitats.
9. In the absence of a legal agreement to secure planning obligations, including affordable housing provision, Building Regulations M4(2) and M4(3) compliant dwellings, custom and self-build housing, and financial contributions to mitigate the impact of the development on local services and infrastructure, together with the costs of monitoring and reporting, the application fails to secure the

infrastructure and facilities required to meet the needs generated by the development.

Note to Applicant

Working with the Applicant

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

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

In this instance:

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council 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 22/00571/AS)

Contact Officer: Faye Tomlinson
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Application Number	21/01595/AS		
Location	Waterbrook Park, Waterbrook Avenue, Sevington, Kent		
Grid Reference	03385/ 40119		
Parish Council	Sevington		
Ward	Mersham, Sevington South with Finberry		
Application Description	Reserved matters application to consider access, appearance, landscaping, layout and scale pursuant to outline planning permission 18/00098/AS for the development of 364 dwellings, a convenience/farm shop/ café building, wetland area, landscaping, open space, drainage, parking and other associated infrastructure		
Applicant	Mulberry Homes/GSE		
Agent	Ms S Innes Icen Projects, Da Vinci House, 44 Saffron Hill, London, EC1N 8FH		
Site Area	13.32 Hectares		
(a) 19 R	(b) Sevington X Mersham X Kingsnorth R	(c)	ABC Refuse 'X', ABC Recreation 'X', ABC Housing 'X', ABC EP 'X', EA 'R', KCC Flood 'X', Kent Highways 'X', KWT 'X', KCC PROW 'X', Fire 'X', HSE 'X', NE 'X', NH 'X', Ramblers 'R', River Stour 'X', SGN 'X', SW 'X', SE 'X'

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Bartlett. The original application submission made in September 2021 has been amended through negotiations with officers. The main changes are as follows:
 - (i) A reduction in the total number of dwellings proposed from 400 to 364.
 - (ii) The substantial increase in the provision of public open space within the residential parcels themselves. There are now three main areas of public open space provided within the residential areas of the development.

These comprise a main central public open space with play facilities, and two smaller public open spaces, one in the south-eastern residential parcel and the other in the north-western parcel on the boundary with the new proposed linear park.

- (iii) Internal layout and changes to the proposed housing typologies in response to officer and external consultee technical advice.
- (iv) The omission from the scheme of an extended section of Waterbrook Avenue that would have been located close to the boundary with Cheeseman’s Green Lane. The extended part of Waterbrook Avenue would now be set away from Cheeseman’s Green Lane, with no vehicular link proposed through the site onto Cheeseman’s Green Lane.

Site and Surroundings

- 2. The application site extends to approximately 13.32 hectares of land located off Waterbrook Avenue forming the south-western part of the wider Waterbrook site located south off the A2070 Bad Munsterefiel Road, approximately 1.5 km from Junctions 10 and 10a of the M20.
- 3. The application site currently comprises of a combination of undeveloped land, the former Waterbrook lorry park, the Waterbrook Avenue spine road and roundabout, and part of the southern tree-lined boundary along Chesseman’s Green Lane. The site location plan is shown in Figure 1 below.



Figure1: Site location plan

4. The application site is surrounded by Waterbrook Park to the north and east, containing a mix of commercial uses. To the north-east is a Jaguar/Land Rover car dealership and SME units located off Arrowhead Road, with the VOSA site further to the north. To the east is the newly constructed 600-space lorry park and an existing rail sidings. To the north, Reserved Matters approval has been granted for an ALDI superstore which remains currently undeveloped. The remaining areas to the north known as sites A and C have outline planning permission for a range of commercial uses granted under the original planning permission (ref 18/00098/AS) in 2019 for the wider Waterbrook site.
5. To the south is Cheeseman's Green Lane and its extensive woodland boundary with open countryside beyond. To the west is the East Stour River and South Willesborough Dykes Local Wildlife site that closely follows the river. The wider Ashford Green Corridor runs either side of the East Stour River corridor and includes a small part of the south-western area of the application site and southern woodland adjoining Cheeseman's Green Lane. The area around the river corridor lies within higher risk Flood Zone areas 2 and 3 which also extend into the south-western part of the application site. A PROW AE658 runs along the River Stour boundary to the west and part of the southern boundary woodland area adjacent to Cheeseman's Green Lane boundary.
6. As shown in Figure 1 above, the red line application site area excludes a narrow corridor of land extending from the southernmost point of the proposed main access along Waterbrook Avenue, as well as a part of the tree-lined boundary with Cheeseman's Green Lane. An access onto Cheeseman's Green Lane was initially shown in this area but this has been omitted from the proposals in response to officer advice. This land is within the ownership of the applicant but it is now not included within the application site boundary.
7. The nearest existing dwelling to the site is the detached house 'Pattison' sited off Cheeseman's Green Lane located within the southern woodland area adjacent to Cheeseman's Green Lane. The Finberry residential development lies around 200m to the west.

Proposal

8. This application seeks Reserved Matters approval of the access, appearance, landscaping, layout and scale of the development pursuant to outline planning permission 18/00098/AS. This application proposes the development of 364 dwellings, a convenience/farm shop/café building, a wetland area, landscaping, open space, drainage, parking and other associated infrastructure.
9. In summary, the proposals are as follows:

- (i) 364 dwellings sited in three residential parcels with public open space areas and a small-scale (150 sqm) single-storey convenience farm shop/café building centrally located.
 - (ii) A new 'linear park' area of public open space surrounding and linking the residential parcels with a range of features such as pathways and cycleways, SUDs and areas for tree planting and habitat creation.
 - (iii) A new wetland area located in the south-western corner of the site, which forms part of the applicant's proposed nutrient neutrality mitigation.
10. The residential development consists of 364 dwellings located within three main residential parcels accessed off the main Waterbrook Avenue. The original planning permission 18/00098/AS approved the main Waterbrook Avenue access into the site, the central roundabout and western access arm towards Finberry. The S.106 Agreement for the original application ref 18/0098/AS requires the western arm (called the Waterbrook Link Road East) to be provided, which would link with the corresponding section to be provided from the Finberry development to the west, as required under the terms of that development's S.106 Agreement (application ref 11/0473/AS). The approved road drawing from the S.106 Agreement for application 18/0098/AS is show in Figure 2 below.

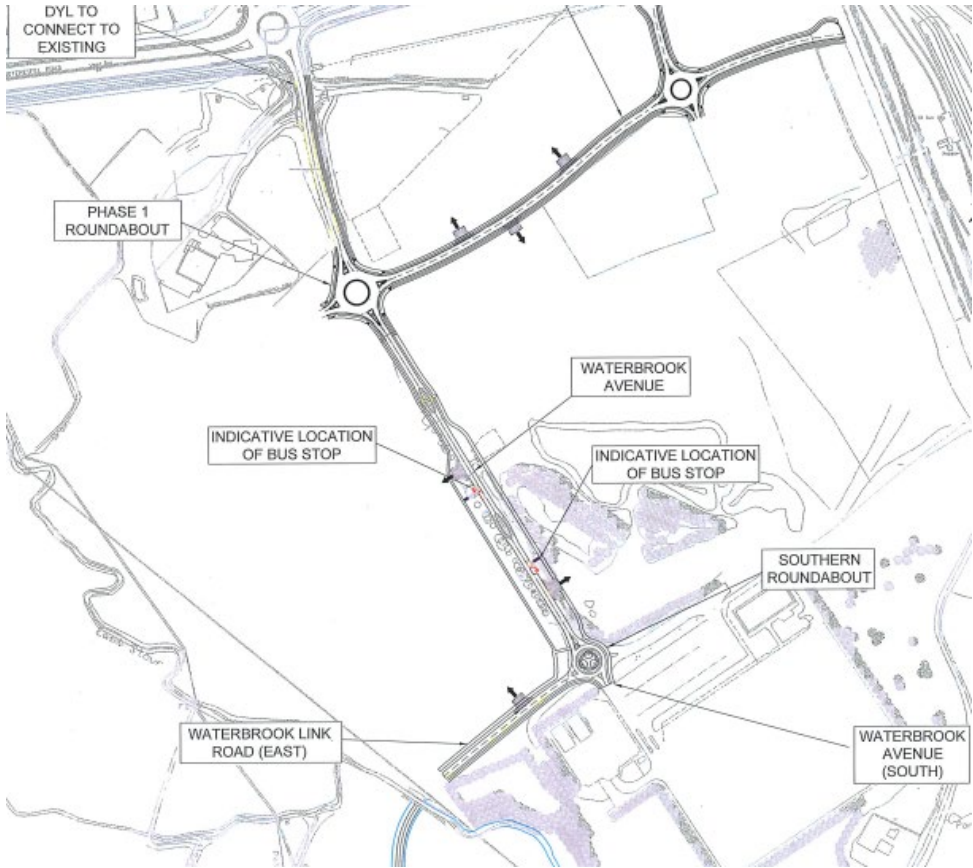


Figure 2: Planning permission 18/00098/AS approved road drawing

11. A key aspect of the scheme is the creation of the parkland landscaping referred to as ‘linear park’ which is a substantial green buffer that is proposed to surround and connect the residential areas within the site. This included suds features, habitat areas, such as wildflower and grassland, and pedestrian and cycleway links connecting the residential areas, including the creation of a 2.5km circular walk. It is also proposed to upgrade the PROW AE658 along the East Stour River section to a bridleway. A parameter plan showing the development areas is shown in Figure 3 below.



Figure 3: Development areas

- 12. The proposed 364 dwellings would consist of 5 x 2 bed 'flat over garage' (FOG) units, 6 x 1 bed maisonettes 102 x 2 bedroom, 103 x 3 bedroom and 148 x 4 bedroom houses. All dwellings are proposed to be two-storeys in height. A total of 10% of the dwellings would be affordable housing, in accordance with the terms of the S.106 Agreement for this development. There are three public open space areas within the residential parcels themselves. A main central space and play area of 0.43 hectares in size is located east of the Waterbrook Avenue roundabout, whilst there are two smaller areas, one located to the centre of the south-eastern parcel which is 0.26 hectares in size, and the other on the western boundary of the north-western parcel which is 0.28 hectares in size. The proposed site layout is shown in Figure 4 below.



Figure 4: Site layout

- 13. A key design objective of the entrance into the site is the creation of a gateway feature by the use of strong landform and planting to frame the entrance into the site and create an impression of narrowing the landscape. Large, fast-growing ornamental conifers would be planted either side of the road to further frame the entrance into the site. The main access into the site along Waterbrook Avenue would be a tree-lined avenue with a generous landscape width either side of the road, forming a linear green space.

14. The dwellings would have a mixture of pitched and gable roofs and be finished in a mixture of red, red multi, orange multi and buff brickwork, cream render, black weatherboarding, and tile hanging. Roof finishes would be a combination of plain grey, red and brown roof tiles, and double pantiles.

15. The residential parcels are proposed to be split into five main character areas:

- Farmstead
- Gateway Link
- Boulevard
- Mews
- Parkland Edge

16. The character areas are shown in Figure 5 below.



Figure 5: Character areas

17. The character areas would have the following characteristics:

Farmstead

18. This relates to the multi-functional building at the centre of the site providing a focal point by the main roundabout adjoining the main central public open space. It is a single-storey building with a pitched roof and is proposed as part of Condition 25(f) of the outline planning permission 18/00098/AS which allows for a maximum combined floorspace of 150sqm for any A1/A3/A5 (now class E/sui generis) uses located within the residential area. The elevations of the proposed building are shown in Figure 6 below.

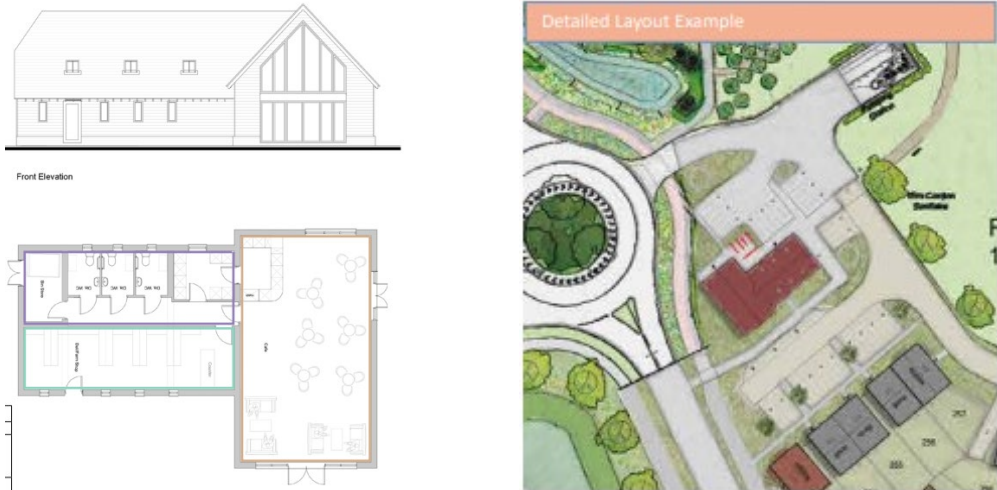


Figure 6: Farmstead building

The Gateway Link

19. This predominantly follows the length of the main access road, into the site along Waterbrook Avenue and consists of two-storey detached and semi-detached dwellings bound by landscaping and meandering footpaths of medium density. A regimented building line has been avoided with an irregular built form introducing pinch points and zones between the road junctions into each residential parcel, with landscaping provided between the access road and the building. A detailed layout and street scene example are shown in Figure 7 below.

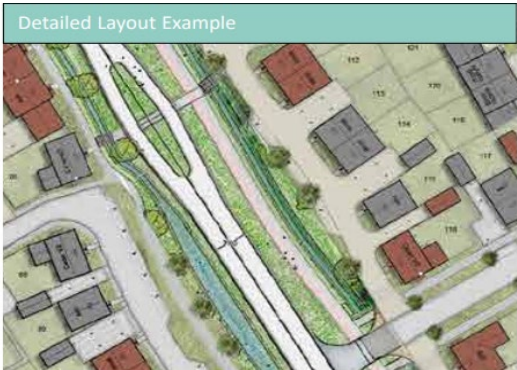




Figure 7: Gateway link layout street scene example

Boulevard

- 20. These areas are situated within the centre of the residential parcels and comprise of medium/high density two-storey dwellings that are predominantly detached and semi-detached. They would have a more continuous building line and formal arrangement with larger setbacks from the highway to allow for grass verge and tree-lined avenues. A detailed layout and street scene example are shown in Figure 8 below.





Figure 8: Boulevard street layout and street scene example.

The Mews

- 21. The mews courtyards are high-density blocked paved pedestrian-friendly zones. The dwellings would be predominantly terraced but with some detached and semi-detached dwellings located within the three residential parcels. These have a more formal arrangement and a continuous building line. A detailed layout and street scene example are shown in Figure 9 below.

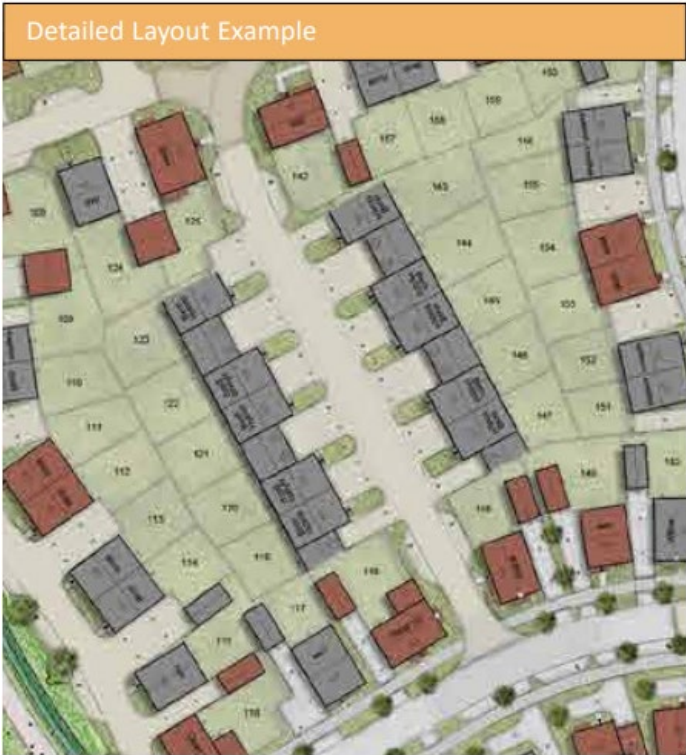




Figure 9. The Mews layout and street scene example.

The Parkland Edge

- 22. These are generally low density areas located at the outer edges of the residential parcels typified by larger detached dwellings that form an informal, rural edge to the area of public open space around the outskirts of the development. The building line is of an organic form to the rural edge in order to allow landscaping to filter into the development. A detailed layout example is shown in Figure 10 below.





Figure 10. Parkland Edge layout and street scene example

23. The exception to this is the northern parkland edge area forming the main entrance into the site along Waterbrook Avenue. This contains terraced crescent buildings either side of Waterbrook Avenue and FOG units to the rear. The street scene at the north entrance along Waterbrook Avenue is shown in Figure 11 below.



Figure 11. Terrace crescent at north entrance along Waterbrook Avenue

24. Across the development, hard boundary treatments would be a combination of 1.8m high brick walls and half brick and timber panel walls which would be sited on the more prominent boundaries fronting the public realm, as well as 1.8m high timber close-boarded and panel fencing separating private gardens or less prominent external boundaries. This would be combined with soft landscaping such new hedgerows and tree planting on the front and side boundaries of the dwellings.

25. The residential parking provision is proposed to the following standards:
- (i) 2/3 bed dwellings - 2 spaces.
 - (ii) 4 bed dwellings - 3 spaces.
 - (iii) 0.2 visitor parking spaces per dwelling.
 - (iv) 0.5 visitor spaces per tandem parking space.
 - (v) Garages are provided for a number of larger typologies but are not counted towards the required parking allowance.

26. The car and cycle parking is proposed to accord with the Ashford Local Plan standards, with electric vehicle charging points provided for each dwelling, in

accordance with the requirements of the outline planning permission under condition 72. A total of 178 visitor spaces are proposed, spread out throughout the site and mainly in off-street parking bays. The convenience/farm shop/café building would have eleven parking spaces provided in an adjacent parking court.

- 27. The majority of refuse bins would be stored in rear gardens and wheeled out to the property frontage on bin collection day. Some dwellings, such as the crescent typologies at the north of the site, would require rear access points. There are also some refuse collection points proposed to serve properties where it is not possible to provide collections directly from the plot, such as the northern crescents and the smaller private drive areas.
- 28. The applicant proposes 37 dwellings to be shared ownership affordable housing units, comprising of 10% of the total number of dwellings proposed. This is in accordance with the requirements of the S.106 Agreement. The 37 dwellings would be located in four separate clusters around the northern parcel of the site and would comprise 36x two-bedroom and 1x three-bedroom houses.
- 29. A new wetland area is located in the south–western area of the application site. This is proposed as part of the applicant’s nutrient neutrality mitigation package which is intended to ensure no adverse effects on the Stodmarsh Special Area for Conservation, Special Protection Area, Ramsar and Site of Special Scientific Interest. The area comprises of a series of wetland cells, mostly comprising of marsh areas with some open water and wildflower edges separately by grass berms of only a few meters in width. A pumping station measuring 6 x 4.5m and 3.4 m high is also provided in the area. A more detailed plan of the proposed wetland and pumping station is shown in Figure 12 below.



Figure 12: Detailed plan of the wetland.

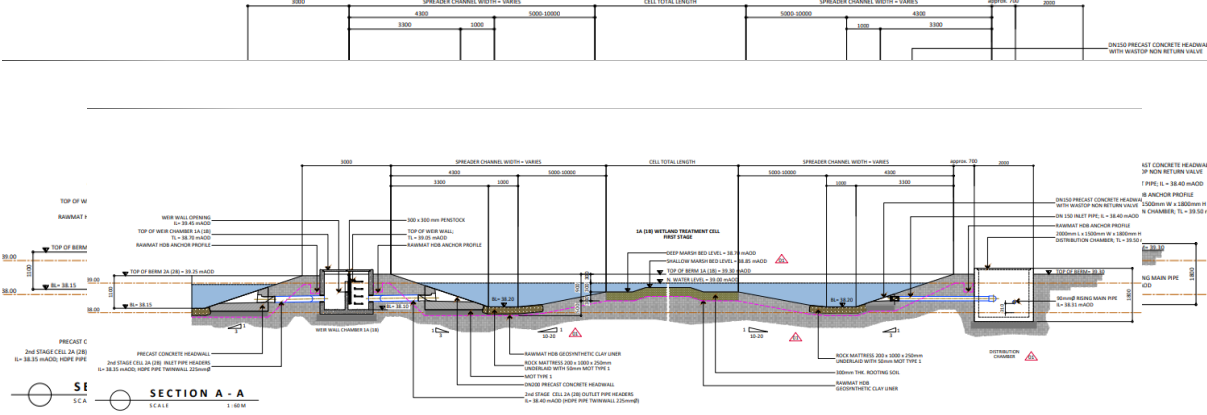


Figure13: Cross-section of the wetland

31. An Arboricultural Tree Survey and Impact Assessment Report has been submitted. The trees surveyed consist primarily of early mature and mature species with three woodlands, four trees and eleven groups surveyed. Trees within the proposed residential site currently have a low/moderate amenity value within the wider treescape and site. The woodlands and groups located on the southern boundary have a high amenity value within the wider treescape and site providing a screen between the development and land beyond.
32. To facilitate the residential development and internal open space, the proposals would result in the removal of one category B (moderate quality) and two category C (low quality) individual trees, along with the removal of one category B (moderate quality), one category C (low quality) group of trees and the part removal of one category B (moderate quality) group of trees. To facilitate the wetland and other features in the south-western part of the application site, the removal of one group of category B (moderate quality) trees, and the part removal one category B (moderate quality) trees and one category C (low quality) trees group of trees is proposed.
33. The following supporting information is provided with the application.
 - Arboricultural Tree Survey and Impact Assessment Report
 - Amphibian / Reptile Receptor Site Assessment
 - Drainage surface water technical note
 - Design and Access Statement
 - Ecological Impact Assessment
 - Environmental Statement Addendum
 - Mitigation Strategy for great crested newts, reptiles, and other amphibians
 - Nutrient Neutrality Assesment and Mitigation Strategy
 - Mitigation Strategy - reptiles
 - Preliminary Ecological Survey Report

- Planning Statement
- Preliminary Ecological Appraisal
- Wetland Design and Specification
- Written Scheme of Investigation for Geoarchaeological Evaluation

Planning History

34. The following is relevant relating to the application;-

18/00098/AS: Hybrid planning application for mixed-use development comprising (1) application for full planning permission for the construction and operation of a 600-space truck stop; a 2,162 sqm GIA service building providing 1,734 sqm GIA of ancillary truck stop service facilities and 878 sqm GIA of B1 offices; buildings providing 6,308 sqm GIA B1 (b and c only), B2 and B8 floorspace for small and medium enterprises; associated access, parking and landscaping, including highway infrastructure works to Waterbrook Avenue and (2) Application for outline planning permission (with all matters reserved) for 8.9ha of employment uses comprising uses falling within use classes B1, B2 and B8, a class A1 superstore of up to 2,323 sqm, drive-through restaurants (use classes A3/A5), a petrol filling station and ancillary convenience store, and car showrooms (sui generis); and up to 400 residential dwellings, with class A1, A3 and A5 neighbourhood retail uses, associated drainage, parking, landscaping and infrastructure. **Planning Permission granted August 2020 subject to section 106 agreement.**

18/000868/CONQ/AS: Part discharge of condition 24(B) (Development Brief). **No decision at present.**

OTH/2023/043: Non-material amendment to planning permission 18/00098/AS (Hybrid planning application for mixed-use development) to change the drawing number related to condition 26. **Approved October 2023**

11/00473/AS: 1,100 dwellings and 70,000 square metres of business floor space together with mixed use; community facilities; access roads; footpaths; cycle routes; landscaping and public open space. Application for the nearby Finberry development. **Approved June 2012, subject to S.106 Agreement.**

Consultations

Ward Member(s): Councillor Bartlett has requested the application be determined by the Planning Committee as it is a substantial development in the Parish.

ABC Environmental Contracts & Operations Officer: The proposed refuse collection arrangements are acceptable.

ABC Environmental Property and Recreation: Comment in summary:

- (i) Outline the requirements of the Section 106 Agreement for informal public open space and equipped formal play.
- (ii) 368 dwellings generates a need for 1.77 hectares of public open space and 0.42 hectares of play space.
- (iii) The proposed open space provision is acceptable.

ABC Housing: Comment in summary:

- (i) Only 10% shared ownership properties (equating to 37 homes) on this site were required as part of the original application for this development, ref 18/00098.
- (ii) The plots identified in the plan are agreeable. As previously noted these will all be for shared ownership.
- (iii) In line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable and the onus is on the applicant to indicate the specific plots that will be provided within this standard.
- (iv) Though the site is over 140 units in size there are no affordable rent units, therefore there is no requirement in our view for any M4(3) units.

ABC Environment Protection: Comment in summary:

- (i) A land contamination investigation and report, as required by condition 56 of planning permission 18/00098/AS, will need to be carried out prior to the start of groundworks for the residential development.
- (ii) Condition 57 of planning permission 18/00098/AS (relating to unknown land contamination discovered during the development of the site) will need to be adhered to and a closing/verification report submitted once each zoned area is completed.
- (iii) Request further conditions for a scheme for protection of dwellings from noise from the proposed commercial development, a noise rating from any plant and equipment installed on site, a scheme and maintenance schedule for the treatment of fumes, dust and vapours generated by cooking or any other activity on site, a code of construction practice and electric car charging points.

Environmental Agency: Object making the following comments:

“Fisheries, Biodiversity and Geomorphology (FBG)

The submitted planning application and associated documents indicate that works including tree removal and landscaping within the buffer zone of the East Stour will be required as part of the proposed development. These activities will require Flood Risk Activity Permit under the Environmental Permitting Regulations 2016 (FRAP), which is unlikely to be granted for the current proposal.

We therefore object to the proposed development, due to its impacts on ecology, physical habitats and Water Framework Directive (WFD) requirements. We recommend that planning permission is refused.

Reasons:

In determining the flood risk activity permit for this development, we will assess its compliance with the South East River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

It has been stated within the responses to the Environment Agency that the closest distance between the cells and the riverbank is 8.5m, and at the furthest the distance is >25m. However, the diagram (The General Arrangement of Proposed Wetland) indicates that there will be tree removal works and landscaping within this buffer area. Changes to bank habitats may also affect the Water Framework Directive (WFD) status of the watercourse

River corridor habitats are essential to lessen the impacts of habitat fragmentation and assist in protecting the river habitat from anthropogenic influences.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Overcoming our objection

The applicant is required to submit a full WFD assessment as well as detailed plans on the proposed tree removal and landscaping plans within 10m of the top of the bank of the East Stour. Fish and Eels The applicant must create and implement a Fish Rescue Plan. This plan must detail how fish that have been trapped within the scheme either by flooding or any other means, are to be returned to the river. Furthermore, the design of the inlet and outlet must be fish and eel friendly.

Long-term Management Plan

The applicant must submit a detailed long-term Management Plan to the LPA for the wetland proposal. This Management Plan must include details of the ecological features of the site and how they will be protected and enhanced. Beavers. We welcome the proposals of mitigating for burrowing animals, specifically beavers, within the design of this scheme. However, it is stated that to mitigate the risks of beaver activity on the site, certain tree species will be avoided when planning the landscaping. Beavers have been found to feed on over 450 plant species and are

very much herbivorous generalists. Furthermore, these tree species are a natural, and essential, part of river ecology. We therefore advise that the applicant re-think this approach to landscaping as selective tree planting will be an ineffective method of mitigation and the river corridor must be maintained as a natural feature

Please note that the above comments only relate to FBG. We have other comments to make in relation to issues within our remit, which will be provided once our above objection has been overcome. If the applicant would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our cost recovery service. If they wish to request a meeting, or document review, please contact our team email address at KSLPlanning@environment-agency.gov.uk.

Further additional comments

“We maintain our objection as we require more information. Reasons: A full Water Framework Directive (WFD) assessment is required for consultation. This assessment must detail the potential impacts the proposed development and nutrient mitigation wetland may have on WFD requirements, riparian and aquatic features and any proposals to enhance the river corridor.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Given our current understanding of the river and increased pressure that further, multiple nutrient mitigation wetlands will have on it, we require relevant and sufficient detail to ensure the river habitats and ecosystems will not deteriorate.

Please note that the above comments only relate to Fisheries, Biodiversity and Geomorphology. We have other comments to make in relation to issues within our remit, which will be provided once our above objection has been overcome.

Overcoming our objection

The applicant should provide a WFD assessment, in support of this application as detailed above.”

KCC Ecological Advice Service: Comment in summary:

- (i) The site has a variety of habitats within it including hedgerows, mixed scrub, bare ground, grassland, woodland and ditches. The site is adjacent to the South Willesborough Dykes LWS.

- (ii) Satisfied with the results of the submitted ecological surveys which found bats, birds, great crested newts, dormouse, reptiles, roosting bats, water vole and potential for beaver within the river.
- (iii) Satisfied that the submitted landscaping plan has demonstrated that the layout has been designed to create a buffer between the LWS, East Stour River and the residential areas to minimise impacts on the river and LWS. Lighting and recreation may have an impact on these areas. Need to ensure that the site is managed appropriately to ensure that the habitat depicted within the landscaping plan is established and retained as intended.
- (iv) The proposal will result in the loss of scrub, woodland, hedgerow and grassland habitat. Mitigation for the loss of habitat is proposed to be carried out within the site and an overview of the proposed mitigation has been provided.
- (v) There is a need to ensure that the habitat is created, enhanced and managed as required as part of the species mitigation.
- (vi) Increase recreational pressure (footpath use) could cause disturbance to birds breeding in areas. Breeding birds, including Nightingale and Barn Owl, were recorded within the SW of the site and the increased recreational pressure is likely to result in a disturbance of these and other species.
- (vii) The impact from recreational pressure could also have an impact on the success of the habitats establishing within the site (areas of tussocky grassland/scrub) which will be used as the receptor site (reptile/GCN).
- (vii) As the current receptor site will be lost to create the wetland area there is a need to ensure that the replacement habitats created will be high quality and retained in the long term. The applicants have confirmed that this area will be fenced off from residents.
- (viii) In terms of required species mitigation there is a need to ensure that the habitat creation, enhancement and ongoing management is implemented to ensure the habitats meet the quality needed.
- (ix) Landscaping plan to be updated showing the thick area of scrub is proposed on the eastern boundary (near the lorry park) as habitat to benefit biodiversity to be updated as thick scrub
- (x) The need for the detailed lighting plans to demonstrate that the majority of the open space has minimal lighting to minimise the impacts the proposal will have from lightning. We recommend that the circular route/PROW does not have any artificial lighting within it.
- (xi) The applicant has confirmed that the area will be managed by a company with the skills/experience to manage open space to benefit biodiversity.
- (xii) The intention is to implement the scheme under the District Licence Application and therefore we advise that there is a need for a signed Impact Assessment and Conservation Payment Certificate (IACPC) to be submitted as part of this application and understand that this is currently in progress with the NE/Applicant.
- (xiii) There are existing conditions associated with the outline planning permission which require the submission of a detailed mitigation strategy and a management and monitoring plan.

- (xiv) Due to other regulatory requirements, the habitat creation requirements have changed since the outline planning permission was required. Therefore KCC recommend that there is a need for a habitat creation plan to be required as a condition of this application.

KCC Flood and Water Management: Comment in summary:

Raise no objection to the approval of the reserved matters in relation to surface water provision for this site but would expect certain matters to be addressed at the detailed design stage. These are (i) clarification of the hydraulic calculations and (ii) evidence to be provided which demonstrates the 'drawdown' of the provisioned allocations for the other areas which also connect to the wider strategic network in order to demonstrate that sufficient capacity exists for the proposals.

Kent Highways and Transportation: Have the following comments:

"The recently provided Surface Finishes Sheets 1 to 3 provide more details in relation to the proposals for the table junction features. This settles my previous query relating to pedestrian access into the minor side junctions.

Unfortunately the following issue from my response dated 5th April has not been updated. This issue will not be acceptable at S38 highway adoption stage, so this still requires revision:

Table junction ramps should not be located half way along access to private parking. This would make construction difficult and the end result look untidy: Plots 160 and 267. Revision is required.

A significant number of street trees are indicated as being located within the adoptable highway boundary. Not all species are accepted as suitable to be within the highway and I would advise early consultation with this regard when the proposal reaches S38 submission stage. Likewise at this stage method of root retention will be required to prevent damage to the highway and stats equipment.

I also note that entry features have been added to shared space low traffic areas of the site which are to remain in private ownership. This is an improved design. Many of these still do not have footway by-pass of the ramped carriageway area, so these ramps should be designed with a maximum gradient suitable for pedestrians.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway".

Kent Police: Comment in summary:

- (i) Our requirements regarding layout and security have now been met.

- (ii) It is currently too early to determine specifications for lighting, doors and windows at this stage and ask these are dealt with under the Building Regulations, or alternative conditions which can be addressed at a later date.

KCC Heritage: Comment in summary:

No objection. The details of this stage of archaeological evaluation, publication and interpretation works required pursuant to condition 53, 54 and 55 of planning permission 18/00098/AS are acceptable, although these need to be formally discharged by a separate application.

Kent Wildlife Trust: Comment in summary:

“Kent Wildlife Trust (KWT) have provided previous comments on the application in September 2021 and April 2023. Our main concerns were over the loss of and fragmentation of an area of deciduous woodland, lack of suitable buffer zones between the development and habitats within the Ashford Green Corridor and the loss of an existing reptile receptor site to accommodate space to provide Nutrient Neutrality (NN). In our previous comments we strongly urged for grassland and scrub within the south of the site to be maintained and enhanced to benefit existing wildlife and for more information regarding breeding birds, particularly barn owl and nightingale.

From reviewing the additional information provided within the application, we note that some of our concerns have been addressed. However, KWT still disagree with the proposal to move reptiles out of the existing reptile receptor area to accommodate the delivery of NN. The delivery of environmental legislation, such as NN, should not be at the detriment to existing important ecological features and habitats. Please ensure that KCC Ecology and Natural England are consulted regarding ecology and European designated site”

KCC PROW: Comment in summary:

- (i) Public Footpath AE658 is to be upgraded to Public Bridleway as required with an increased width as agreed.
- (ii) It is noted the alignment of the route is to be “determined to avoid removal of existing trees” and advise that KCC PROW and Access are part of the determination to ensure any proposed amendment to the alignment is appropriate.
- (iii) A Creation Agreement with landowner consent, should be entered to upgrade from Public Footpath to Public Bridleway.
- (iv) Informative requested in relation to public footpath requirements.

Kent Fire and Rescue: Comment on emergency access requirements to be established in the event of planning permission being granted.

HSE: Comment the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.

National Highways: No objection.

Natural England: Comment in summary:

- (i) As submitted, the application could have potential significant effects on
- Stodmarsh Special Area of Conservation (SAC)
 - Stodmarsh Special Protection Area (SPA)
 - Stodmarsh Ramsar Site
 - Stodmarsh Site of Special Scientific Interest (SSSI)
 - Stodmarsh National Nature Reserve (NNR)
- Henceforth referred to collectively as the Stodmarsh designated sites.
- (ii) Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation as follows:
- Detail on what nutrient credits will be agreed and secured to deliver nutrient neutrality for phases 1, 2 and 3.
 - Consideration of mitigation measures at appropriate assessment stage by the competent authority. Without this information, Natural England may need to object to the proposal.
- (iii) Liaise closely with the Environment Agency, as the permitting authority responsible for any required abstraction licence, to determine the practical certainty of the treatment wetland as a mitigation measure.

River Stour IDB: Comment in summary:

- (i) This site sits largely within the River Stour (Kent) Internal Drainage Board's (RSIDB) Drainage District. The applicant should be reminded that the IDB's prior written consent will be required for any works which will affect any ditch or watercourse on site.
- (ii) The requirement for the payment of a Surface Water Development Contribution to the Board if the proposals result in any increase in the rate or volume of runoff being directed into our district from the development.

Southern Water: Comment in summary:

- (i) No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements.
- (ii) The submitted site layout (Dwg No: 20-3088-002 Rev: D) indicates an attenuation basin located close to public foul sewer. Repositioning will be needed to the attenuation basin to create a greater clearance between the attenuation basin and public sewer. Please note: No soakaways, swales, ponds, watercourses, or any other surface water retaining or conveying features should be located within 5 metres of public sewers

Sport England: Comment in summary:

- (i) No objection to the details being approved.
- (ii) The Section 106 Agreement reached in relation to the outline permission does include sport and leisure contributions towards off-site facilities

Southern Gas Networks: Comment in summary:

- (i) There are high pressure pipelines in the vicinity of the proposed work area
- (ii) No work or crossing of this high pressure pipeline is carried out until a detailed consultation has taken place.

The Ramblers: Comment in summary:

- (i) The Ramblers welcome, and indeed expect, footpaths, accessible always and cycle routes to be provided.
- (ii) Disappointing to see the lack of detail referencing the PROW in the area around this as to how they will be accessed by residents wishing to gain access to the wider countryside beyond their neighbourhood.
- (iii) Support the comments made by the KCC PROW and Access Service regarding the sustainability and management of AE658 and the other PROW that will be affected if the application is approved as currently set out.

Sevington with Finberry Parish Council: Make the following comments:

“Having engaged with the developer as a Parish Council at a meeting on 26 August, and reviewed supporting documentation, we wish to raise the following concerns and comments:

Public services

Local health services, specifically the GP practices as part of the Ashford Medical Partnership, are already under significant pressure as a result of new developments in the area. Primary care provision must be considered in tandem with this development as an absolute priority. The bus link road to Rutledge Ave should not be built until a bus service is a meaningful prospect; in the meantime, a walking / cycle route only is necessary. This will avoid another white elephant as seen between Avocet Road / Damara Way.

Biodiversity

There is a major change from the outline consent in that nutrient neutrality is to be achieved by wetland creation on land previously earmarked as a “landscape area” - this will reduce land supporting biodiversity and wildlife protection. A footpath/cycleway runs through the nutrient neutrality scheme which may now need to be an all-weather tarmac raised footpath/cycleway to allow year-round use. This nutrient neutrality area includes a site on which the Parish Council has paid Kentish Stour Countryside Project to construct two owl nesting boxes. The developer’s ecologist will need to address this in their report into how nesting owls are protected.

Development design

The main spine road through the development is over engineered for the volume of traffic envisaged because it is a legacy from the existing site s106 and designed to support an extension across Cheesemans Green Lane. It is unsympathetically

designed as a straight road with a roundabout at each end; its design may encourage “boy racers” timing their runs. A redesign should be considered by the applicants and landowners which is narrower to discourage HGVs accessing the site to wait in the area and is more in keeping with a residential estate. The width of roads on the development should be minimised so they do not allow parked lorries taking their rest period who do not wish to pay to use the lorry park. The location of the play park next to the main roundabout is also a concern.

Estate management

Landscaping and unadopted areas management will be run by GSE, not HML, with whom residents in neighbouring Finberry have encountered problems with estate charge billing in recent years. Details of how residents influence management should be clarified

Keeping the ‘Mersham Wall’ intact

The road towards Cheesemans Green Lane is constructed for future connectivity of a Finberry extension towards Mersham. A reminder how, when the Church Commissioners first proposed Ashford Great Park in the 1990s, it was for 4,500 homes. Development of Finberry east of Cheesemans Green Lane is dependent on Orchard Way being brought forward across the CTRL of which there is no immediate prospect. So, this road through the development should be designed and built to service the new development only with land being reserved for future redesign/extension. This would follow the approach that AXA intended to adopt on Stour Park where they only reserved land for Orchard Way rather than building the road (an approach followed by the DfT). The Parish Council asks for assurance that given the importance of the application and the number of comments made, that the decision would be made by the planning committee.”

Mersham Parish Council: Object as follows:

“We note, and strongly support Sevington’s comments about the design of the spine road. It is entirely inappropriate to its surroundings being wide and straight with roundabouts at either end. It appears to be a main arterial road which comes to a curious and abrupt halt at Cheesemans Green Lane. We can only speculate on it’s true purpose. The effect of this, as Sevington PC have eloquently pointed out is that it will encourage speeding and irresponsible behaviour. It will also encourage inappropriate lorry parking in a residential area. It will also pose a serious threat to the integrity of “the Mersham Wall”. It has been accepted that no development should take place to the east of Cheesemans Green Lane. This principle has been agreed with the Borough Council and is incorporated in the 2030 Plan in order to protect the Parish of Mersham from Urban sprawl” .

Kingsnorth Council PC: Object as follows:

“The Parish Council has been enquiring about the reservoir breach flood model for Aldington Reservoir, raising that the available maps only allowed for a within bank downstream scenario. The EA has recently released new maps which show a potential flood when the watercourses downstream are out of bank. Almost the entire residential proposal is shown to flood in this scenario. The application proposes to

build dwellings, change ground levels and build a new bridge over the river. We, and decision takers, have no understanding of the likely off site increase in flood risk that will occur as a result of the proposed development. The design has not considered this scenario and responded accordingly, it therefore represents poor design. The Parish Council request that a hydraulic model is produced for the site as it currently is (including Avocet Way) and then compares the expected flooding in that scenario to what can be expected when the model is updated to include all of the proposed changes. We want to be assured that there is no risk of flooding displaced to residents of Finberry and Bridgefield. In addition, we request that KCC's Emergency Planning team is consulted on the application".

Neighbours: 19 objections were received to the proposed development which primarily raised the following matters:

- (i) Adverse impact on ecology with loss of habitat and harmful impact on local wildlife such as barn owls, other birds, reptiles etc.
- (ii) Additional dwellings would place strain on an already fragile infrastructure and services in the area such as schools and local health facilities.
- (iii) There is no bus route to Finberry and poor cycling infrastructure meaning an ever growing reliance on car journeys.
- (iv) There should be no road connection to Cheemans Green Lane.
- (v) The amount of dwellings being built next to nearby Finberry Village will detract the feel of a village community and create another housing development linked up to another.
- (vi) Flooding concerns from The River Stour.
- (vii) Adverse impact of the construction on the Ashford Green Corridor.

Planning Policy

35. The Development Plan for Ashford Borough comprises:-

- (i) the Ashford Local Plan 2030 (adopted February 2019),
- (ii) the Chilmington Green AAP (adopted July 2013),
- (iii) the Wye Neighbourhood Plan (adopted March 2016),
- (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
- (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
- (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
- (vii) the Egerton Neighbourhood Plan (adopted March 2022)
- (viii) the Charing Neighbourhood Plan (adopted July 2023)
- (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

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

Policy S16 – Waterbrook:

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

- (a) Provides a re-located 600 space lorry park on the eastern part of the site, adjacent to the aggregates facility.
- (b) Provides an indicative 350 dwellings on the western and southern parts of the site;
- (c) Provides a minimum of 22 hectares of commercial development;
- (d) Ensures the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site;
- (e) Provides suitable mitigation to deal with noise, visual impact and artificial lighting to restrict the impact of the new development on the new residential properties to be developed on the site and the existing properties along Cheeseman's Green Lane, Finberry and Church Road, Sevington
- (f) Provides vehicle access from the A2070 and to the Finberry development with no access from the Waterbrook site to Cheeseman's Green Lane;
- (g) Provides new pedestrian and cycle routes throughout the development and connections to existing urban and rural routes;
- (h) Protects and enhances the East Stour river corridor local wildlife site;
- (i) Contributes to the improvement of the green corridor that runs through the site;
- (j) Includes a full flood risk assessment prepared in consultation with the Environment Agency;
- (k) Ensures that any land contamination issues are satisfactorily resolved or mitigated;
- (l) Provides a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purposes;
- (m) Provides a proportionate financial contribution towards the delivery of Highway England's scheme for a new M20 Junction 10a and any other off-site highway improvements identified through agreed transport modelling in accordance with policy TRA8.

SP1 - Strategic objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU1 - Affordable Housing

HOU6 - Self and Custom Built Development
HOU12 - Residential space standards internal
HOU14 - Accessibility standards
HOU15 - Private external open space
HOU18 - Providing a range and mix of dwelling types and sizes
TRA3a - Parking Standards for Residential Development
TRA4 - Promoting the local bus network
TRA5 - Planning for Pedestrians
TRA6 - Provision for Cycling
TRA7 - The Road Network and Development
ENV1 – Biodiversity
ENV2 - The Ashford Green Corridor
ENV3a – Landscape Character and Design
ENV4 – Light Pollution and Promoting Dark Skies
ENV6 – Flood Risk
ENV7 – Water Efficiency
ENV8 – Water Quality, Supply and Treatment
ENV9 – Sustainable Drainage
ENV13 - Conservation and Enhancement of Heritage Assets
ENV15 - Archaeology
COM1 – Meeting the Community’s Needs
COM2 – Recreation, Sport, Play and Open Space
IMP1 - Infrastructure Provision
IMP4 - Governance of public community space and facilities

Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste
Early Partial Review (2020).

DM7 - Safeguarding Mineral Resources

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

- (i) Ashford Borough Council Climate Change Guidance for Development Management

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011
Residential Space and Layout SPD 2011(now external space only)
Residential Parking and Design SPD 2010
Sustainable Drainage SPD 2010
Public Green Spaces and Water Environment SPD 2012
Dark Skies SPD 2014
Fibre to the Premises SPD 2020

SPG 6 Providing for transport needs arising from the South of Ashford
Transport Study

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) 2023

38. 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:-

Paragraph 11 - Presumption in favour of sustainable development.
Paragraphs 20 – 23 - Strategic policies.
Paragraphs 28 – 29 - Non-Strategic policies.
Paragraph 34 - Developer contributions.
Paragraph 38 - Decision making.
Paragraphs 39 to 46 - Pre-application engagement.
Paragraphs 47 to 50 - Determining planning applications.
Paragraphs 55 to 58 - Planning conditions and obligations.
Paragraphs 60 to 67 - Delivering a sufficient supply of homes.
Paragraphs 68 to 73 - Identifying land for homes.
Paragraphs 92 to 97 - Promoting healthy and safe communities.
Paragraphs 98 to 103 – Open space and recreation.
Paragraphs 110 to 113 - Considering development proposals.
Paragraphs 114 to 118 - Supporting high quality communications.
Paragraphs 119 to 123 - Making effective use of land.
Paragraphs 124 to 125 - Achieving appropriate densities.
Paragraphs 126 to 136 - Achieving well-designed places.
Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.
Paragraphs 174 to 178 - Conserving and enhancing the natural environment.
Paragraphs 179 to 182 - Habitats and biodiversity.
Paragraphs 183 to 188 - Ground conditions and pollution.
Paragraphs 189 to 208 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

39. The main issues for consideration for this application are considered to be the following:

- (i) The principle of the development.
- (ii) The design and appearance of the scheme and its impact on the character of the surrounding area including Green Corridor designation.
- (iii) The impact on neighbouring uses and residential amenity
- (iv) The impact on the surrounding road network and highway safety.
- (v) The mix of housing and affordable housing provision.
- (vi) The impact on ecology.
- (vii) Flooding and drainage issues.
- (viii) Wastewater.
- (ix) Contamination.
- (x) Archaeology
- (xi) Space standards
- (xii) Habitats Regulations

(i) The principle of the development

40. The application site forms part of the policy S16 Local Plan site allocation at Waterbrook Park. The entirety of the S16 site is proposed for a mix of residential and commercial development with a new relocated commercial lorry park facility. The application site was granted outline planning permission in 2019 for up to 400 dwellings and associated infrastructure under planning application ref 18/00098/AS, which also included commercial development and a new Lorry Park on the wider Waterbrook S16 site. The principle of the residential development of the application site has therefore already been agreed, and the development is in accordance with the S16 site allocation in the Local Plan.
41. The proposals are seeking Reserved Matters approval for 364 dwellings which is below the maximum 400 dwellings permitted by the outline permission. The 364 dwellings would be located within the area identified for residential development under the outline planning permission parameter plans. The development is therefore in accordance with the parameters set by the grant of outline planning permission. The main determining issues for this application are therefore the details of the Reserved Matters, (access, landscaping, layout, scale and appearance) and the resulting impact of the proposals on the site's surroundings.
42. I am satisfied that the likely significant environmental impacts of the proposals fall within the parameters of the environmental impacts assessed in the

Environmental Statement submitted with the planning application ref
18/00098/AS.

(ii) The design and appearance of the scheme and its impact on the character of the surrounding area including Green Corridor designation

43. Policy SP6 of the Local Plan requires development proposals to be of a high quality design and demonstrate a careful consideration of and a positive response to each of the following design criteria: a) character, distinctiveness and sense of place, b) ease of movement, c) legibility, d) mixed use and diversity, e) public safety and crime, f) quality of public spaces and their future management, g) flexibility and liveability, h) richness in detail i) efficient use of natural resources.
44. Policy ENV2 of the Ashford Local Plan states the protection and enhancement of Ashford's Green Corridor is a key objective. Development within the Green Corridor must be compatible with, or ancillary to, its principal open space use or other existing uses and would not cause significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor. Other forms of development will not be permitted unless it is in accordance with a site specific Local Plan policy or the redevelopment of a brownfield site or delivers overriding benefits and in each case there would be no significant harm to the overall environment, biodiversity, visual amenity, movement network or functioning of the Green Corridor.
45. Policy ENV2 also states that development on land adjoining the Green Corridor shall provide suitable access and links to the existing movement networks of the adjoining Green Corridor wherever possible. They must not cause significant harm to any of the key features and functions and should make a positive contribution to the Green Corridor in respect of its environment, biodiversity, visual amenity, movement networks or functioning and its setting.
46. A key part of the original planning permission masterplan approach to the site was the separation of the residential zones from the surrounding truck-stop and the employment zones through a landscaped green park. This reflects one of the requirements of the S16 Local Plan site policy to provide the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site. The proposals have continued with this concept with the provision of a 'linear park' which is a substantial green buffer which surrounds and links the residential parcels. The linear park is proposed to include a range of features such as pathways and cycleways, SUDs and areas for tree planting and habitat.
47. The residential layout is in accordance with the parameters set by the outline planning permission and the number of dwellings proposed at 364 is lower than

the 400 maximum permitted. In my report to the Planning Committee on the outline planning application, I highlighted that no 'proving plan' had been provided to demonstrate how the maximum figure of 400 dwellings applied for could be provided on the site (including the related dwelling typology and mix) while delivering an acceptable character of development and sense of place. My report identified that great care would be needed for any proposal that exceeded approximately 370 homes to ensure that parking provision, storey height, housing typology and housing mix are all appropriate to support strong place-making and character areas.

48. In my opinion, the current Reserved Matters proposals have achieved these objectives. The layout is framed by the main road layout and internal public open space areas. The main road layout along Waterbrook Avenue to the internal roundabout and eastern road access towards Finberry were approved as part of the original planning permission and provide a tree-lined landscaping entrance to the site from the north. Three internal public open space areas are provided. A main larger central public open space area including play facilities and two smaller areas (but over the 0.25 hectares minimum size for public open space normally requested by ABC culture and Recreation). One is located within the south-eastern parcel and the other on the western boundary, allowing the landscaping green buffer to be brought into the residential site.
49. The proposed dwellings would front the public realm, providing active frontages to the streets and public open spaces. A mix of typologies is provided although there would be a high proportion of detached and semi-detached dwellings and all of the residential development would be two-storeys in height. Although I consider higher typologies of 2.5 or even three-storeys could be provided in certain locations to add variety, the applicant does not wish to propose development of a greater scale because of the proximity of the nearby lorry park. I have no objection to the two-storey scale of residential development across the site.
50. The residential layout is divided into character areas with tree-lined boulevards along main gateway accesses. Higher density mews areas are located more centrally, with lower density outer parkland areas facing the linear park and the Green Corridor immediately to the west of the built development. I have no objection to the design and appearance of the typologies. A small multi-use farmstead building is proposed, as allowed for under the terms of the outline planning permission, which could be used for small-scale retail purposes, and/or a coffee shop or similar uses. This is located within the centre of the development where it would be most accessible to future occupiers and would provide a focal point within the site.
51. The proposed residential areas would result in the removal of three individual trees and two groups of trees, as well as the part removal of another group of

trees which are of low to moderate quality. These trees would be expected to be removed to facilitate the residential built development and their loss would not result in any significant visual harm. Replacement tree planting and landscaping is proposed throughout the residential scheme, as shown on detailed landscaping plans provided. In the remainder of the site, only two groups of trees of low to moderate quality relating to mainly the wetland area are to be removed, which would have a limited visual impact.

52. The proposals retain the more substantial southern tree boundary along Cheeseman's Green Lane in its entirety. This is important to provide a buffer between the proposed development and open countryside to the south of Cheeseman's Green Lane. The scheme as originally submitted had shown encroachment into this area, including an extension of the southern access road suggesting a potential future vehicular access link to Cheeseman's Green Lane. This has been removed from the scheme and is no longer part of the proposed development, with the woodland area being unaltered by the proposals.

Green Corridor

53. With regard to the impact of the development on the Green Corridor, the built residential development would lie adjacent to the western Green Corridor area, with part of the linear park and the wetlands being located within its boundaries.
54. In terms of the development within the Green Corridor, I consider the linear park and wetlands would be a suitable form and scale of development that would not harm the undeveloped character of the Green Corridor. I consider they would be compatible with the principal open space use and that they would not result in any material harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor. I therefore consider the impact of the development within the Green Corridor itself to be acceptable.
55. Turning to the development proposed on land adjoining the Green Corridor, this would comprise two-storey residential development of which a small part of the western boundary housing would be adjacent to the Green Corridor, with the rest of the dwellings set back from the boundary. I consider the layout of the proposed residential development in this area would provide suitable access and links to the existing movement networks of the adjoining Green Corridor. In particular with the pedestrian links, new landscaping within the development including the public open space on the western boundary that adjoins the Green Corridor bringing the landscape into the development. The development would not cause significant harm to any of the key features and functions and would make a positive contribution to the Green Corridor in respect of its

environment, biodiversity, visual amenity, movement networks/functioning and its setting.

56. I consider the scheme would safeguard the key features and functions of the Green Corridor, and would provide links to the existing movement network which would protect and enhance the Green Corridor, in accordance with the objectives of policy ENV2 of the Ashford Local Plan.
57. Overall, I consider the design, appearance and layout of the scheme and its impact on the character of the surrounding area, including the Green Corridor designation, to be acceptable.

(iii) The impact on neighbouring uses and residential amenity

58. The application site is located within an area that contains a mix of residential and commercial uses, some of which are proposed within the surrounding S16 Waterbrook Park allocation area itself.
59. The nearest existing dwelling to the site is 'Pattison', a detached house located to the south of the site, within the southern woodland area adjacent to Cheeseman's Green Lane. It is sited over 40m from the nearest proposed dwelling so would not be adversely affected in terms of overlooking distances. Other residential properties on Cheeseman's Green Lane would be set further away so there would again be no loss of amenity from the proposed residential development. The Finberry residential development lies around 200m to the west so there would be no direct impact on individual properties there. I therefore consider the distances and relationship between the proposed and existing dwellings within the immediate area, as well as between the proposed new dwellings within the development itself, would be acceptable.
60. ABC Environment Protection have raised no objection to the proposals, subject to the imposition of conditions. This includes a scheme for the protection of the proposed dwellings from noise from the surrounding commercial uses (such as adding double glazing to certain properties), details of any plant or/and equipment to be installed on-site for the small central Farmstead building, a condition to deal with noise and fumes generated by potential uses such as retail, restaurant and take away uses permitted in the small central Farmstead building, and finally a Code of Construction Practice to deal with site construction impacts. These conditions are either already imposed on the planning permission ref 18/00098/AS or can be added as new conditions (plant details and fumes generated) in relation to this Reserved Matters scheme.
61. Overall, the development subject to the above conditions would have an acceptable impact on the amenities of existing neighbouring properties and future occupiers of the development itself.

(iv) The impact on the surrounding road network, highway safety, parking provision, refuse, pedestrian and cycleway connections and existing PROW

62. The impact of the residential development on the highway network was considered in the original planning application ref 18/00098/AS, along with the impact of the new commercial development and new truck stop. In the consideration of that application, the overall impacts on the highway network were considered acceptable by National Highways and KCC Highways and Transportation, subject to some restrictions on the amount of development to be carried out prior to the new Junction 10a and Bellamy Gurner A2070 junction schemes being in place. Both junctions have now been completed so the restriction would not apply.
63. National Highways raise no objection to this current Reserved Matters application. KCC Highways and Transportation also raise no objection, subject to minor amendments to the detail of some internal streets which I consider can be dealt with through conditions.
64. The parking provision for the dwellings and visitor spaces is in accordance with the minimum standards set out in policy TRA3a of the Local Plan. This calculation does not include the garages that would be provided for a number of dwellings on the site. The number of visitor parking spaces provided would be 178 which exceeds that required under the TRA3a standard. This increased provision of visitor spaces is due to an allowance being made for tandem parking spaces for some of the dwellings.
65. Each proposed dwelling would have an EV charging point provided as part of its parking provision, as required under condition 72 of the outline planning permission. The final detail of the location of the EV charging points is proposed to be agreed through the condition. Cycle parking would be provided in garages or sheds for all dwellings, catering for one cycle per household. This is in accordance with the minimum standards for cycle parking within policy TRA6 of the Local Plan. ABC Refuse are also satisfied with the proposed refuse storage and collection provision.
66. The proposals involve new pedestrian and cycleway routes through the residential site and around the linear park providing linkages within the site and to the surrounding area. The applicant has proposed the existing footway PROW AE658 running along the western boundary and part of the southern boundary to be upgraded to a bridleway, as requested by KCC PROW. I propose that the final details of the PROW would be subject to a condition that would ensure there would be no harm caused to the southern boundary trees that provide an important green buffer to Cheesemans Green Lane. The legal

aspect of any upgrade and diversion to the PROW would be dealt with under separate legislation and is not part of this planning application.

67. Overall, I consider the scheme is acceptable in terms of the impact on the surrounding road network, highway safety, parking provision, refuse, pedestrian and cycleway connections, and the PROW network.

(v) The mix of housing and affordable housing provision

68. Policy HOU18 of the Local Plan requires development proposals of ten or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The scheme involves a range of 1, 2, 3, and 4-bedroom dwellings comprising a mix of terrace, semi-detached and detached dwellings, some maisonettes, and flat-over-garage (FOG) units.
69. Policy HOU1 of the Local Plan requires the provision of affordable housing for schemes of 10 or more dwellings. This would normally be 30% of dwellings for this location but was reduced to 10% under the terms of the S.106 Agreement of the outline permission due to viability issues. The proposals involve the provision of 37 affordable houses which equates to 10% of the total number of dwellings, as required by the S.106 Agreement. These comprise of 36X two-bed and 1x three-bed dwellings, all of which would be shared ownership homes, to be located in four separate clusters around the northern parcel of the site. ABC Housing have confirmed that they consider the quantum and location of affordable housing to be acceptable.
70. I am satisfied the scheme has an acceptable mix of dwellings and affordable housing provision and that it therefore complies with the requirements of policies HOU1 and HOU18 of the Local Plan.

(vi) The impact on ecology

71. Policy ENV1 of the Local Plan requires proposals for new development to identify and seek opportunities to incorporate and enhance biodiversity. Policy S16 of the Local Plan requires proposals to protect and enhance the East Stour river corridor Local Wildlife Site (LWS).
72. The application has been accompanied by an ecological assessment and surveys. KCC Ecology have assessed this information and are satisfied with the scope and results of the submitted ecological surveys which found bats, birds, great crested newts, dormice, reptiles, roosting bats, water vole and potential for beaver within the site and surroundings.
73. The proposed layout of the development has been designed to create a buffer between the LWS, the East Stour River and the residential areas to minimise

impacts on the habitats of the river and LWS. The proposal involves extensive habitat creation works along the western, northern and eastern site boundaries, along with the creation of a wetland.

74. There is a need to ensure that the habitats created are managed appropriately to ensure that they are established and retained as intended and that they bring the ecological benefits that are envisaged. Condition 74 of the outline planning permission requires the submission and approval of an Ecological Mitigation and Management Plan which will provide details of the management of ecological habitats within the development. This will ensure that the habitats are appropriately managed, and there is therefore no requirement for an additional condition on the Reserved Matters submission relating to the management of these areas.
75. In order to ensure there is no unacceptable recreational use of these areas, KCC Ecology have recommended that the habitats created are fenced off by low-level fencing to minimise activity in these areas. There will also be a need to control the lighting to the proposed footpath in this area in order to minimise the impact on protected species and habitats in this area. I therefore recommend a condition is imposed to require the details of the proposed fencing and lighting in these areas to be submitted and approved.
76. KCC Ecology are satisfied that, subject to the above conditions, the proposed development would have an acceptable impact on protected species and habitats, and that the applicant has proposed sufficient measures to enhance biodiversity. I concur with this view and consider that subject to these conditions, the proposals are acceptable in terms of its ecological impact on the site and its surroundings.

(vii) Flooding and drainage issues

77. Policy ENV6 of the Local Plan states that proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 outlines that all developments should include appropriate sustainable drainage systems. The original planning permission 18/00098/AS included a condition requiring details of a scheme to deal with surface water drainage within the development, in accordance with Ashford Borough Council's Sustainable Drainage SPD.
78. The application is supported by a residential surface water strategy comprised of underground pipe networks for conveyance and attenuation basins for the storing of water. In addition, permeable paving and bioretention in highway verge areas would be incorporated into the design to provide treatment at source and also contribute to attenuation volumes. Impermeable areas including rooftops, driveways and carriageways are provided, with surface

water from these areas being directed to the attenuation basins from which outflow into the local ditch network, ultimately leading to the River Stour.

79. KCC LLFA have assessed the proposals and raise no objection to the approval of the reserved matters in relation to the surface water provision for this site. Some further matters of detailed design can be addressed through the existing condition on the outline planning permission which requires the full details of the surface water drainage scheme to be submitted and agreed prior to any development taking place.
80. I consider the proposals to be acceptable in terms of flood risk and providing an appropriate sustainable drainage system, in accordance with Local Plan policies ENV6 and ENV9, as well as the Council's Sustainable Drainage SPD.

(viii) Wastewater

81. Policy ENV8 of the Local Plan requires that major proposals must be able to demonstrate there are or will be adequate water supply and wastewater treatment facilities in place to serve the whole development and provide a connection to the sewerage system at the nearest point of adequate capacity, wherever feasible.
82. The outline planning permission 18/00098/AS included a condition requiring details of foul sewerage disposal for each phase of development to be submitted to and approved in consultation with Southern Water. Southern Water have commented that they are currently in the process of designing and planning delivery of offsite sewerage network reinforcements in order to accommodate the proposed development. This agreement will be a matter for the applicant to resolve directly with Southern Water. I consider this matter to be adequately addressed by the existing condition on the original application.

(ix) Contamination

83. The outline planning permission ref 18/00098/AS included a condition requiring a land contamination investigation and report for each phase of development at Waterbrook to be submitted and approved prior to the commencement of works within the relevant phase. These have been provided and approved for some of the other phases of development on the wider Waterbrook site.
84. ABC Environmental Protection raise no objection to these current proposals, subject to this information being provided through the existing condition prior to the commencement of the residential development. The outline planning permission also includes a condition covering any unexpected contamination found on the site during construction. I therefore consider this matter to be adequately addressed by the existing conditions on the original application.

(x) Archaeology

85. The outline planning permission ref 18/00098/AS includes a number of conditions requiring archaeological and heritage works to be undertaken. A written scheme of investigation (WSI) for a proposed geoarchaeological evaluation has been submitted with this reserved matters application and has been assessed by KCC Heritage.
86. KCC Heritage are satisfied that these details are acceptable. Further information is still required on any safeguarding measures, programme of post excavation and publication works, and a programme of heritage interpretation work. These matters are, however, required to be dealt with through a formal discharge of the relevant planning conditions on the outline planning permission. I therefore consider this matter to be adequately addressed by the existing conditions on the original application.

(xi) Space standards

87. Policy HOU12 of the Local Plan requires all new residential development to comply with nationally described space standards. Policy HOU15 of the Local Plan requires all new dwellings to be provided with a minimum external private garden area of at least 10m in depth, or an equivalent acceptable area.
88. All of the residential units proposed would exceed the minimum internal floorspace required by the nationally described space standards and Local Plan policy HOU12. The rear gardens of the proposed dwellings would also all comply with the requirements of policy HOU15. For flats, policy HOU15 requires the provision of external balconies. The proposal includes appropriate size balconies for all of the flats (including the FOGs and maisonettes). I therefore consider the proposals to represent an acceptable standard of accommodation in terms of its compliance with the internal and external space standards.

(xi) Habitats Regulations

89. The Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which includes a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar Site. This advice 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.

90. 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, where necessary, subject to an Appropriate Assessment, in order for planning permission to lawfully be granted.
91. The site falls within the Stour catchment area and proposes overnight accommodation which could have an adverse impact on the integrity of the Stodmarsh protected sites. It is proposed that the foul sewage from the site will discharge to Ashford Bybrook Wastewater Treatment Works via new onsite infrastructure and the public sewerage network. If unmitigated, the increased wastewater generated from the proposed development will increase the level of nutrients from the site.
92. The applicant has provided a nutrient neutrality assessment and mitigation strategy. The development has been split into three phases, each of which is proposed to be independently nutrient neutral. The nutrient load of Phase 1 is proposed to be offset through the proposed land use change of the site, whilst the nutrient load from the additional houses of Phase 2 would be offset through the construction of the wetland located close to the River Stour East, within the application site, which would remove nutrients from the river. The remaining phase is proposed to be mitigated by an off-site solution, the details of which are not currently known. The applicant proposes that the occupation of each phase would be linked to the successful delivery of each element of the mitigation strategy.
93. Natural England has advised that further information regarding the proposed nutrient neutrality mitigation is required, in particular relating to the off-site mitigation, in order to confirm the necessary mitigation for each phase. The Environment Agency (EA) have also advised that additional information in the form of a Water Framework Directive Assessment is required prior to the determination of the application in order for them to confirm the acceptability of the proposed on-site wetland. The EA has also requested the submission of a Flood Risk Activity Permit, a Fish Rescue Plan and a Management Plan for the wetland which can be addressed by planning conditions.
94. I recommend that a Water Framework Directive Assessment be provided by the applicant, and that this is agreed by the EA, prior to the approval of this application. This information will also be necessary to inform the Appropriate Assessment once the full details of the proposed mitigation package are known. This is also required to be carried out prior to the approval of this application. The applicant has therefore currently not provided a comprehensive mitigation package in order to demonstrate that the development would achieve 'nutrient neutral' status.

95. Under the Council's Constitution, the Assistant Director Planning and Development and Spatial Planning Manager already have 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 Natural England's views.
96. As matters stand, it is very likely that a strategic solution provided by a third party will be required in order for the totality of the development proposed to achieve 'nutrient neutral' status. 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 not adversely affect the integrity of the habitat of the Stodmarsh protected sites.
97. On the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), I recommend that a resolution to approve the Reserved Matters be subject to the provision of sufficient information by the applicant (including a Water Framework Directive Assessment as requested by the Environment Agency) to demonstrate that the development would not have a significant adverse effect, either alone or in combination, on the integrity of the Stodmarsh SAC, SPA and Ramsar Site in order to enable an Appropriate Assessment under the Habitats Regulations to be adopted (having consulted Natural England), and to secure any additional obligation(s) and/or planning conditions that are necessary in order to reach that Assessment and to ensure that at the time of occupancy the necessary mitigation is in place.

Conclusion

98. The principle of the residential development has already been agreed by the grant of the outline planning permission ref 18/00098/AS. As set out in the Assessment above, I have found the details of the proposed access arrangements, layout and landscaping of the site, as well as the appearance, and scale of the development proposed, to be acceptable.
99. I consider the impact on the development on the character of the surrounding area to be acceptable, whilst the scheme would have an acceptable impact on neighbouring residential amenity and the amenities of future occupiers of the development, including through compliance with internal and external space standards. The scheme is acceptable in terms of the impact on the surrounding road network, highway safety, parking provision, refuse, pedestrian and cycleway connections and the existing PROW. I am satisfied the scheme has an acceptable mix of dwellings and an affordable housing provision that

accords with the requirements of the S.106 Agreement for the outline permission.

100. I am satisfied that, subject to conditions, the proposals would have an acceptable ecological impact on the site and its surroundings and that the development would include an appropriate sustainable drainage system which would ensure the development would not lead to an increased flood risk. Final details relating to contamination, wastewater disposal and archaeology can be dealt through the existing conditions on the outline planning approval.
101. The application site falls within the Stour catchment and the effect is that this proposal must be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes. As matters stand, a package of on-site and off-site mitigation measures is proposed by the applicant in order for the development to achieve 'nutrient neutrality', although full details of the off-site element of the mitigation package have not yet been provided. It is recommended that the resolution includes a requirement for full details of the nutrient neutrality mitigation package, including a Water Framework Directive Assessment, to be submitted by the applicant prior to the determination of the application. An Appropriate Assessment would then need to be carried out and adopted by the LPA, in consultation with Natural England, before the application is determined, with the provision of the proposed mitigation being secured through a S.106 Agreement and/or conditions as appropriate once sufficient details have been agreed.
102. Overall, for the reasons set out in the report, the proposals are in accordance with the policies of the Ashford Local Plan and national planning guidance. Subject to the provision of sufficient additional information to allow an Appropriate Assessment to be carried out and adopted prior to the determination of the application (including the submission of a Water Framework Directive Assessment) and any necessary additional conditions/S.106 Agreement/undertaking as detailed in the recommendation below, I recommend that the reserved matters be approved.

Human Rights Issues

103. I have 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

104. In accordance with paragraph 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.

Recommendation

Permit

- (A) Subject to the applicant submitting information, including a Water Framework Directive Assessment, to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his 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, 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 (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit to secure the required mitigation and any associated issues relating thereto to any planning matter.
- (B) APPROVE reserved matters of layout, scale, landscaping, access arrangements and appearance pursuant to outline planning permission ref 18/00098/AS in accordance with the application and plans, subject to the following conditions and notes.

Conditions:

- 1) The list of approved plans.
- 2) Minor details of the table junction ramps and footway by-pass of the ramped carriageway area to shared space as requested by Kent Highways and Transportation to be submitted to and approved by the Local Planning Authority.
- 3) Lighting detail of the pedestrian footway to be submitted to and approved by the Local Planning Authority.
- 4) Details of the new bridleway on the west part of the site and its impact on the southern Woodland area be submitted to and approved by the Local Planning Authority.
- 5) A Flood Risk Activity Permit, A Water Framework Directive Assessment, A Fish Rescue Plan and A Management Plan for the wetland to and approved by

the Local Planning Authority.

- 6) Extraction/Treatment of Fumes/Odours generated from cooking or any other activity undertaken on the premises, and the rating level of noise emitted from the proposed plant and equipment

Notes to Applicant:

1. Working with the Applicant

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant 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. KCC Highways standard Informative
3. KCC PROW standard informative
4. Kent police informative on designing out crime

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/01595/AS)

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