



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Wednesday, 13th March, 2024 at 7.00 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**

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

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)

c) Voluntary Announcements of Other interests

See Agenda Item 2 for further details

3. **Public Participation** 7 - 8

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

See Agenda Item 3 for details.

4. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 14 February 2024. ([Public Pack](#))[Minutes Document for Planning Committee, 14/02/2024 19:00 \(moderngov.co.uk\)](#)

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

6. **Schedule of Applications**

- | | | |
|-----|---|-----------|
| (a) | PA/2023/2066 - Griffin House, School Road, Appledore | 9 - 26 |
| (b) | PA/2024/0253 - 2 Thorne Estate, Pluckley | 27 - 32 |
| (c) | 21/02146/AS - Land at Eureka Business Park, Trinity Road, Boughton Aluph | 33 - 138 |
| (d) | 22/01067/AS - Former Houchin Playing Fields, Canterbury Road, Kennington | 139 - 194 |

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.

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”.

DS

5 March 2024

Queries concerning this agenda? Please contact Democratic Services 01233 330564.

Email democraticservices@ashford.gov.uk

Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk

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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 relevant Dispensation has been granted).

- (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 relevant Dispensation has been granted).

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 alone, 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 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 any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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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 democraticservices@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 democraticservices@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/2023/2066
Location	Land adjacent to Griffin House, School Road, Appledore, TN26 2BA
Parish Council	Appledore
Ward	Isle of Oxney
Application Description Applicant	Proposed single dwelling with associated amenity garden, external swimming pool and vehicular parking Mr & Mrs Charlie Hill
Agent	Mrs Helen Whitehead, Price Whitehead
Site Area	0.23ha

Introduction

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

Site and Surroundings

2. The application site is located on the north western side of School Road and is currently used by the applicant as the extended garden of Griffin House, a large detached grade II listed farmhouse which is located off School Road. I would note that it has not been demonstrated that the lawful use of the application site is amenity land.
3. Falling outside of the built up confines of the settlement of Appledore Heath, the site is located within the countryside and lies within the Old Romney Shoreline landscape character area. To the north west, west and south west of the site are agricultural fields. To the north of the site is Griffen House and its associated amenity space and outbuildings. Lastly, to the east of the site are some residential properties fronting onto School Road.



Figure 1: Site Location Plan

Proposal

4. Planning permission is sought for the erection of a detached four bedroom dwelling with associated amenity garden, external swimming pool and vehicular parking. The access is existing.
5. This application is a resubmission following the refusal of application PA/2023/00826 which was refused for the follow reasons:
 - 1) The proposed development, by virtue of its location outside of the built up confines of Appledore, does not lie within easy walking distance of basic day-to-day services, and would therefore give rise to an unsustainable form of development, over-reliant on the private motor car to access everyday services to the detriment of the environment and contrary to the core principles of the Local Plan and the NPPF which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.
 - 2) The proposed development by virtue of its scale, siting and design would create a visually prominent and intrusive form of development which fails to satisfactorily integrate with the prevailing character and appearance of the surrounding area causing significant and unacceptable visual harm to the character and appearance of the countryside.

- 3) Insufficient information has been submitted to allow a full assessment of the implications of the development on the ecology and wildlife within and around the site. In the absence of this information the proposal would be harmful to matters of ecological importance.
6. In response to the refusal of PA/2023/00826 the following amendments to the design have been made in this re-submission application:
- Remove the front porch and replace it with a hipped roof front entrance canopy.
 - Replace the north east facing gable roofs with hipped roofs.
 - Increase the roof height of the single storey rear element of the building.
 - Replace the previously proposed slate roof with plain clay tiles.
 - Additional planting of native evergreen hedgerow species.
 - Introduce a ground source heat pump.

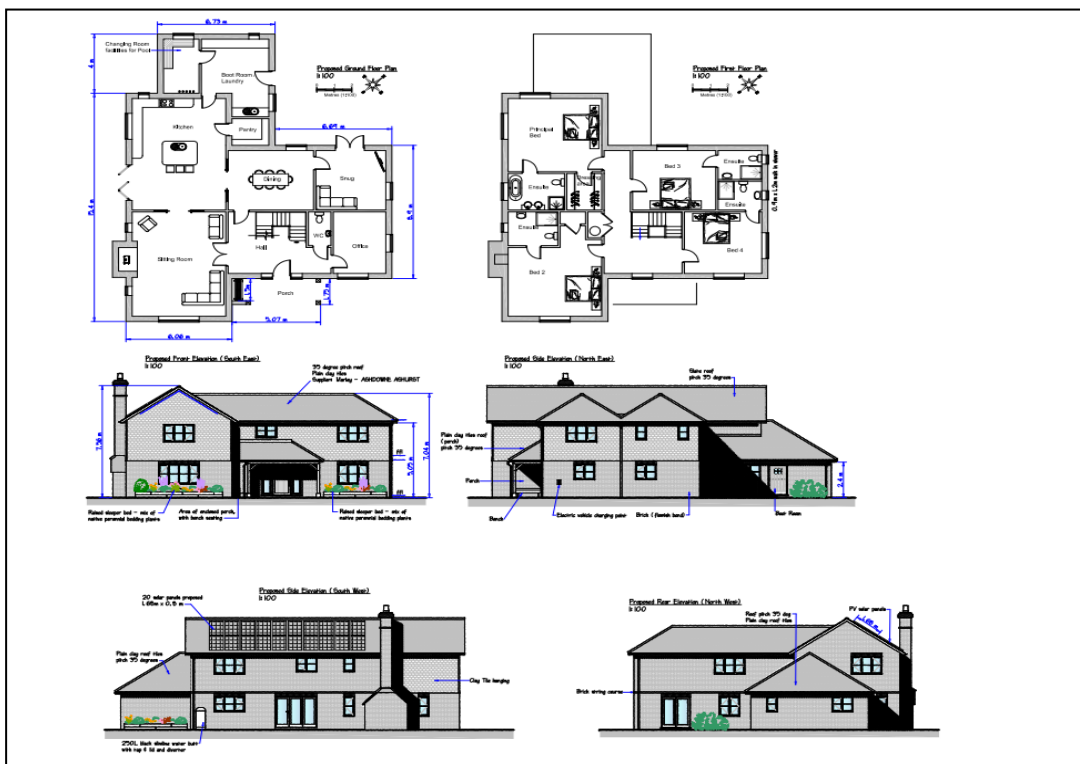


Figure 2: Proposed Plans Elevations



Figure 3: Plan and Elevations Refused under PA/2023/0826

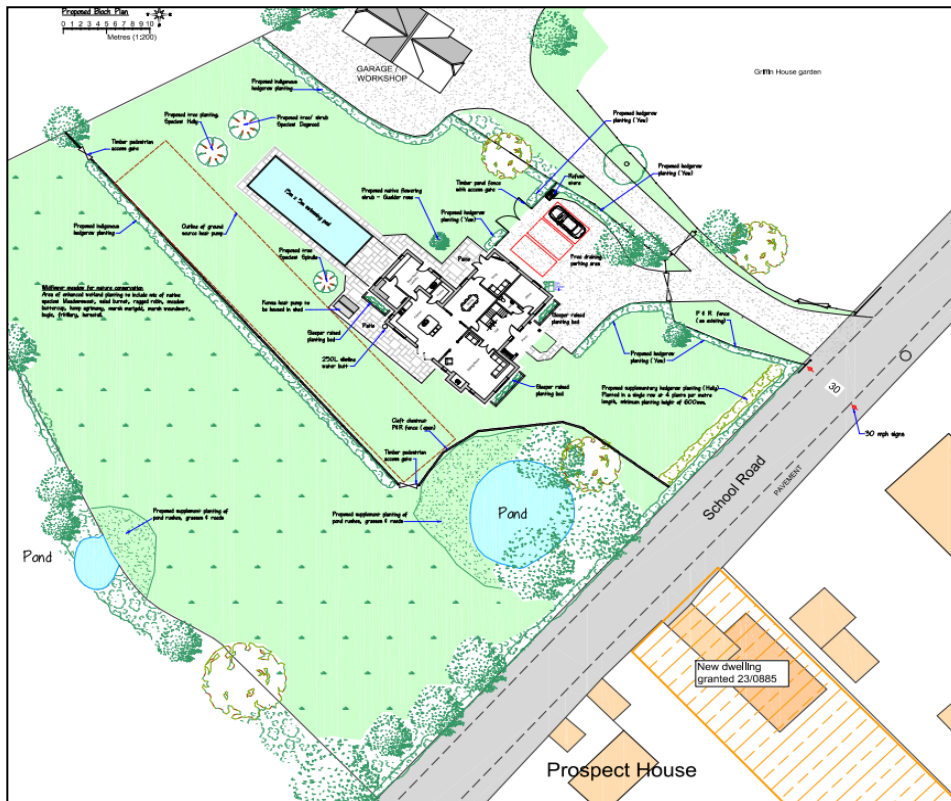


Figure 4: Proposed Layout and Landscaping

Planning History

7. The following planning history is relevant to the application;-
- 21/00656/AS - Lawful development certificate - existing - use of the land as domestic garden. The proposal in the application was not considered to be lawful and a certificate was not issued. Decision made on 27/05/2022.
 - PA/2023/0826 - Proposed new single dwelling with associated amenity garden, external swimming pool and vehicular parking. Planning application refused on 25/06/2023.

Consultations

8. **Appledore Parish Council:** Support the application on the condition that the footpath signpost is reinstated and the footpath along the driveway (as it is on the Kent Rights of Way map) is maintained.

(Planning officer note: there is no public right of way within the application site).

9. **KCC Ecological Advice:** Sufficient Information has been submitted in support of this application. They advise that conditions relating to a Great Crested Newt District Level Licence, a Construction Environment Management Plan, external lighting and biodiversity enhancement should be imposed upon any permission.
10. **Neighbours:** 16 neighbours were consulted on this case and a site notice was posted and a press advert placed. There were no letters of representation received.

Planning Policy

11. 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).
12. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- i. Tenterden Neighbourhood Plan currently at Examination.
 - ii. Pluckley Neighbourhood Plan Review currently at Examination.
 - iii. Aldington & Bonnington Neighbourhood Plan currently at Examination.
13. The relevant policies from the Development Plan relating to this application are as follows:
- SP1** Strategic Objectives
 - SP2** The Strategic Approach to Housing Delivery
 - SP6** Promoting High Quality Design
 - HOU5** Residential windfall development in the countryside
 - HOU12** Residential Space Standards (internal)
 - HOU14** Accessibility standards
 - HOU15** Private external open space
 - ENV1** Biodiversity
 - ENV3a** Landscape Character and Design
 - ENV4** Light pollution and promoting dark skies
 - ENV7** Water Efficiency
 - ENV9** Sustainable Drainage
 - ENV13** Conservation and Enhancement of Heritage Assets
 - TRA3a** Parking Standards for Residential Development
 - TRA6** Provision for Cycling
 - EMP6** Promotion of Fibre to the Premises (FTTP)
14. The following are also material considerations to the determination of this application.

Supplementary Planning Documents

Landscape Character SPD 2011
Residential Parking SPD 2010
Residential Space & Layout SPD 2011
Dark Skies SPD 2014

Informal Design Guidance

Climate Change Guidance for Development Management 2022
Design Guidance Note 1: Residential layouts & wheeled-bins
Design Guidance Note 2: Screening containers at homes

Design Guidance Note 4: Non-Mains Drainage for Local Planning Authorities and Developers

Government Advice

National Planning Policy Framework (NPPF) 2023

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:-

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

15. The main issues for consideration are:

- Principle of Development
- Design, Character and Appearance
- Residential Amenity and Standards
- Parking Provision and Highway Safety
- Ecology
- Other Matters

Principle of Development

Sustainability

16. The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.

17. The application site is located outside of a settlement boundary and within the countryside and consequently this proposed residential windfall development should be considered against and comply with the criteria within policy HOU5.

Policy HOU5 reads as follows:

“Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:

Ashford, Aldington, Appledore, Bethersden, Biddenden, Brabourne Lees/Smeeth, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, High Halden, Hothfield, Kingsnorth, Mersham, Pluckley, Rolvenden, Shadoxhurst, Smarden, Tenterden (including St Michaels), Wittersham, Woodchurch and Wye.

Providing that each of the following criteria is met:

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

Residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-

- Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
- A dwelling that is of exceptional quality or innovative design* which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
- A replacement dwelling, in line with policy HOU7 of this Local Plan;

Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.

*These proposals will be required to be referred to the Ashford Design Panel and applications will be expected to respond to the advice provided.”

18. In terms of the principle of development, under application PA/2023/0826, a similar proposal was considered unacceptable for the reasons that the site does not lie within easy walking distance of basic day-to-day services, and would therefore give rise to an unsustainable form of development. As well as being a visually intrusive development. This has not changed and is expanded upon further below.
19. Although policy HOU5 is a permissive policy, it protects against unsustainable and inappropriate siting of residential windfall development in the countryside.

New dwellings within the countryside should only be located in sustainable locations with no significant ecological or landscape impacts. The policy aligns with the aim of the NPPF to 'avoid isolated development in the countryside' both in terms of physical isolation from other residential properties, and also isolation from essential services required for day-to-day living. The policy is therefore considered to be broadly consistent with the Framework.

20. The first part of policy HOU5 allows for residential development adjoining or close to the built up confines of the settlements listed. The nearest settlement to the site, listed within the policy is Appledore. I would note that Appledore Heath is not considered to be a sustainable settlement in terms of policy HOU5. The edge of the built confines of Appledore (as defined by the Council's adopted 'Village Confines' map (2019)) is located between 685m – 825m walk from the site (depending on the route taken). At this distance, and for the purposes of assessing this application the proposal is considered to be close to the built-up confines of Appledore.
21. Criterion (b) of Policy HOU5 requires a development site to be located within easy walking distance of basic day-to-day services in the nearest settlement and/or have access to sustainable methods of transport to access a range of services. As a guide, paragraph 6.58 of the policy preamble sets out that basic services such as a grocery shop, public house, play/community facilities and a primary school should be within a "generally accepted easy walking distance" of 800m to be considered sustainable.
22. The application site is located approximately 805m walk away from the Appledore playground and recreation ground. Situated further from the site is the village hall (approximately 1km walk away), the post office/convenience store (approximately 1.22km walk away) and the village pub (approximately 1.44km walk away). It is important to note that the route of these minimum walking distances would be unsafe to navigate due to a significant proportion of the route being along a very narrow rural lane connecting School Road and Woodchurch Road with no footway or street lighting. Such conditions could result in highway safety issues / conflicts between pedestrians and vehicles.
23. In order to avoid the unsafe rural lane short cut referenced above, one would need to walk along School Road until its junction with Woodchurch Road and then along Woodchurch Road into Appledore. This route would not only add approximately 140m walking distance to the already excessive highlighted walking distances to the facilities in Appledore, but this alternate route would also be unsafe. Approximately 120m of Woodchurch Road along the longer route would have no pavements and very limited external lighting. Consequently, this alternate route would also be considered to be unsafe in highway safety terms.

24. It is reasonable to assume that the excessive distances and unsafe nature of the walking routes from the site to access the services / facilities in Appledore, would be a disincentive to walking or cycling. Therefore, I do not consider that the site is able to encourage a modal shift away from car usage and provide sustainable access to services / facilities.
25. Furthermore, access to public transport from the site is extremely limited with the nearest bus stops to the site being located near the junction of Woodchurch Road and Heathside. The said bus stops would only be accessible via unsafe walking routes from the application site, which is not appropriate or sustainable. In addition to this the said bus stops are serviced by a single bus route, which only runs once a day from the village. Therefore, given the location of the bus stops in Woodchurch Road and the lack of frequency of services by which they are served, I do not consider that the proposed site is within easy walking distance of sustainable methods of public transport provision. For these reasons criterion (d) of Policy HOU5 on access other than by a private vehicle would not be met either.
26. Consequently, it would be fair to conclude that the future occupants of the dwelling would be primarily reliant upon private vehicle use in order to meet even their basic day-to-day needs for shops, services, schools and employment. The lack of sustainability for the proposed dwelling would not only be contrary to the local plan but also to the requirements of the NPPF.
27. Policy SP1 sets out a number of strategic objectives to deliver the 'vision' for the Borough in 2030, which are also core planning principles to which planning applications are expected to adhere. These objectives/principles are wide-ranging and include focusing development at accessible and sustainable locations and promoting access to a wide range of sustainable transport modes. This is consistent with NPPF which seeks a presumption in favour of sustainable development in all planning decisions.
28. Whilst the application site may be 'close' to the built-up confines of Appledore, as it has been established, the location would neither provide future occupiers with reasonable access to shops and services nor maximise the use of public transport, cycling and walking to access services, contrary to Policy SP1, criteria (b) and (d) of Policy HOU5, and the NPPF. The proposal is thus an unsustainable form of development and cannot therefore in principle be supported.
29. I would note that the application refers to other proposal sites within the vicinity. However, each case is judged on its own merits and should not be used as precedent to justify development where it would not otherwise be acceptable. In any event some of the sites referenced by the applicant are located within the built confines of Appledore Heath itself, some were older schemes determined prior to the adoption of the current local plan and policy

HOU5 and others were located in more sustainable locations with less visual harm.

5 year housing land supply

30. At this time the Council cannot currently demonstrate a 5-year supply of housing land. Its confirmed position is 4.54 years, and therefore paragraph 11 (d) of the National Planning Policy Framework 2021 (NPPF) is engaged. This states that for decision taking, planning permission should be granted where the relevant policies can be considered out of date unless: “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.” As set out within this committee report, the proposal would constitute unsustainable development due to demonstrable harm it would cause to the character of the surrounding countryside and the unacceptable degree of separation from Appledore and day to day services.
31. Whilst the site is not isolated in terms of being a dwelling located on its own, the site is nonetheless considered to be isolated and unsustainably located in terms of access and distance to settlements listed in HOU5 and associated local facilities and services. The proposal therefore fails to be sustainable development as set out in the NPPF. I consider that the local plan policies most relevant to this proposal are consistent with the aim of the NPPF to create sustainable well designed places which are sympathetic to the local character, including the surrounding built environment and landscape setting. Therefore, I consider that the policies of the local plan, including those policies listed within this committee report should be given full weight in the determination of the application.

Landscape Character and Appearance

32. Policy SP6 states that development proposals must be of high-quality design and demonstrate careful consideration of and a positive response to a number of design criteria. This includes character, distinctiveness, and sense of place. All development proposals need to reflect their local context, particularly where this has a special character or features of interest, whether built or natural. This is supported by policy ENV3a which seeks development to demonstrate particular regard to the landscape. Attention must be paid, amongst other things, to the presence and pattern of historic landscape features, the setting of vernacular buildings and guidance given with the landscapes character SPD. This is supported by sub-paragraph (f) of policy HOU5 which states, amongst other things, that development must sit sympathetically within the wider landscape. This approach is consistent with the NPPF which seeks development which adds to the overall quality of the area as a result of good architecture, layout and appropriate and effective landscaping.

33. The application site lies within the Old Romney Shorelines landscape character area where the landform slopes southward towards the Romney Marsh. Extensive views out of the area are available to the south and west across the flat expanses of the Romney Marsh, where wind turbines stand out as prominent features in the largely treeless landscape. Within the character area, views stretch across undulating mixed farmland of predominantly oil seed rape and sheep grazing. There is a varied field pattern although to the south, immediately adjacent to the marsh, grazed fields are more extensive and exposed. The open and less enclosed character is partly owing to the extensive views out of the area across the marsh to the south. Ditches and sewers run southwards towards the marsh and some of the lower land is evidently wetter, with sedges emerging through the grazed pasture. As such the sensitivity of the landscape is high and the overall guidelines for the area are to conserve and restore.
34. The application site carries no landscape designations but does reflect elements of local landscape character identified. Notwithstanding that the site is now used as extended garden (the lawful nature of which has not been agreed by the Local Planning Authority), the character of this green and verdant site within the countryside is flat and open, which is typical in this rural locale and respects its open countryside setting. With substantial breaks in built form, the site is visually divorced and separated from the built confines of Appledore Heath. It does benefit from some limited degree of visual enclosure by existing boundary vegetation. That said, due to the proposed scale, bulk and mass of the dwelling proposed combined with the development being located within an open green site which contributes to the open character and appearance of the countryside, I consider that significant localised harm to the landscape character would still be caused by the development.
35. Compared to the scheme that was previously refused, the submitted proposal continues to seek a large two storey dwelling that would be situated centrally within the existing green open space. A sizeable building driven by the generous ground floor and first floor accommodation is being sought. The proposed dwelling, despite its set back from the road, would have no immediate relationship with the existing settlement edge or the existing built form, which is characterised by traditionally rural vernacular buildings. Overall, the large dwelling would represent a visually discordant form of development owing to its proposed scale and suburban design. The proposed dwelling would appear prominent and intrusive, failing to assimilate with the existing built form and visually impeding the long-distance views of uninterrupted countryside. The proposed dwelling would result in an erosion of this visually open and green site and would introduce aesthetically intrusive urbanisation with this rural countryside locale, which would not be acceptable.

36. It is noted that this proposal seeks to mitigate the visual harm with new landscaping, nevertheless, this is not enough to overcome the visual harm identified. Because of its siting, scale and design the dwelling would erode the green space and openness which characterise this part of the countryside and visually impede upon views of the countryside from the various public vantage points along the road, particularly on approach from the west.
37. Visual harm would also come from the domestic paraphernalia associated with the new dwelling and the proposed swimming pool. This would effectively domesticate the site further altering and diminishing its rural appearance to detriment of the site's rural character. Bearing in mind the principle that the intrinsic character and beauty of the countryside should be recognised, such a change should be regarded as adverse.
38. Overall, it is considered that the proposed development would lead to the erosion of the rural landscape through residential domestication, which would result in unacceptable visual harm to the visual amenity of the countryside. The siting, size, and design of this large detached dwelling would result in a demonstrable level of visual harm to the character and appearance of the site and the countryside environment as a whole. The proposal fails to protect or enhance the character of the landscape within which it would be located and this is unacceptable. Whilst some public views of the development would be limited, I do not consider this justifies the development in the face of the unacceptable harm that has been identified. With no overriding justification of the site for residential purposes, I therefore conclude the proposal would harm the character and appearance of the area and the proposal fails to comply with Policies SP6, ENV3a and HOU5.

Heritage

39. Policy ENV13 and the NPPF state that heritage assets should be conserved in a manner appropriate to their significance, The LPA is required to identify and assess the particular significance of any heritage asset and take this assessment into account when considering the impact of a proposal on a heritage asset to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
40. Whilst some harm to the significance of Griffin Farmhouse would be caused through the addition of a large dwelling to the south of the listed building, this would be less than substantial and it is outweighed by the social benefit of enhancing the living accommodation. Given the distance of the proposal to the listed building, I consider that the historic core of farmhouse would remain intact and the positive contribution this historic building makes toward the historic rural environment would be preserved.

Residential Amenity

41. Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 states, amongst other things, that planning policies and decisions should ensure that developments:

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

42. Considering the position of the proposed dwelling and distance to the nearest neighbours the proposed development would not result in harm to residential amenity.
43. In respect of future residents, the internal accommodation proposed complies with the nationally described space standards and habitable rooms would be afforded acceptable levels of outlook and luminance. Plus, the proposed garden area is of an acceptable size.

Parking Provision and Highway Safety

44. It is a requirement under policy TRA3 that proposals seeking the provision of four bedroom dwellings should secure the provision of three off-road parking space per dwelling. Three parking spaces are proposed to be provided. The proposal is thus policy compliant in this regard.
45. Given the proposed use, the development would not result in an intensification in the use of the access which would be detrimental to highway safety or to that of other highway users. The proposed layout, allows vehicles to enter and exit in forward gear which is acceptable.
46. No details of bicycle storage have been submitted but these can be sought as a condition of any planning approval.

Ecology

47. In the previous application, the presence of Great Crested Newt's (GCN's) within the onsite pond was confirmed through an egg search. Due to the likelihood of GCN's utilising grassland and scrub habitats within the site further information was required from the applicant regarding how they propose to address the issue. For example whether to seek a traditional licence or seek a District Level Licensing (DLL). If the applicant wished to seek a traditional licence, survey results and a full mitigation strategy would be required to be submitted, to demonstrate that mitigation of impacts is achievable and that a licence would be issued. Alternatively, a countersigned

DLL impact assessment and conservation payment certificate (IACPC) should be submitted prior to determination of the application.

48. A countersigned DLL impact assessment and conservation payment certificate (IACPC) has now been submitted and subject to a planning condition securing evidence that the full Great Crested Newt District Level Licence conservation payment has been made to Natural England and the licence issued, Officers are satisfied that the potential ecological impact of the proposed development has been fully considered and mitigated against.
49. KCC Ecology advise that were the scheme considered acceptable, then issues relating to construction, external lighting and biodiversity enhancement could also be addressed via the addition of suitably worded conditions upon any permission.

Human Rights Issues

50. 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

51. 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

52. The proposal is not supported in principle when considering the strategic policies of the local plan and the wider aspirations of the National Planning Policy Framework. The proposal would constitute unsustainable development because of the location and would also result in visual harm to the character and appearance of rural area and surrounding countryside. Although the proposal would lead to additional housing supply in the Borough, this limited planning benefit does not constitute a material consideration that is sufficient to outweigh the significant and demonstrable harm that would arise in this instance. I have weighed the scale of the Borough's housing supply deficit in the balance in reaching this conclusion.

53. Whilst the previous reason for refusal regarding the potential ecological impacts of the development has been addressed, it remains the case that proposal represents an unsustainable form of development which, by virtue of its siting, scale and design would also cause significant and unacceptable visual harm to the countryside.
54. The proposal fails to meet the requirements of policies SP1, SP6, HOU5 and ENV3a and is contrary to advice contained within the NPPF. For these reasons, it is therefore recommended that the application be refused.

Recommendation

Refuse on the following grounds:

1. The proposal is contrary to Policies SP1, SP6, HOU5 and ENV3a of the Ashford Local Plan to 2030, The Landscape Character SPD and Central Government guidance contained in the National Planning Policy Framework 2023 and would therefore be contrary to interests of acknowledged planning importance for the following reasons:
 - (i) The proposed development, by virtue of its location outside of the built up confines of Appledore, does not lie within easy walking distance of basic day-to-day services, and would therefore give rise to an unsustainable form of development, over-reliant on the private motor car to access everyday services to the detriment of the environment and contrary to the core principles of the Local Plan and the NPPF which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.
 - (ii) The proposed development by virtue of its scale, siting and design would create a visually prominent and intrusive form of development which fails to satisfactorily integrate with the prevailing character and appearance of the surrounding area causing significant and unacceptable visual harm to the character and appearance of the countryside.

Note to Applicant

1. Working with the Applicant - Refusal

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (www.ashford.gov.uk). Those papers relating specifically to this

application may be found on the [View applications on line](#) pages under planning application reference //AS)

Contact Officer: Laura Payne
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Application Number	PA/2024/0253
Location	2 Thorne Estate, Pluckley, Ashford, TN27 0RD
Grid Reference	591973 / 144852
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Proposed dropped kerb and hardstanding
Applicant	Mr David Burford
Agent	N/A
Site Area	N/A

Introduction

1. This application is reported to the Planning Committee as the applicant Ashford Borough Council.

Site and Surroundings

2. The application site comprises a two-storey semi-detached dwelling fronting Smarden Road, a classified C single carriageway. The surrounding area is residential, characterised by a mix of terrace and semi-detached residential properties. There are a number of dropped kerbs serving properties in the locality, with front gardens and low boundary walls. The site is not located in any designated areas.

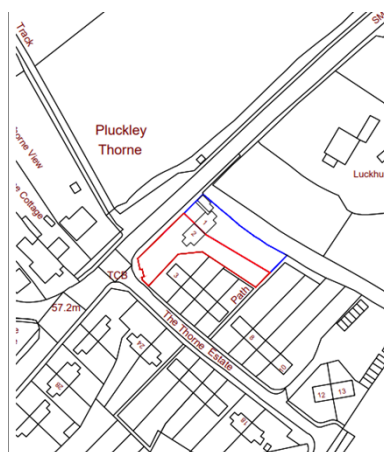


Figure 1: Site Plan

Proposal

3. The application seeks planning permission for the creation of a dropped kerb and an area of hardstanding.

Planning History

- No relevant planning history.

Consultations

4. The application has been subject to formal statutory and non-statutory consultations comprises of notification letters sent to the properties in the vicinity of the application site.
 - KCC Highways – **No objection** raised subject to conditions and Informatives.
 - Pluckley Parish Council – no representation received.
 - Neighbours – 6 neighbours consulted; no letters of representation were received.

Planning Policy

5. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (adopted July 2013), the Wye Neighbourhood Plan (adopted March 2016), the Pluckley Neighbourhood Plan (adopted April 2017), the Rolvenden Neighbourhood Plan (adopted December 2019), the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021), the Egerton Neighbourhood Plan (adopted March 2022), the Charing Neighbourhood Plan (adopted July 2023), the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
6. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
 - Tenterden Neighbourhood Plan currently at Examination stage in the plan making process.
 - Pluckley Neighbourhood Plan Review currently at Examination stage in the plan making process.
 - Aldington & Bonnington Neighbourhood Plan currently at Examination stage in the plan making process.
7. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP6 – Promoting High Quality Design
 - TRA3(a) – Parking Standards for Residential Development
8. The following are also material considerations to the determination of this application.
 - Ashford Borough Council Climate Change Guidance for Development Management

Government Advice

- National Planning Policy Framework (NPPF) 2023
- Planning Practice Guidance (PPG)

Assessment

9. The main issues for consideration are:
 - Impact on amenity
 - Highway safety

Impact on amenity

10. The proposed vehicular crossover would be approximately 3.3 metres in width and will create access off Smarden Road to serve an existing dwelling. The frontage of the existing dwelling is currently laid to lawn with a hedge row boundary, the area of land for the proposed hardstanding is a modest 21.7 square metres. The proposed hardstanding would be constructed of concrete and pea beach shingle. There are existing properties in the immediate and wider area that already benefit from dropped kerbs. The proposed vehicular crossover is therefore compatible with the existing character of the area.
11. Given the nature of the proposal, it would cause no harm to the residential amenity of adjoining occupants. As such, the creation of new vehicular access is considered acceptable.

Highway safety

12. Smarden Road is a classified C single carriageway. The crossover would measure approximately 3.3 metres in width. Adequate visibility splays have been shown to be achievable on either side of the access. KCC Highways were satisfied that the proposed splays could be achieved and have raised no objection. In conclusion, the proposal is considered acceptable with regard to highways impact and would therefore comply with paragraph 114 of the NPPF.

Human Rights Issues

13. 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

14. 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

15. The proposed creation of a vehicular access and associated hardstanding is considered acceptable and would not cause harm to the character and appearance of the street scene. It is considered acceptable in terms of impact on residential amenity and highway safety. It is therefore recommended that the application is approved.

Recommendation

Permit

Subject to planning conditions and notes, including but not limited to those dealing with the subject matters identified below, as well as those necessary to address stakeholder representations, with wordings and triggers revised as appropriate. Any 'pre-commencement' based planning conditions are to be subject to the agreement process provisions effective from 01/10/2018. This includes delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt, this includes additions, amendments, and deletions) as deemed appropriate.

1. 3-years standard condition
2. Approved Plans
3. Materials
4. Visibility Splays
5. Retention of Parking Provision

Note to Applicant

1. Working with the Applicant
2. KCC Highways Informative

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2024/0253)

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Ashford Borough Council - Report of the Assistant Director - Planning and Development
Planning Committee – 13 March 2024

Application Number	21/02146/AS	
Location	Land at Eureka Business Park, Trinity Road, Boughton Aluph, Kent	
Grid Reference	Easting - 600315 Northing - 145249	
Parish Council	Boughton Aluph and Eastwell Parish Council / Westwell Parish Council / Kennington Community Council	
Ward(s)	Bockhanger, Downs West, Goat Lees	
Application Description	Outline planning application for the development of up to 375 dwellings, up to 34,869m ² commercial floorspace (comprising 31,269m ² of class E(g)(i) and E(g)(ii) and 3,600m ² of flexible Class E floorspace), open space, and associated infrastructure with all matters reserved for future consideration aside from access (excluding internal circulation).	
Applicant	Quadrant Eureka LLP	
Agent	Mr P Reedman, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN	
Site Area	52.16ha	
(a) 669 - 74'R', 4'C', 1'S'	(b) BAE PC 'R', KCC 'R', WPC 'C'	(c) SLRA 'X', ATE 'X', BHS 'X', EA 'X', HCC Heritage 'X', KCC EAS 'X', KCC ED 'X', KCC LLFA 'X', KCC H&T 'X', KCC MWP 'X', KCC PROW 'R', KD AONB '-', KPOL 'X', NH 'X', NE 'X', NHS 'X', SW 'X'

Introduction

1. This application is reported to the Planning Committee in accordance with the Council's scheme of delegation because it is an outline planning application for one or more buildings totalling 10,000 m² or more. It has also been called in by Cllr Winston Michael (Ward Member).

Description of Site

2. The application site, known as Eureka Business Park, comprises approximately 52 hectares of land located to the east and west of Trinity Road, south and east of Sandyhurst Lane, and north of the M20 and Ashford Golf Course as shown outlined in red in **Figure 1** below. The land outlined in blue is also within the applicant's ownership but is not subject to this application.
3. The site is located within the following wards: Bockhanger, Downs West and Goat Lees. The eastern portion of the site is located within the Boughton Aluph and Eastwell Neighbourhood Plan area.
4. The land to the west of Trinity Road benefits from three existing access roads. The southern-most access road is linked to a roundabout junction which also provides road access to the part of the site east of Trinity Road.
5. There are five Public Rights of Way crossing the site and providing wider connections to the Public Right of Way network. Public footpath AE210 runs from east to west across the northern end of the site and links to public footpath AU2A and restricted byway AU2. These converge near to the existing dwelling with public footpath AU3 which runs from north to south adjacent to the main lakes. A small section of public footpath AU5 crosses the far south eastern corner of the site.
6. The site has varying topography, typically rising gently from the south to the north and from the centre of the site to the west. It mainly comprises a mix of arable land and rough grassland fields. There are two main lakes in the centre of the site (referred to in this report as Central Lake and Spilling Basin Pond) and four smaller water bodies located elsewhere. A watercourse flows from an agricultural catchment north of Sandyhurst Lane, through the site into the adjacent golf course and on to the Great Stour.
7. Beyond the greenspace to the west of the lakes the land is in arable (cereal) production and abuts the rear gardens of dwellings in Sandyhurst Lane. There are a number of trees located across the site, in many cases forming tree belts and to the north of the site a block of deciduous woodland. There are no Tree Preservation Orders.
8. There is an existing dwelling and ancillary farm buildings located to the north western corner of the site. The land outlined in blue in **Figure 1** below comprises developed employment land occupied by businesses including Brake Bros, Smiths Medical, Verifone Services UK, Rift Groups and Trinity House. The parcel to the east of Trinity Road is known as Eureka Place Local Centre and provides a range of shops and services to local residents and

employees, including a healthcare facility and children’s nursery building.

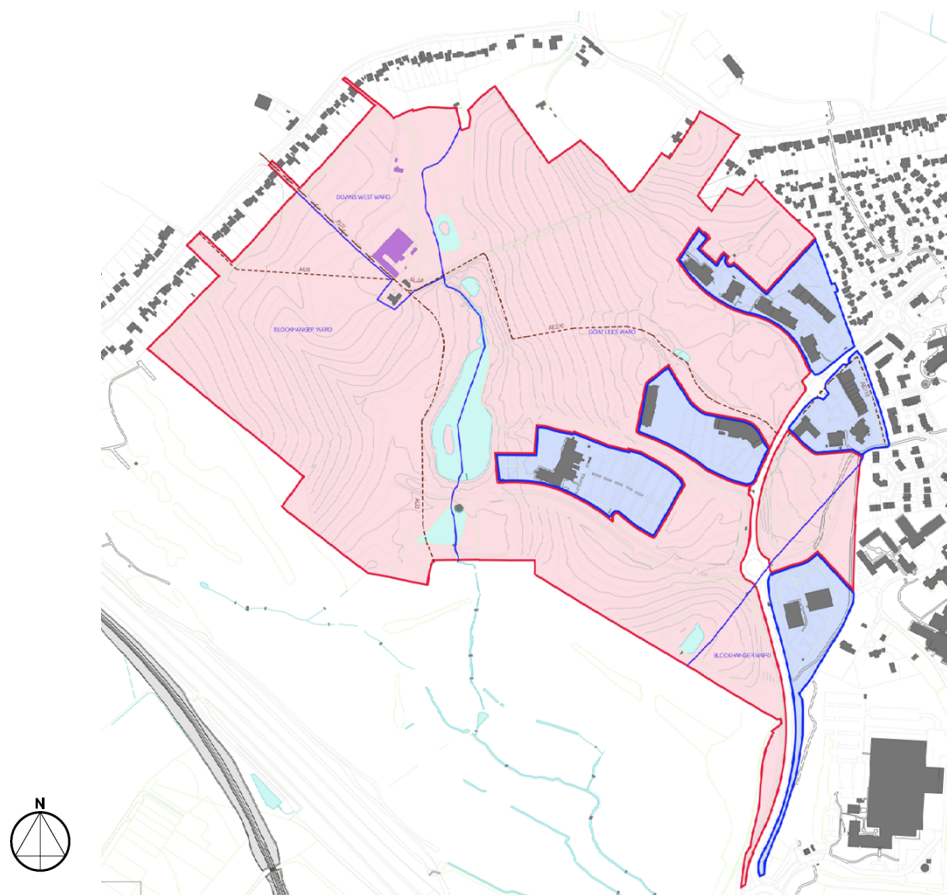


Figure 1: Site Location Plan

9. The site is not located within or adjacent to any conservation areas. Two Grade II listed buildings lie within the vicinity of the site; Sandpit Cottages and Kingsland are both located beyond Sandyhurst Lane to the north and northwest of the site. Eastwell Park, located to the northeast of the site is a designated Historic Park and Garden comprising Eastwell Manor and the farmed estate. The site is located within a designated Area of Archaeological Potential.
10. The site does not form part of any statutory or non-statutory landscape or environmental designations. It is in Flood Zone 1 and at lowest risk of flooding.
11. The site is wholly located within the Stour Gap Landscape Character Area. This landscape character area forms a sloping landscape towards the Great Stour River and comprises large arable fields and horticultural areas of fruit orchards and small pine plantations, enclosed by continuous and remnant

hedges and hedgerow trees with some discrete woodland blocks and tall poplar shelter belts. The area provides extensive, sometimes panoramic, views to the North Downs.

Description of Surroundings

12. The site lies to the north of Ashford town centre and within the Ashford urban area. It is surrounded by development on three sides; beyond the A251 Trinity Road to the east and to the north and east the site borders the predominantly residential area of Goat Lees which is suburban in character. To the north and west of the site is Sandyhurst Lane which is typically defined by ribbon development on its southern side and open countryside to the north thereby forming a well-defined edge to the Ashford urban area. Parts of the northern boundary is located adjacent to open space and agricultural land. The Sandyhurst Sports Club and Social Centre is located beyond Sandyhurst Lane to the north east. The North Downs Area of Outstanding Natural Beauty (AONB) lies approximately 0.9km north and 0.4km east of the site. The southern boundary of the site adjoins Ashford Golf Course, beyond which is Junction 9 of the M20 connecting London to Dover.

Proposal

13. The planning application is for outline planning permission. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission can be granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application but can submit for approval at a later date. Planning legislation defines Reserved Matters as being: access; appearance; landscaping; layout, and scale.
14. In this case the application form confirms that the applicant seeks approval only of the access to the site (and excludes internal circulation). Other reserved matters, being appearance, landscaping, layout and scale, would be subject to subsequent applications in the future.
15. The proposals include up to 375 dwellings and up to 34,869m² commercial floorspace. The majority (31,269sqm) of the commercial floor space would comprise Class E(g)(i) office and E(g)(ii) Research and development of products or processes). 3,600m² would comprise flexible Class E floorspace, which could include E(g)(i) and E(g)(ii) as above and/or Class E(d) (indoor sport, recreation or fitness), E(e) (provision of medical or health services) and E(f) (creche, day nursery or day centre).

16. The proposed development includes approximately 25ha of open space. This includes 8.2ha of nutrient neutrality land (NNL) to the northeast of the retained lake, which would be publicly accessible and managed in such a way to control nutrient loading.
17. An Illustrative Masterplan for the application site has been submitted (**Figure 2** below). It is supported by a Development Specification (setting out the proposed development types, maximum building heights and densities, minimum open space requirements and landscape parameters) and parameter plans, which set out the principles for the development on the application site in terms of the following:
 - a) Land use
 - b) Density
 - c) Building heights
 - d) Open space
 - e) Access
 - f) Pedestrian and cycle routes
18. The masterplan and parameter plans have been amended during consideration of the application.



Figure 2: Illustrative masterplan

19. As shown in **Figure 3** below, the Land Use parameter plan identifies the proposed residential and employment development plots, the wastewater treatment works and a variety of open space zones. The largest of the existing waterbodies (Central Lake) is to be retained and two new wetlands are proposed.

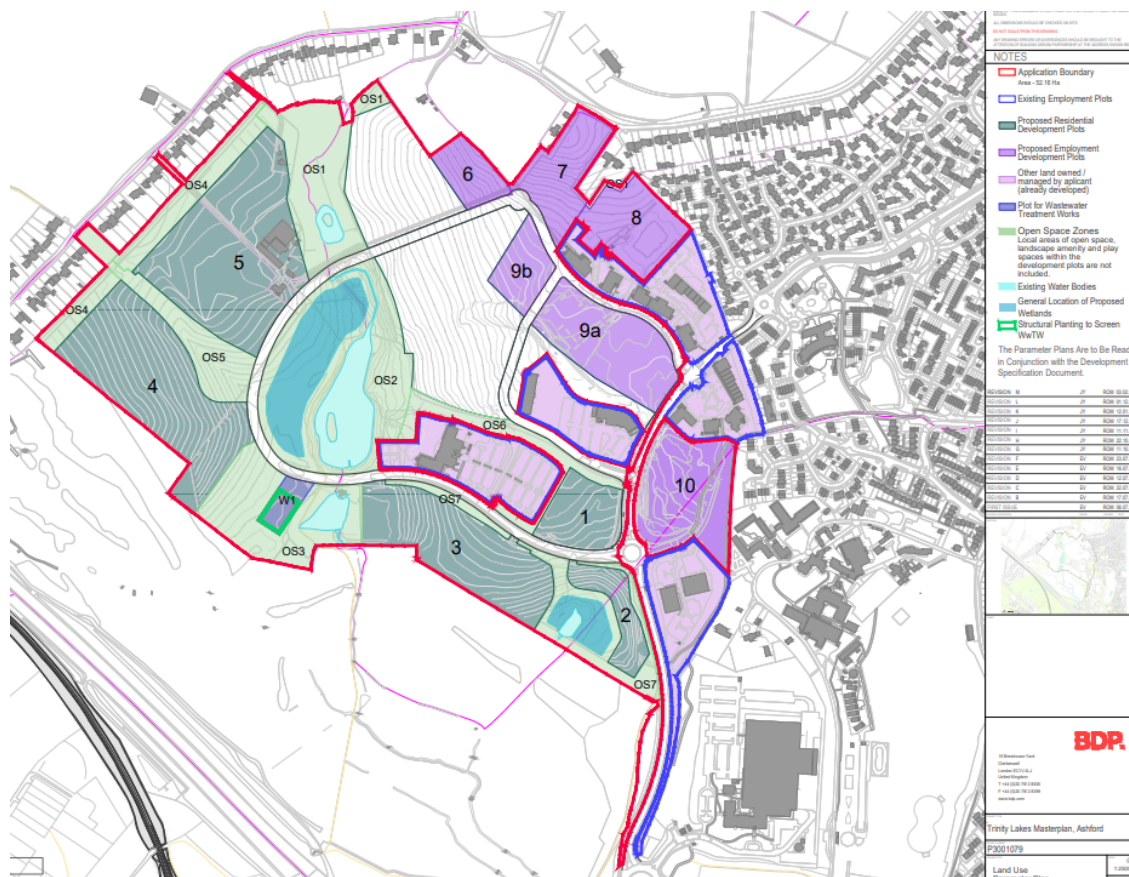


Figure 3: Land Use parameter plan

20. Four vehicular accesses are proposed into the site. These would utilise the existing points of access from the east and west sides of Trinity Road with a further internal road proposed opposite plot 10 as shown in **Figure 4** below. Cycle and pedestrian access is proposed at three locations on Sandyhurst Lane and adjacent to Ashford Golf Club on the southern boundary.

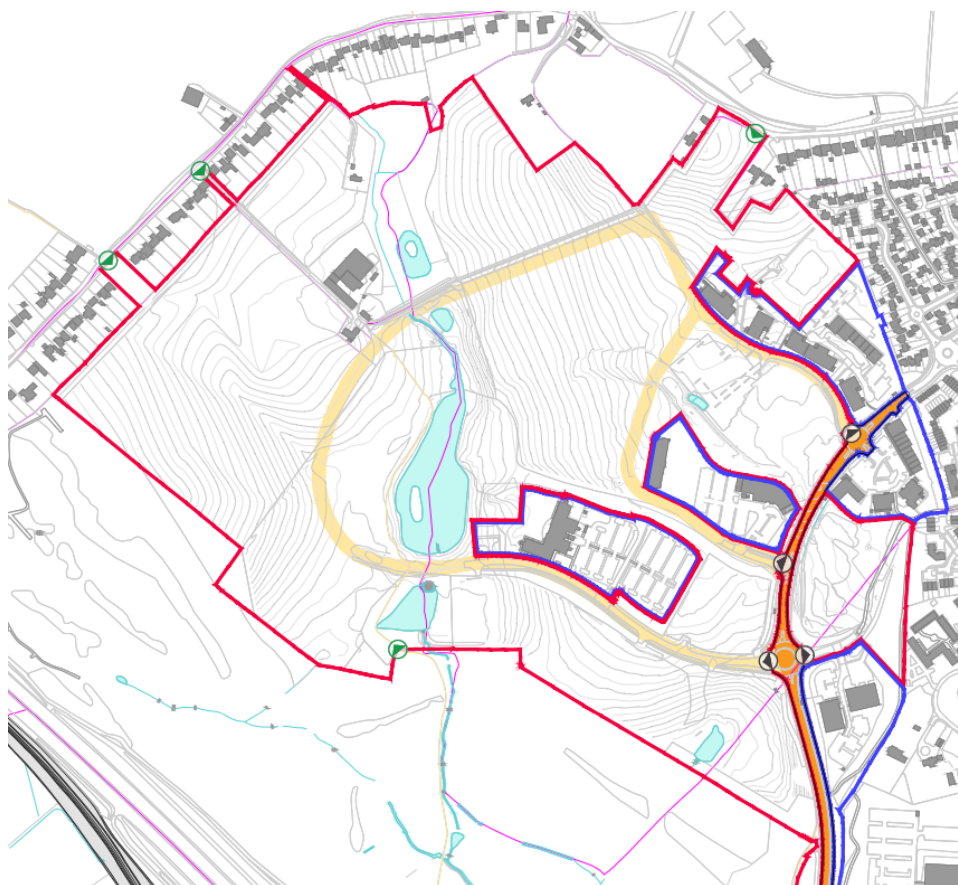


Figure 4: Access and Movement parameter plan

21. The planning application is supported by a Nutrient Neutrality Mitigation Strategy which comprises three main components of on-site infrastructure. This includes the provision of an onsite Wastewater Treatment Works (WwTW) adjacent to the southern boundary of the site and designed to treat domestic wastewater. It is also proposed to provide two onsite surface water treatment wetlands and sustainable drainage systems to reduce nutrient pollution from surface water runoff.

Environmental Impact Assessment

22. As Environmental Impact Assessment (EIA) development, the planning application is supported by an assessment of the environmental impacts arising from the proposed development in the form of an Environmental Statement (ES) and appendices.
23. The application has therefore been assessed in accordance with the Environmental Impact Assessment Regulations 2017 (the EIA Regulations). The scope of the ES includes the following topics:

- Traffic and Transport
 - Climate Change
 - Noise and Vibration
 - Socio-economics
 - Landscape and Visual Resources
 - Ecology
 - Cumulative Effects
24. The ES identifies and records the results of assessments of the construction and operational phases and considers the potentially significant environmental effects the proposed development will create. The ES suggests a range of measures to mitigate the identified effects and, where opportunities exist, to introduce improvement measures.
25. The ES has been independently reviewed by the Council's EIA consultants (The Temple Group) who produced their Final Review Report (FRR), which has been published. It is considered that the ES provides a full account of the development proposed in the planning application and the likely significant effects on the environment including measures to mitigate any environmental effects. The EIA consultants have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations and is considered to contain sufficient environmental information to enable determination of the planning application.
26. I have examined the 'environmental information' and used this information to reach reasoned conclusions on the significant effects of the proposed development on the environment. These conclusions have been incorporated into the relevant sections of this report.
27. In addition, each section includes a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset, likely significant adverse effects on the environment. This report also specifies how these measures are to be secured if the application is granted planning permission i.e. through planning conditions and/or planning obligations.

Planning History

- 08/01403/AS: Variation of condition 16 of outline planning permission 04/00044/AS to allow 12,720m² of B1 office space to be occupied prior to completion of certain works to junction 9 M20. Approved October 2008.
- 04/00044/AS: Outline application for Science and Business Park Development comprising of up to 115,000m² of B1 Floorspace on remainder of undeveloped land. Approved June 2006.

- 99/00198/AS: Science/business park, petrol filling station and related roads. Approved April 1999.
- 93/00858/AS: Outline application: science/business park, housing, petrol filling station, leisure park and offices. Approved September 1993.

Consultations

28. The application has been subject to two rounds of formal statutory and non-statutory consultation including the display of press and site notices and notification letters sent to occupiers of buildings in the vicinity of the application site.

Ward Member (Cllr Winston Michael): (July 2023) **comments** as summarised below:

- Support number of houses and size of commercial development but object on detailed grounds
- Requirement for existing business users car park to be retained to prevent overspill parking;
- Measures required to prevent parking on Sandyhurst Lane farm track;
- Query mitigation strategies to preserve existing habitats and wildlife;
- Impact of development on existing PROW experience;
- Query ability for wetlands to satisfy nutrient neutrality requirements;
- Query foul drainage proposals;
- Query assumptions within Transport Assessments and ability for road infrastructure to accommodate development;
- Request s106 monies be for the benefit of Goat Lees Ward.

Boughton Aluph & Eastwell Parish Council (BAE PC): (February 2022, July 2023, August 2023, October 2023 and January 2024) **object** as summarised below:

- Contrary to policies NP1, NP5, NP9 and NP11 of the Boughton Aluph Neighbourhood Plan;
- No provision of the green corridor through the site on an east-west alignment focussed on footpath AE210 and its associated tree line in accordance with Policy BAE NP5 (1) and set out in Map 19;
- The application prevents the green corridor linking Eureka Park to the Sandyhurst Lane/Sandyacres Sports and Recreation Open Space in accordance with Policy BAE NP5 (2) and set out in Map 19;
- A substantial landscape buffer is not provided between both Plots 7 and 8 (Commercial, Business and Services Use (Class E)) and properties fronting Sandyhurst Lane in accordance with Policy NP5 (4);
- The shape and size of Plot 9 does not take sufficient account of the existing important views of the North Downs skyline from Footpath No. AE210 in accordance with Policy BAE NP5 (5) or protect and enhance the character and biodiversity of the existing Footpath No. AE210 in accordance with Policy BAE NP9;

- The application does not ensure low rise development is situated around the lake in accordance with Policy BAE NP5 (8) or where it abuts Sandyhurst Lane in accordance with Policy BAE NP1;
- Insufficient information is available to understand the traffic impact of the development to determine if any traffic management measures are required in accordance with Policy BAE5 (10);
- Insufficient provision is shown for sustainable modes of transport on the Parameter Plans accompanying this application, which provide the basis for applying planning conditions, in conflict with Policy BAE NP11;
- Infrastructure contributions required, including towards enhancement of the Sandyacres Sport and Recreational Open Space in accordance with Policy BAE NP11.

Westwell Parish Council (WPC): (February 2022 and July 2023) **comment** as summarised below:

- Request that pedestrian and cyclist only access to and from Sandyhurst Lane is secured by condition;
- Request a cycle route parameter plan as required by Policy S20(d);
- Absence of highway detail drawings for junctions between the application site and Sandyhurst Lane and for off-site highway works to enhance access to Sandyacres Sports and Social Centre;
- Absence of analysis of pedestrian and cycle trips in Transport Assessment contrary to Policies TRA5 and TRA6;
- Request consideration given to extension of speed restrictions and traffic volume monitoring on Sandyhurst Lane;
- Consider the Transport Assessment should include impacts on secondary roads;
- Request further details relating to access, management and ownership arrangements of proposed open space buffer adjacent Sandyhurst Lane are provided;
- Consider footpaths and open spaces across the site should remain accessible throughout construction and occupation of the development;
- Residential Plots 4 and 5 should be no more than 2 storeys to respect rural setting of Sandyhurst Lane dwellings;
- Consider the long-distance views will inform materials, lighting and building heights at reserved matters stage;
- Query detailed proposals for various Sandyhurst Lane footpath accesses, including from Grosvenor Cottage;
- Request actual noise data from M20 to ensure quality living spaces;
- Lighting Design Guide required to ensure compliance with Policy EN4.

Kennington Community Council (KCC): (January 2022, August 2023 and October 2023) **object** as summarised below:

- Traffic congestion;
- Inadequate access roads for deliveries, service and emergency vehicles;
- Inadequate bus infrastructure;

- Inadequate water supply;
- Unacceptable transport mitigation measures;
- Congestion;
- Pollution and noise;
- Absence of information about management company arrangements;
- Excessive density;
- No demand for more offices considering existing unoccupied offices and increase in working from home;
- Request inclusion of a retirement unit to address growing need;
- Requirement for Considerate Constructors Scheme;
- Query ecological impacts of WwTW and potential for odour;
- Absence of additional primary care including GP facility, dentistry, pharmacy and opticians, school facilities, playground facilities, carbon-neutral bus services.

Sandyhurst Lane Residents Association (SLRA): (February 2022 and July 2023) **comment** as summarised below:

- Increase in vehicular traffic (approx. 35%) to/from the development onto Trinity Road will create additional displacement of the through traffic using Trinity Road and exacerbate the use of Sandyhurst Lane, a secondary rural road, as a rat run;
- Development will generate an increase in pedestrian and cycle traffic and vehicle parking in and along Sandyhurst Lane;
- Provision of regular public transport within the development to both the shops and pub at Trinity Road and wider connections to Ashford are likely to increase pedestrian traffic along Sandyhurst Lane into the development through the pedestrian access points;
- Speed limit along Sandyhurst Lane in the vicinity of the pedestrian and cycle crossing to access Sandyacres should be reduced from 40 mph, with consideration given to implementing a pedestrian controlled crossing;
- Pedestrian and cycle access to Sandyhurst Lane from the development should be designed to minimise inadvertent egress on to a 40mph road;
- Request proportionate financial contribution is made to support any KCC approved traffic calming, parking management, user safety and mixed road use management measures in Sandyhurst Lane;
- Request conditions to define enforceable construction site access (Trinity Road only, with no access from Sandyhurst Lane), noise mitigation and permitted working hours;
- Consider vehicle access to Sandyhurst Farm and any redevelopment or demolition of the buildings comprising this should be the subject of a separate planning application;
- Consider a landscape buffer should be provided between Employment Development Plot 7 and its bordering residential properties. Furthermore, the buffer OS1 at Employment Plot 8 should be widened to satisfy the requirements of Local Plan Policy S20(b);

- Consider an early detailed assessment of the existing flora and fauna within the proposed site should be undertaken to inform and ensure that the proposed Open Spaces reflect and enhance as far as possible the existing biodiversity;
- Consider environmental design of the development should include sustainable power generation and heat recovery to contribute to the Borough's carbon neutral targets;
- Adequate provision should be made to prevent injury or damage to residents and property from errant golf balls in housing developments neighbouring the Ashford Golf Club;
- Consider there should be details of how the conflicting issues of personal safety at night on the roads, footpaths and in the landscaped areas is to be balanced with Policy ENV4.

Active Travel England: (July 2023) **no comment.**

British Horse Society: (February 2022 and June 2023) **comment** and request a condition to secure upgrade of footpaths AU2A and AE210 to minimum status of bridleway.

Environment Agency: (July 2023 and October 2023) **no objection** subject to appropriate conditions to secure further site investigations, verification reports and remediation strategies relating to land contamination, strategy to deal with foul water drainage, surface water drainage and piling.

Kent County Council Archaeology Advisor: (March 2022) **no objection** subject to appropriate condition to secure a programme of archaeological work, including a programme of heritage interpretation.

Kent County Council Ecological Advisor: (January 2022, February 2022 and July 2023) **comment** as below:

- Satisfied that no further surveys are required to determine the planning application;
- Insufficient information has been provided to demonstrate that appropriate mitigation can be carried out to maintain the habitat and species interest of the site;
- Recommend provision of the following:
 - BNG assessment – the information within the report will enable us to understand the area of habitat currently present vs the area to be lost or impacted;
 - A Plan demonstrating where the mitigation areas for species will be located within the site – there is a need to ensure the requirements for the species do not conflict with other requirements within the site (such as recreation requirements);
 - Information demonstrating that suitable connectivity will be maintained through the site – the ES suggests that that dormouse

- connectivity will be maintained via tree lined streets. We highlight that this alone will not be sufficient;
- Map showing areas where there will be minimal lighting /dark zone to main the interest;
 - Details of the habitats to be created within the Nutrient Neutrality area and clarification on whether this area will be publicly accessible;
 - Overview of the management to be carried out with in the site.

Kent County Council Economic Development: (January 2022 and June 2023) **no objection** subject to securing appropriate mitigation in relation to primary and secondary education provision, community learning, libraries, youth, social care and waste infrastructure and a condition to secure fixed telecommunication infrastructure and High-Speed Fibre Optic connections.

Kent County Council Flood and Water Management: (February 2022, June 2023 and October 2023) **no objection** subject to conditions to secure a detailed sustainable surface water drainage scheme and subsequent Verification Reports for each reserved matters application.

Kent County Council Highways and Transportation: (January 2022, June 2023, July 2023 and September 2023) **no objection** subject to conditions/planning obligations including to secure a Construction Management Plan, financial contribution towards public transport and various highway improvement measures.

Kent County Council Minerals and Waste Planning Policy: (June 2023) **no objection:** The presence of land-won safeguarded minerals has already been the subject of consideration between the two authorities. It was decided that the site as an allocation (S20) in the adopted Ashford Local Plan was an allocation in the previous Ashford Local Plan and is central to Ashford's sustainable development, and therefore exempt from the presumption to safeguard the land-won minerals by virtue of criterion 7 of Policy DM 7 of the adopted KMWLP 2013-30 (Early Partial Review 2020).

The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

Kent County Council Public Right of Way: (July 2023 and September 2023) **holding objection** as summarised below:

- Request existing and proposed diverted PROW be shown on all plans and within relevant sections of DAS;
- Request condition to secure a PROW scheme of management at reserved matters stage;
- Request condition to require PROW works to be completed prior to first occupation;

- Request financial contribution for off-site improvement works to mitigate the impacts of the development on the PROW network.

Kent Downs AONB Unit: no response.

Kent Fire and Rescue Service: (June 2023) **comment** that Fire Service emergency access to the site appears satisfactory, however the commercial buildings and any flats will be subject to a full building regulations consultation on receipt of plans.

Kent Police: (June 2023) **no objection** subject to condition to secure SBD Homes 2019 and SBD Commercial 2015 guidance to address designing out crime.

National Highways: (August 2023) **no objection** subject to conditions to secure a Travel Plan and Construction Traffic Management Plan.

Natural England: (March 2022, July 2023 and October 2023) **no objection** subject to conditions to secure further detailed design and implementation of the nutrient mitigation measures, as proposed by the applicant, chiefly including: an onsite treatment works, an effective SuDS network and two nutrient treatment wetlands.

ABC Housing (January 2022 and June 2023) **comment** as summarised below:

- Requirement for 30% affordable housing (113 units), including 38 units affordable rent and 75 units for affordable home ownership and 37 units for either shared ownership, or an affordable home ownership product, to be agreed with ABC;
- Properties to meet the Nationally Described Space Standards. In the case of the 2-bed homes proposed we would expect four bed spaces to be provided and in the case of 3-bed homes we would expect five bed spaces to be provided. In the case of any 4-bed homes we would expect eight bed spaces to be provided;
- Expect the units to be spread throughout the site rather than positioned in just a cluster. This is integral to creating a mixed and balanced community. Most importantly, we would also expect the affordable housing properties to be visually integrated into the site and not discernible in design or build from the open market dwellings.
- Requirement for accessible homes in accordance with Policy HOU14.

ABC Landscape Officer: (February 2022) **comment** as summarised below:

- Request confirmation access road across the nutrient neutrality land will include retention of existing hedge line and recommend geometry is softened with gentle curves;
- Query requirement for circular access road bisecting Green Heart;

- Absence of street tree planting;
- Query how alder wet woodland at the north of the site will function as an open space and retain its biodiversity attributes;
- Consider Sandyhurst Lane buffer sufficient, however its straight edge may not give a naturalistic form when expressed in such a large scale;
- Buffer to the south should be at least 10m to filter noise from the M20;
- Buffer to the farmhouse to the north of the site could be improved with planting.

ABC Street Scene and Open Spaces: (January 2022 and June 2023) **further information required** with regards to waste collection strategy. *(Officer comment: further details, including relating to provision of adequate access and turning space for refuse collection vehicles and waste storage areas will be required as part of future reserved matters applications).*

NHS Kent and Medway Clinical Commissioning Group: (January 2022 and June 2023) **no objection** subject to securing a financial contribution towards General Practice provision.

Ramblers Association (February 2022 and July 2023) **comment** as summarised below:

- Existing PRow and informal paths heavily used;
- Consider proposed footpath alignments inadequate substitutions for existing (including AU3) and contrary to DEFRA guidance;
- Support addition of footway link to Sandyhurst Lane to the north with Sandyacres Sports and Social Club;
- Missed opportunity to connect AU2 with AE208 along Sandyhurst Lane as likely to be well used and hazardous for road users in accordance with KCC Rights of Way Improvement Plan.

River Stour Internal Drainage Board: (March 2022) **comment** as summarised below:

- Note applicant will need Land Drainage Consent from KCC for any works that has potential to affect flow in any ditch or watercourse on the site.

Southern Water: (February 2022 and October 2023) **no objection** subject to:

- Exact position of public assets being determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised;
- Request condition to ensure occupation of the development is aligned with the delivery of any sewerage network reinforcement that may be required;
- Request informative to prevent commencement until details 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.

Ashford Golf Club request conditions to secure a metal security fence between the golf course and development site and adjust the layout to mitigate risks for future occupiers.

Neighbours – 74 objections, 4 comments and 1 letter of support have been received, as summarised below:

Objections/comments:

- Loss of greenfield land and harm to the environment;
- Development should be prioritised on brownfield land;
- Inappropriate scale, bulk, layout and design out of keeping with surroundings;
- Inappropriate building heights;
- Loss of farmland and impact on food production;
- Harm to wildlife and habitats including bats;
- Loss of valued recreational space;
- Request tree planting instead;
- Absence of mitigation, including provision for wildlife to cross loop road;
- Harm to mental health and well-being and negative impact on quality of life;
- Harm to landscape and character of semi-rural location;
- Evergreen planting required
- Harm to residential amenity, including relating to privacy and loss of light and overshadowing, impact on views, security, noise, air and light pollution;
- Noise mitigation required for existing residents on Trinity Road;
- Query whether Sandyhurst Lane dwellings could be connected to mains drainage;
- Inadequate buffers to accommodate wildlife and protect amenity;
- Potential for increased noise and crime within open spaces;
- Query open space management arrangements;
- Existing trees should be retained;
- Existing local infrastructure inadequate, including water, sewerage and refuse, health, education, public transport, play spaces, fuel filling stations;
- Absence of youth facilities and potential anti-social behaviour;
- No provision for elderly care;
- Bus service needs to be guaranteed;
- Noise pollution;
- Light pollution;
- Littering;
- Risk of flooding;
- Increased traffic congestion;
- Trinity Road dangerous to cross;
- Inadequate parking provision and potential for overspill parking on surrounding roads;

- Inadequate access arrangements (should include access to Sandyhurst Lane);
- Highway safety impacts on Sandyhurst Lane which has no lighting or pavements;
- Construction impacts; potential for construction traffic access from Sandyhurst Lane;
- Surplus of existing housing and unoccupied office and industrial spaces – no demand for more;
- Requirement for sustainable buildings with green energy provision;
- Cumulative impacts of major developments in Ashford;
- Inappropriate location for WwTW and potential harm to environment and amenity;
- Existing buildings not maintained;
- Inadequate consultation with local residents;
- Council should concentrate on CCT to protect people and prevent dog fouling;
- Impact on house prices;

Support:

- Magnificent new housing development to attend the current demand in the Ashford/Kennington area that will bring along huge improvements to quality of life.

Planning Policy

29. 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)
- the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

30. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:

- (i) Tenterden Neighbourhood Plan currently at Examination.
- (ii) Pluckley Neighbourhood Plan Review currently at Examination.
- (iii) Aldington & Bonnington Neighbourhood Plan currently at Examination.

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

Ashford Local Plan 2023 (ALP)

SP1 Strategic Objectives
SP2 The Strategic Approach to Housing Delivery
SP3 Strategic Approach to Economic Development
SP6 Promoting High Quality Design
S20 Eureka Park
HOU1 Affordable Housing
HOU6 Self and Custom Built Development
HOU12 Residential space standard internal
HOU14 Accessibility standards
HOU15 Private external open space
HOU18 Providing a range and mix of dwelling types and sizes
EMP1 New employment uses
EMP6 Promotion of Fibre to the Premises (FTTP)
TRA3a Parking Standards for Residential Development
TRA3b Parking Standards for Non 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
ENV3b Landscape Character and Design in the AONBs
ENV4 Light pollution and promoting dark skies
ENV5 Protecting Important Rural Features
ENV6 Flood Risk
ENV7 Water Efficiency
ENV8 Water Quality, Supply and Treatment
ENV9 Sustainable Drainage
ENV10 Renewable and Low Carbon Energy
ENV11 Sustainable Design and Construction
ENV12 Air Quality
ENV13 Conservation and Enhancement of Heritage Assets
ENV15 Archaeology
COM1 Meeting the Community's Needs
COM2 Recreation, Sport, Play and Open Spaces
IMP1 Infrastructure Provision

UMP4 Governance of public community space and facilities

32. The site-specific Policy S20 is set out in full below:

S20 – Eureka Park

The site at Eureka Park is proposed for a mix of commercial (around 20ha) and residential development (indicative capacity of 375 dwellings).

Development proposals for this site shall be designed and implemented in accordance with an agreed masterplan for the general layout and delivery of development and related infrastructure on the site.

Development proposals for the site shall include the following elements:-

- a) A comprehensive landscaping and open space strategy, incorporating a linear park based around the existing lake and proposals for the future management and maintenance of the areas of shared open space and SuDS;
- b) A generous landscaped buffer to residential properties along Sandyhurst Lane;
- c) A drainage strategy that includes proposals to provide SuDS in accordance with Policy ENV9;
- d) New pedestrian and cycle routes throughout the development with connections to Sandyhurst Lane and existing routes. The Public Rights of Way running through the site should be maintained and incorporated within the development;
- e) Vehicular access to the site shall be provided from Trinity Road only;
- f) Appropriate species and habitat surveys should be carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with ENV1 with particular regard to The Warren Local Wildlife Site;
- g) The provision of vehicular connections to the southern boundary of the site;
- h) Parking provision on-site to meet at least the minimum parking standards for residential and commercial development set out in policies TRA3 (a) and TRA3 (b);
- i) A proportionate financial contribution towards the repayments of the forward funding that delivered the M20 Junction 9 & Drivers roundabout improvements;
- j) A proportionate financial contribution to the extension of local bus services to serve the development;
- k) Laid out and orientated so that the residential amenity of neighbouring occupiers is preserved; and,

l) A connection to the sewerage system at the nearest point of adequate capacity, in collaboration with the service provider, and ensure future access to the existing sewerage system for maintenance and upsizing purposes.

In addition, for commercial proposals on the site, the following will also be required:-

- Individual commercial buildings shall be imaginative in their architectural style and designed to sit comfortably in a parkland setting, with car parks and service areas located discreetly, and additional landscaping used where necessary to help reinforce the parkland setting;
- The plot ratio for each commercial development parcel should not exceed 0.4:1;
- The footprints of B1 buildings are limited to no more than 20% of the total area of the Business park and that each development parcel achieves a minimum of 50% of “soft” landscaping

For residential proposals on the site, the following will also be required:-

- A residential design strategy setting out the key design criteria and average net residential densities on different plots and, where appropriate, how residential development will juxtapose with adjacent employment uses.
- The provision of proportionate financial contributions towards off-site primary and secondary education facilities, children’s play equipment and sports facilities.

Boughton Aluph and Eastwell Neighbourhood Plan 2013 - 2030 (BAE NP)

33. Part of the application site is located within the Boughton Aluph and Eastwell Neighbourhood Plan area. The relevant policies from the BA&E NP relating to this application are as follows:-

BAE NP1 Design of New Development and Conservation
BAE NP5 Eureka Park – Site Requirements
BAE NP7 Eureka Place Local Centre
BAE NP9 Public Rights of Way
BAE NP11 Securing Infrastructure

34. The site-specific Policy BAE NP5 is set out in full below:

Policy BAE NP5 - Eureka Park – Site Requirements

Within those parts of the Eureka Park Development area that lie within the Boughton Aluph and Eastwell Neighbourhood Area, the proposed masterplan

for the overall development and any subsequent planning applications should take account of the following site requirements to ensure that development proposals can be successfully integrated within the landscape:

1. the landscaping and open space strategy should seek to establish two interconnected green corridors through the site along a north-south alignment focused on the existing lake, ponds and woodland and on an east-west alignment focused on Footpath No. AE210 and its associated tree line;
2. a green corridor should link Eureka Park to the Sandyhurst Lane/Sandyacres Sports and Recreation Open Space including a new link to the existing footway south of Sandyhurst Lane;
3. a substantial landscape buffer should be established from Alders Wood towards Tile Lodge Wood to the rear of properties fronting Sandyhurst Lane;
4. existing woodland, tree lines and hedgerows within the site should be retained and enhanced wherever possible within development proposals;
5. the siting, design and layout of buildings should take account of the existing important views of the North Downs skyline from Footpath No. AE210;
6. the siting, design and layout of buildings should take account of the existing important views of the lake from Nicholas Road and from Footpath No. AE210.

The above requirements are illustrated on Map 20.

Additionally, development proposals in the Plan area should ensure that:

7. New and extended access roads are tree-lined;
8. Low rise development should be situated around the lake with extensive landscape buffers between built development and the lake;
9. Car parking should be sited such that it is not prominently located and is screened from the green corridors and from the important views to be protected;
10. Traffic management measures are incorporated on local roads, where necessary.

The Parish Council will participate in the masterplanning work for the Eureka Park development proposals, as set out in Policy S20 of the adopted Ashford Local Plan 2030.

Kent Minerals and Waste Local Plan (2013 to 2030) as amended by the Early Partial Review (adopted 2020)

DM7 – Safeguarding Mineral Resource

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

application:-

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009
Residential Parking and Design Guidance SPD 2010
Sustainable Drainage SPD 2010
Residential Space and Layout SPD 2011 (now external space only)
Sustainable Design and Construction SPD 2012
Public Green Spaces and Water Environment SPD 2012

Other Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins
Informal Design Guidance Note 2 (2014): Screening containers at home
Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point
Kent Downs AONB Management Plan

Government Advice

National Planning Policy Framework (NPPF) Revised 2023

36. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 7 – Ensuring the vitality of town centres
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 10 - Supporting High Quality Communications
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

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

Assessment

37. The key areas for consideration are:

- (a) The principle of development;
- (b) Whether the balance of uses is acceptable;
- (c) Housing
- (d) Landscape and Visual Impacts
- (e) Design quality
- (f) Landscaping and Open Space Strategy
- (g) Ecology
- (h) Highway impacts, car parking and cycle provision
- (i) Heritage impacts
- (j) Residential amenity impacts
- (k) Pollution from noise, air quality and land contamination
- (l) Socio-economic impacts
- (m) Surface water and drainage
- (n) Sustainability and Climate Change
- (o) Housing Land Supply
- (p) Habitats Regulations
- (q) Planning Obligations

38. I deal with each of these within the sub-sections below:

(a) The principle of development

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As set out within the policy section, Ashford Borough Council have an adopted development plan – the Ashford Local Plan 2030 (ALP).

40. Paragraph 11 of the NPPF states that a presumption in favour of sustainable development should apply, and for decision taking that means '*approving development proposals that accord with an up-to-date development plan without delay.*'

41. The Local Plan sets out the land use planning strategy adopted by the Council and Policies SP2 and SP3 sets out this strategy for housing and employment land delivery, which focuses the majority of growth in and near the built-up

area of Ashford. This site is allocated through Policy S20 '*for a mix of commercial (around 20ha) and residential development (indicative capacity 175 dwellings)*' and is one of the strategic sites on the edge of the Ashford urban area expected to deliver the homes and employment land required over the local plan period to 2030.

42. It has been established through the Local Plan process that the site is in a sustainable location and I am satisfied that the principle of a large scale mixed use development is therefore acceptable, subject to the detailed consideration of the proposals in relation to the site specific policy criteria, other relevant policies in the adopted Local Plan and Neighbourhood Plan and any other relevant material considerations.
- Minerals Safeguarding
43. The planning application site falls within a Mineral Safeguarding Area as identified on the 'Ashford Map' which accompanies Policy CSM5 'Land-won Mineral Safeguarding' of the KMWLP 2013-30 (Early Partial Review 2020).
44. Policy DM7 'Safeguarding Mineral Resources' of the KMWLP 2013-30 (Early Partial Review 2020) sets out a range of exceptions that override mineral safeguarding concerns, as a point of principle. It establishes that planning permission can be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated that 'it constitutes development on a site allocated in the adopted development plan' (criteria 7).
45. This exception applies to this site. The whole of the application site falls within land identified as site allocation S20 of the adopted Local Plan 2030 and Policy S20 clearly promotes the site for non-mineral development.
46. The presence of land-won safeguarded minerals has already been the subject of consideration between the District and County Council's. It was decided that the site as an allocation (S20) in the adopted Ashford Local Plan was an allocation in the previous Ashford Local Plan and is central to Ashford's sustainable development, and therefore exempt from the presumption to safeguard the land-won minerals by virtue of criterion 7 of Policy DM7 of the adopted KMWLP 2013-30 (Early Partial Review 2020).
47. I note that the Minerals Authority (KCC) have not requested a minerals assessment as part of the planning application, nor have they raised any objections or concerns on mineral safeguarding grounds. I am satisfied that mineral safeguarding issues have been suitably considered and, in this regard, the scheme complies with relevant planning policy.

(b) Whether the balance of uses is acceptable

48. Part of Eureka Park was initially identified as a key strategic employment site in the Ashford Local Plan (2000) and then in successive plans, including the Core Strategy (2008) and the Ashford Urban Sites and Infrastructure DPD (2012). Eureka Park's role in accommodating future employment needs and meeting the Borough's jobs target are further emphasised by the loss of allocated employment land at Sevington to the Inland Border Facility.
 49. Policy S20 of the current Local Plan states that the site is proposed for 'around 20ha' of commercial development. Whilst the policy does not explicitly state that this is all new (my emphasis) commercial development, the supporting text to Policy S20 acknowledges that parts of the site have been delivered. It is also the case that the Local Plan sets out a vision for the future and it does not make sense that the policy requirement would include the 9.65ha (30.590sqm floor space) of existing commercial development at Eureka Park.
 50. The supporting text to Policy S20 acknowledges that the site will not be appropriate for all types of employment uses, including primarily B2 or B8 uses though notes the potential for uses that complement B1 office uses may be acceptable where they generate new jobs for the area. The supporting text to Policy S20 also notes that retail and leisure uses are more appropriately located within or near to town centres and that new retail or leisure uses will not be acceptable beyond the Eureka local centre. Accordingly, the majority of the proposed employment land is envisaged as Class E(g)(i) office and Class E(g)(ii) research and development processes.
 51. When including the existing and proposed access roads (beyond the proposed development parcels), 11.14ha (34,869sqm floor space) of employment land is proposed; however it is not considered reasonable to include the access roads and so for the purposes of this assessment the actual quantum of commercial development proposed is 9.52ha. Whilst Policy S20 incorporates some flexibility into the development requirements, 9.52ha is less than half of 20ha and cannot reasonably be deemed to be 'around 20ha'. The under delivery of employment land would be contrary to the Local Plan and would be likely to provide for fewer jobs in the longer term.
 52. Having established the quantum of employment land proposed, there are a number of factors that need to be taken into account in assessing the acceptability of the proposed shortfall against the Local Plan requirement.
- Stodmarsh

53. The Local Plan was adopted in 2019 prior to the publication of Natural England advice relating to the impacts of development within the Stour catchment area on the integrity of the Stodmarsh lakes. The Natural England advice requires an Appropriate Assessment (AA) under the Habitats Regulations 2017 (as amended) to be undertaken and suitable mitigation identified to ensure new development can achieve 'nutrient neutrality' prior to the lawful grant of planning permission. The provision of dedicated mitigation solutions typically requires costly wastewater treatment infrastructure and additional land-take that many development sites have not been able to absorb. This has had a very significant impact on the Council's ability to grant planning permission for housing development and on developers' ability to bring forward such development within the Stour catchment.
54. In this case, the proposed development includes a mitigation strategy to ensure it would be nutrient neutral and it is therefore capable of bringing forward housing development on an allocated site in a way that many sites cannot. The mitigation strategy is based on the provision of a wastewater treatment plant, two wetlands, sustainable drainage systems and 8.2ha of nutrient neutrality land (NNL). The NNL is the minimum sized area required for the purpose of achieving nutrient neutrality and its retention as managed grassland would preclude its use for employment at this time.
55. I am mindful that the NNL is located towards the centre of the site near to the existing commercial development and in the event that the requirements relating to nutrient neutrality change in the future, nothing in the masterplan would preclude the NNL coming forward for commercial development. This would be subject to a future planning application but has the potential to significantly increase the quantum of employment land on the site in the longer term.
- Market demand
56. It is relevant to consider how the market demand for employment land has changed since the adoption of the Local Plan in 2019. The applicant notes that the Coronavirus pandemic has resulted in changes to working practices with a move away from office-based working to increased home working. The rise in hybrid working environments has resulted in a change to the market demand for office space as employers adapt by reducing the amount of space needed to accommodate the workforce and look to occupy more efficient and flexible workspaces with greater employment densities (number of workers per square metre of floorspace).
57. There is no current evidence to identify with any certainty what the longer-

term future trends in relation to demand for employment space including offices are however it is reasonable to assume that a consequence of more flexible working practices may be an increase in employment density. This would equate to a reduced demand for overall office floor space, particularly for larger scale single-tenant units. A 2023 survey by Knight Frank found that about half of large multinationals are planning to cut office space in the next three years by 10-20%.

58. Where the Local Plan was drafted on the basis of the 2010 Employment Density ratio of 12sqm NIA, some research refers to 9sqm NIA being a more appropriate density moving forwards. The implications of this are that the Local Plan employment land forecasts may not reflect current requirements. These factors are relevant to whether the delivery of 'around 20ha' of employment land on this site is still necessary to meet the Local Plan jobs target and whether less would be acceptable. Taking account of the above it is in my view reasonable to conclude that the employment needs of the Borough as established in the Local Plan could be able to be accommodated on less land.
- Eureka Business Park
59. The applicant has analysed the rate of delivery of employment uses at Eureka Park since outline planning permission was granted in 2006. The evidence demonstrates 5.17ha of commercial land has been delivered since 2006, representing a delivery rate of 0.37ha per annum to 2020 when the last commercial space was delivered. Based on this rate of delivery it would be reasonable to expect an additional 3.5ha of commercial land to come forward to 2030. It would take 28 years for a further 10ha of employment land to come forward (which the applicant notes would go well beyond the Local Plan period to 2030).
60. The applicant also references Class B1 (a/b) completion rates across the whole Borough as 1.3ha per annum for the period 2002-2016 and notes that at this delivery rate the current allocation for Eureka Park would accommodate nearly all of the Borough need over the period to 2030. When other commercial sites are accounted for the allocation at Eureka Park would result in a substantial over supply.
61. The applicant has provided details of current office space availability at the site and within the town centre. No commercial development has been delivered on a speculative basis and there is no analysis of demand or viability of commercial space in the wider market. I note that the Kent Property Report 2022 reports that '*As development costs rise due to steel price*

increases and additional costs such as environmental, social and governance requirements, speculative development has all but given way to refurbishment which is more cost effective'. I am mindful that the applicant is a commercial developer and I have no counter evidence to suggest that commercial development is or would be viable on the site.

- Masterplan as a catalyst for growth

62. The requirement to incorporate nutrient mitigation measures post-dates the adoption of the Local Plan and was not taken into account in determining the overall capacity for both residential and commercial land in the drafting of the site allocation.
63. Notwithstanding that the site benefits from good access to transport infrastructure (including road, bus and rail) and has been proactively marketed, it has been evidenced that the site has a historically low rate of delivery with less than 20% of the floor area consented by the 2006 outline permission having been delivered to date. On the basis of historic trends, the allocation of employment land on the site would provide a supply beyond the end of the plan period. In the context of the changing demand for office space there is no evidence that this trend will change moving forwards.
64. In my view these factors represent changes to the planning policy context and are material to the assessment of planning applications.
65. Notwithstanding this it is considered that the masterplan could provide a catalyst for increased uptake of employment land. In order to capture this potential the applicant has agreed to a s106 planning obligation to develop, and agree with the Council, a site prospectus containing details of the potential for a flexible range of employment uses on all plots identified on the masterplan for commercial development. The applicant will be required to undertake an active marketing strategy with reputable commercial local and national agents and with potential tenants who approach the Council from time to time with enquiries about pursuing an interest in the Borough, with the objective of attracting and securing employment generating occupiers or purchasers.
66. In the event of market demand, the obligation will commit the applicant to prepare, and agree with the Council, a Delivery Strategy for obtaining reserved matters approval for and to secure delivery of employment space for letting or sale. The strategy would include a timetable for construction and occupation, or a strategy for the provision of serviced land for letting or sale

demonstrating how it proposes to deliver employment space within 3 years of the date of planning permission.

67. Whilst the sub-optimal provision of employment land on this mixed use site would, on it's face, be contrary to the quantum set out in Policy S20 and thus, represent a departure from the Development Plan, overall I am satisfied that subject to securing the obligations referred to above the balance of uses are justified and capable of supporting economic growth and job opportunities in the Borough.

c) Housing

- Affordable housing

68. Policy SP1 of the ALP identifies the provision of a mix of housing types and sizes, including affordable homes as a strategic objective. Policy HOU1 requires development proposals located in the Ashford Hinterlands to deliver 30% affordable housing at a tenure split of 10% affordable/social rented and 20% Affordable Home Ownership (including a minimum of 10% shared ownership). The application is supported by an Affordable Housing Statement that confirms the development would provide 30% affordable housing with a tenure split that accords with policy requirements. The affordable housing would be secured via s106 planning obligation.

- Mix

69. Policy HOU18 of the ALP requires all major development proposals to deliver a range and mix of dwelling types and sizes to meet local needs. The illustrative masterplan indicates that the site could make provision for a variety of dwelling types, including detached, semi-detached and terraced dwellings and flats of different sizes. As the application is in outline form, the exact number, size and location of the market and affordable units is to be determined through future reserved matters submissions. I am satisfied that the affordable units are capable of being carefully integrated into the design of the development and to be indistinguishable from the market housing element. The precise mix of housing can be agreed at each reserved matters stage to ensure the development best meets the prevailing housing need at that time.

- Quality of accommodation

70. All dwellings would be capable of complying with the residential space standards in accordance with the Council's Residential Space and Layout SPD and provide private external open space in the form of good sized

gardens in accordance with Policies HOU12 and HOU15. It is recommended that 20% of all dwellings should be built to Building Regulations M4(2) standard (accessible and adaptable) and 7.5% of all affordable rented dwellings should be built to Building Regulations M4(3b) in accordance with the requirements of Policy HOU14. This will be secured via a planning obligation.

71. The masterplan makes provision for a WwTW adjacent to the southern boundary of the site. Although there are no detailed designs for this infrastructure, the planning application is supported by a design statement which includes outline information on potential noise and odour impacts. The precise nature of these impacts and any necessary mitigation, including for example provision of acoustic enclosures, will be subject to detailed assessment as part of future reserved matters applications. I am however satisfied that separation distances in the region of 50m between the WwTW and closest dwellings in plots 3 and 4 would be sufficient to safeguard amenity.

- Self and Custom Build Serviced Plots

72. Policy HOU6 states that the Council will support self and custom build development by requiring all sites within and on the edge of the towns of Ashford and Tenterden delivering more than 40 dwellings to supply no less than 5% of serviced dwelling plots for sale to self or custom builders, subject to the following criteria:
- a) Where this equates to more than 5 custom build dwellings on a single site a Design Brief should be submitted and agreed with the Council prior to the application being submitted;
 - b) Where plots have been prominently marketed for sale to self or custom builders for at least 12 months, and have not sold, the plot can return to the developer to be developed and/or sold as open market housing; and,
 - c) Development proposals must be of high-quality design and demonstrate a positive response to sustainable development
73. The submission does not make any reference to the requirements of Policy HOU6; however I am satisfied that the proposals are capable of delivering up to 19 serviced plots which may be located in a self-contained area of the site and within any phase. The exact location and details of the serviced plots would be submitted as part of future reserved matters applications and will be secured through S106 agreement, which will also include provisions to secure their delivery.

74. In summary I am satisfied that the development is capable of providing a good standard of internal and external living accommodation for future occupiers.

d) Landscape and Visual Impacts

75. At a national level Section 15 of the NPPF (Conserving and Enhancing the Natural Environment) is concerned with protecting the landscape and scenic value of the countryside. At a local level, Policy SP1 of the ALP seeks to conserve the borough's natural environment including designated landscapes. Policy ENV3a requires all development proposals to demonstrate particular proportionate regard to landscape characteristics according to the landscape significance of the site and Policy ENV3b is relevant to proposals affecting the setting of AONBs.
76. The ES includes a chapter on Landscape and Visual Impact and is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA assesses the likely effects of the proposed development in terms of landscape and visual amenity. It describes the baseline conditions of the site and its surroundings; the likely significant environmental effects; the mitigation measures required to prevent, reduce or offset any significant adverse effects and the likely residual effects after these measures have been implemented.
77. The LVIA has been undertaken in accordance with the methodology set out in the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition (The Landscape Institute/IEEMA - April, 2013). The LVIA draws together input from Ordnance Survey and historical map data, local planning policy and published character assessments which has informed the on-site field analysis to determine the extent and significance of any potential landscape and visual effects.
78. The LVIA includes a visual assessment of the site from 12 representative viewpoints comprising a mix of distant, mid-distance and local views of the site, including those which have the potential to affect the setting of the AONB. As the proposals are in outline, the LVIA is based on the Parameters and Development Specification to provide for a worst case scenario of landscape and visual effects.
79. The LVIA adopts a significance criteria that takes account of the sensitivity of the landscape or visual receptor (the AONB is identified as high value), the magnitude of change to the receptor (identified on a scale from None to Major), and the attribute of effect (classified as adverse, neutral or beneficial). Cross-comparing the magnitude and sensitivity allows the determination of the significance of effect (significant or non-significant).

- **Impact on the setting of the AONB**

80. The Council has a statutory duty under the Countryside and Rights of Way Act (2000) to conserve and enhance the natural beauty of designated landscapes including AONBs and their setting. In November 2023, AONBs were technically renamed 'national landscapes' but, for the purposes of this report and clarity, the term AONB is referenced further below. At its nearest point, the Kent Downs AONB is located approximately 380m to the northwest of the site. It lies within Kent's Hollingbourne Vale Landscape Character Area and is described as being in poor condition with moderate sensitivity.
81. The supporting text to Policy S20 states '*there should be a generous landscape buffer provided to reduce the impact and provide some visual separation to the properties on Sandyhurst Lane, and taking into account the proximity of the Kent Downs AONB close to the site's western boundary*'. In my view the impact of the proposed development on the setting of the AONB should be in part considered against criterion 'b' of Policy S20 requiring development proposals to include '*a generous landscaped buffer to residential properties along Sandyhurst Lane*'.
82. In response to an independent review of the ES by Temple Group an assessment from additional viewpoints has been provided and I am now satisfied that consideration of the landscape and visual impacts of the development is acceptable.
83. Two viewpoints have been assessed from the edge of the AONB. The effect from View 9 (Dunn Street/Pilgrims Way) is assessed as negligible; however the effect from View 10 (Kingsland Lane) is agreed to be moderate adverse. Whilst the proposals would only result in a low/medium magnitude of change from this location, the high sensitivity of the receptor would result in a moderate adverse (significant) effect.
84. I am mindful that View 10 comprises a country lane located over 1.5km from the site. It is adjacent to agricultural fields with views towards woodland and built settlements in the background. It is relevant that the proposals contain embedded mitigation. Specifically, the parameter plans provide for a generally low scale of development that would be consistent with the height of existing buildings (with all but one plot permitting a maximum of 2 or 3 storeys) and the parameter plans also incorporate extensive areas of open space with retained and proposed structural landscaping, including the buffer adjacent to Sandyhurst Lane as required by Policy S20. I am confident these matters, including details for future management and maintenance can be secured by

condition. The Kent Downs AONB Unit were consulted but have not commented on the application.

85. In summary, I am satisfied that the significant effects identified would be isolated and that the prevalent character of rolling topography and tree cover would mean that visibility of the proposals from within the AONB would be limited. Where potentially visible, the development would be read in the context of the distant Ashford skyline. In recognition of this, and that the site is allocated for major mixed-use development on the urban fringe, I am satisfied the final development is capable of being realised without harm to the setting of the AONB in accordance with relevant national and local planning policy.

- Other Landscape and Visual Impacts

86. The broader impact of the proposed development upon landscape character in terms of the change of the character of the land from an agricultural field to residential and other built development, has already been considered through the allocation of the site in the Local Plan. The principle of this change has been established and considered acceptable, subject to the detailed consideration of the proposed scheme. Consideration of the landscaping proposals within the site, as opposed to impact on landscape character is considered separately.
87. The landscape character of the site is identified in the LVIA with reference to national, regional and local level character area designations. The site lies to the east of the National Character Area of Wealden Greensand (as identified by Natural England, 2014) and at this level is identified as increasingly urbanised, noting the presence of the major town and strategic transport corridors of the M20 motorway. At a regional level the site lies within the Kent Landscape Area of Hothfield Heathy Farmland (KCC Landscape Assessment of Kent, 2004). The condition of the landscape is described as poor with low sensitivity. The evidence in the LVIA demonstrates the completed development would have an overall negligible effect on the landscape character areas designated at a national and regional level and no mitigation is required.
88. At a local level the site lies within the HHF2 Sandyhurst Farm Landscape Character Area (ABC Landscape Character SPD, 2011). It describes the overall landscape condition as comprising *'highly variable pattern of elements with discordant mix of farming, business park and recreation giving a fragmented character. The M20 on embankment is partially screened by adjacent planting but noise is evident'*. The LCS notes that except for some long views to the north, the character area is largely inward looking. It is also

identified as of low sensitivity with a policy recommendation to 'create' with the use of native planting.

89. At a local level the evidence demonstrates the construction of the proposals will result in a temporary, short to medium term moderate adverse effect upon views and the landscape surrounding the site. Embedded mitigation measures in the pre-construction and construction phases are proposed in the form of screens and hoardings and careful siting of construction materials and equipment. These details can be secured through a Construction Environmental Management Plan by condition. The completed development would have a major but moderate beneficial effect on the Sandyhurst Farm Landscape Character Area.
90. Of the eight viewpoints assessed outside of the AONB, one is predicted to experience a minor beneficial effect; three to experience no effect; two to experience minor adverse effects; and two are predicted to experience significant moderate/major adverse effects. The significant effects would be experienced at View 11 (on PROW AU3 within the site) and View 12 (on PROW AE210 within the site). These are of medium sensitivity and would experience a major magnitude of change resulting in moderate/major adverse (significant) effects.
91. In the operational phase, embedded mitigation will include the provision of housing (of high quality and design) that responds to the site's character and employment areas that complement the existing commercial development and the provision of a landscape and open space strategy that includes a landscaped buffer to Sandyhurst Lane. Other measures include the incorporation of the existing PROW and provision of pedestrian and cycle connections to local amenities and the wider countryside.
92. As shown on the Illustrative Masterplan specific mitigation will be required to ensure that the WwTW will be sufficiently screened, for example with evergreen trees. I am satisfied all these measures, including details for future management and maintenance can be secured by condition as part of future reserved matters applications.
93. The Illustrative Masterplan and Development Specification demonstrates how the proposed layout and careful incorporation of open space would conserve and enhance the existing landscape features.
94. In summary, the longer term effects on landscape receptors is either moderate beneficial (in the case of the local Sandyhurst Farm Landscape Character Area) or negligible (all other landscape receptors). The assessment

of cumulative effects does not change this conclusion. I am therefore satisfied the evidence demonstrates that the site is capable of accommodating the development without significant harm to landscape character or visual amenity in accordance with the NPPF and relevant planning policies and guidance.

e) Design quality

95. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. While appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.
96. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics of well-designed places.
97. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.

Although the application is in outline form, with scale, layout, landscaping and appearance reserved for future consideration, Policy S20 requires that *'proposals for this site shall be designed and implemented in accordance with an agreed masterplan for the general layout and delivery of development and related infrastructure on the site'*. The following assessment considers the broad acceptability of the indicative proposals shown on the Illustrative Masterplan and the supporting parameter plans submitted.

- Layout

98. The submitted Design and Access Statement explains how the Illustrative Masterplan has sought to deliver on the development potential of the site in a way that responds to the site's opportunities and constraints. A key component of the masterplan layout is the main access road, described as a 'Green Loop' which would provide the primary means of site-wide vehicular access by extending the two existing no-through routes to form an internal loop that would sweep around the lakes and link the proposed residential and employment land. The Green Loop is envisaged as a 30m wide tree-lined corridor as required by criterion (7) of Policy BAE NP5 and would comprise

the primary internal access road, pedestrian and cycle paths, green and blue spaces and sustainable drainage.

99. The layout of the development is structured around a number of green corridors which form a key component of the masterplan and span from the edges of the site to converge on the existing central lake and new wetland within an area described as the 'Green Heart' of the development. These corridors are based on existing tree lines, hedgerows and pedestrian routes and as concluded above would make good provision for pedestrians and cyclists and facilitate good quality links between the site and the wider area.
100. The location of green corridors would reflect the requirements of criterion (1) and (2) of Policy BAE NP5. This includes the provision of green corridors *'along a north-south alignment focused on the existing lake, ponds and woodland and on an east-west alignment focused on Footpath No. AE210 and its associated tree line'*. Criterion (2) requires a green corridor to *'link Eureka Park to the Sandyhurst Lane/Sandyacres Sports and Recreation Open Space including a new link to the existing footway south of Sandyhurst Lane'*. I am satisfied that the illustrative masterplan demonstrates this could be provided with a minimum width of 15m and aligned with the existing hedgerow.
101. The Green Loop and green corridors provide the spatial framework for the layout of the residential and employment development plots. As envisaged in the supporting text to Policy S20 of the ALP, the residential development would be located primarily west of the central lake and south of Nicholas Road. In my view the masterplan demonstrates that all five residential plots are capable of being comfortably accommodated between the undeveloped southern and western edges of the site and the loop road. The indicative layout would also be consistent with the requirement of Policy BAE NP5 for extensive landscape buffers to be provided between built development and the lake. The plots would vary in size (between 0.81 ha and 4.85 ha) and site conditions, including topography and this creates the opportunity for each plot to respond to its immediate environment and to develop its own character as considered further below.
102. The employment plots would be located near to the existing commercial buildings towards the north of the site and along Upper Pemberton. A further plot would be located to the east of Trinity Road. Policy S20 requires the following from commercial proposals on the site:
- *Individual commercial buildings shall be imaginative in their architectural style and designed to sit comfortably in a parkland setting, with car parks and*

service areas located discreetly, and additional landscaping used where necessary to help reinforce the parkland setting;

- *The plot ratio for each commercial development parcel should not exceed 0.4:1;*
- *The footprints of B1 buildings are limited to no more than 20% of the total area of the Business park and that each development parcel achieves a minimum of 50% of “soft” landscaping*

103. The Illustrative Masterplan demonstrates how the commercial buildings could be orientated to address the primary street frontage on Upper Pemberton and how the parking and servicing areas could be discreetly located towards the rear of plots. This would also be consistent with criterion (9) of Policy BAE NP5 requiring car parking to be *‘sited such that it is not prominently located and is screened from the green corridors and from the important views to be protected’*. As required by Policy S20, no employment plot would have a plot ratio exceeding 0.4:1 thereby providing flexibility for substantial soft landscaping to complement and reinforce the existing parkland setting.

104. In summary, I am satisfied that the Illustrative Masterplan has been carefully considered to respond to the site’s specific constraints and opportunities. The segregation of uses is acceptable and the layout has responded to natural landscape features such as waterbodies and mature trees which are all capable of being accommodated within the proposals.

105. I note the request from Ashford Golf Club to revisit the layout to address safety concerns for future occupiers, however I am satisfied this and any requirement for boundary security can be properly addressed as part of future reserved matters submissions. Subject to a condition requiring future reserved matters submissions to demonstrate how future vehicular access could be provided to the southern boundary I am satisfied the masterplan would provide for a well-connected and permeable development.

- **Density**

106. Paragraph 124 of the NPPF provides national guidance on achieving appropriate densities, stating that planning decisions should make efficient use of land, taking into account: need for housing; local market conditions; availability and capacity of existing and proposed infrastructure and the scope to promote sustainable travel modes; the area’s character and securing well-designed, attractive and healthy places.

107. Whilst the approach to density across the site is generally in the mid to low range, the proposals allow for some variety and demonstrate a logical approach. As shown in **Figure 5** below it is proposed to provide medium

density development to plot 1 on the east side of the site adjacent to the main Trinity Road and to plots 2 and 3 along the site's southern edge adjacent to Ashford Golf Club. Lower density development is proposed on plots 4 and 5 towards the west of the site to reflect the low density of existing housing on Sandyhurst Lane.

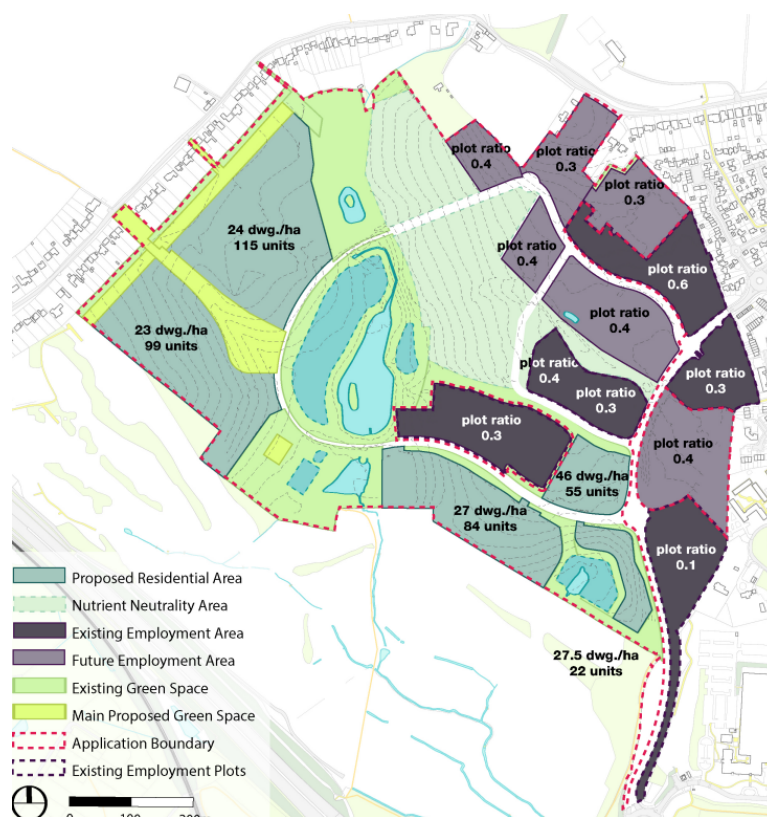


Figure 5: Maximum density

108. I'm mindful that density is only one measure of good design and in my view the maximum 375 dwellings proposed across the site would enable the development to respond to the area's varied character and result in an appropriate range of densities for this edge of Ashford location.

- Building heights

109. The approach to building heights relative to the existing site topography is illustrated in **Figure 6** below. The planning application is also supported by a 'Maximum building heights and density' table in the Development Specification.

110. The tallest built form would be three storeys (up to a maximum of 14m in height) and located on the employment and higher density residential plots located towards the east of the site along Trinity Road and in proximity to the existing commercial buildings at Eureka Park. Residential buildings in this

location are likely to come forward in the form of three-storey flat blocks and townhouses and would reflect the medium density range of development proposed here. Where development plots are located near to existing dwellings, including on plot 8, the development specification has been amended to specify a minimum distance to be retained between the maximum three-storey building height and the northern boundary.

111. As revised the remaining residential plots would be two-storey (up to a maximum of 7.5m in height). In response to representations made, including by Westwell and BAE Parish Councils, the maximum building height in plot 5 (The Farmsteads character area) has been reduced from three to two-storeys. This revision appropriately reflects the existing low scale and massing along Sandyhurst Lane and would ensure new development in this location does not appear dominant within this more rural setting. The lower density residential development proposals here would include detached, semi-detached and terraced family homes. The proposal complies with criterion (8) of Policy BAE NP5 which states '*low rise development should be situated around the lake...*'.
112. In my view the approach to maximum building heights across the site has been well considered. Rather than impose a blanket approach to building heights it will provide the framework for a high quality residential development. It reflects the approach to building density and will appropriately respond to the site topography, the varied edge conditions (including impacts on residential amenity) and wider landscape setting as considered in more detail in the relevant section of the report.

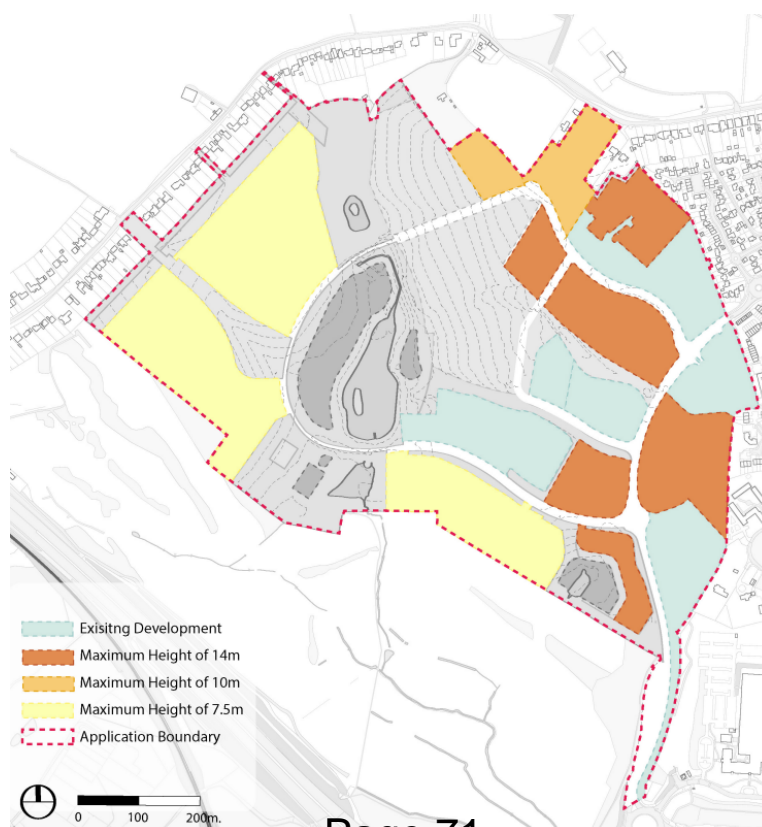


Figure 6: Maximum building heights

- Wastewater Treatment Works (WwTW)

113. Although there are no detailed designs of the WwTW, STC confirm it will be based on their standard designs for facilities of this scale. The infrastructure would require a compound area measuring 35m x 51m (equating to 1785sqm in area). No plant would exceed 7.5m in height (including access gantries) as shown indicatively in **Figure 7** below:



Figure 7: Wastewater Treatment Works visualisation

114. As indicated on the Land Use Parameter Plan the WwTW would be enclosed by structural planting to provide screening of this element of the development. Further details would be subject to assessment through future reserved matters submissions to be secured by condition.

- Character areas

115. Policy SP6 of the ALP requires careful consideration to be given to a number of design criteria including '*Character, distinctiveness and sense of place*'. The masterplan envisages three distinct residential character areas and one

employment character area as shown in **Figure 8** below.

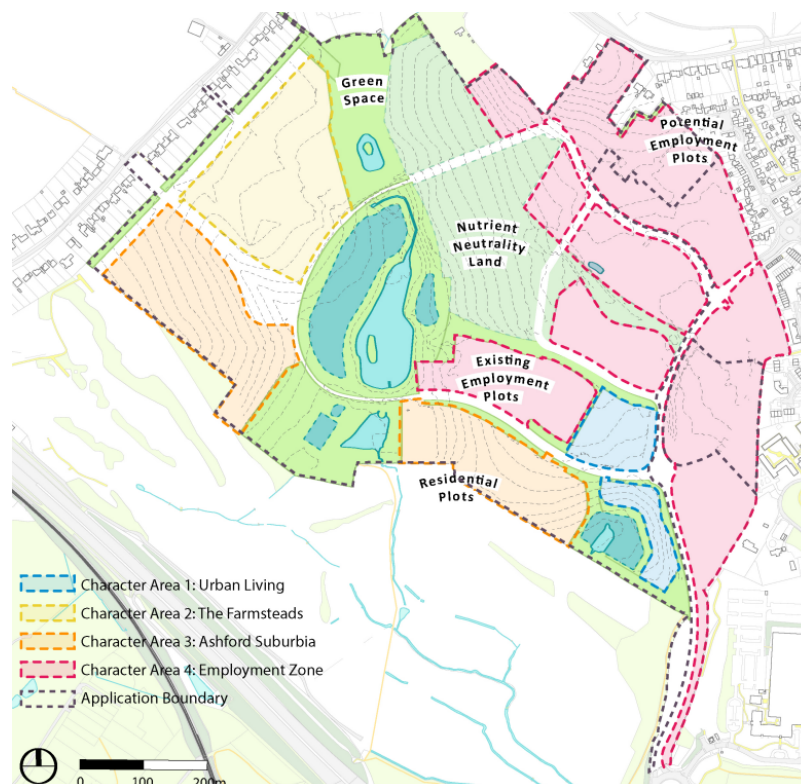


Figure 8: Character areas

116. The residential character areas reflect their unique locations within the site. The Urban Living character area comprises plots 1 and 2 on both sides of Nicholas Road and with a frontage to Trinity Road. This area would comprise medium density development and is envisaged as the gateway to the wider site. It would have a contemporary urban character integrated within large communal green spaces and is described as 'showcasing a modern outlook that prioritises a sustainable approach to construction'.
117. The Trinity Lakes Suburbia character area relates to the two plots facing the Ashford Golf Club golf course. The geometry of these plots will allow for more regular layouts that could create a strong frontage to the tree-lined loop road or open space and dwellings with southerly views over the golf course.
118. The Farmsteads character area is located to the west of the site on both sides of the existing access to Sandhurst Farm. This character area aims to relate to the current agricultural use of the land and reference the architecture and typology of traditional Kentish farms. The development on this part of the site would be low density and comprise a looser layout with clusters of buildings, including car barns, structured around a variety of communal open spaces or

yards.

119. In my view the masterplan demonstrates how the development could incorporate different character areas to create variety across the site. The character areas would draw on and reference the existing site features. It would be distinctive from the established suburban character of the built form to the north and east and represent high quality place making as required by Policy SP6 of the ALP.
120. The Local Plan also states that new public art will be encouraged as part of ensuring a higher quality and more distinctive urban environment. No details have been submitted and I recommend that details of a public art strategy be secured by condition. As required by criterion (5) and (6) of Policy BAE NP5 I am satisfied that the precise siting, design and layout of buildings can, through future reserved matters applications, take account of the existing important views of the North Downs skyline and of the lake.

f) Landscaping and Open Space strategy

121. Key to the successful integration of the development into the site is the approach to the provision of landscaping and open space. Criterion (a) of Policy S20 requires proposals to include *‘a comprehensive landscaping and open space strategy, incorporating a linear park based around the existing lake and proposals for the future management and maintenance of the areas of shared open space and SuDS’*. Policy S20 contains further landscaping requirements, including the provision of a generous landscaped buffer to residential properties along Sandyhurst Lane and the use of landscaping to create and reinforce a parkland setting for the commercial development. Policy BAE NP5 also identifies a number of specific site requirements relating to landscaping and open space.
122. As shown on the overlay image in **Figure 9** below, the proposed layout has been designed to respond to the site’s natural landscape features, including by retaining areas of existing woodland, tree lines and hedgerows, areas of grassland and habitats, open arable fields and water bodies as required by criterion (4) of Policy BAE NP5 to provide a high quality setting for the development.



Figure 9: Overlay of proposed development plots on aerial view of site

123. The quantum and distribution of open space provision across the site is set out in the 'Open space within development zones' table in the Development Specification. This is supported by a 'Landscape Parameters' table that identifies the content of the Open Space (OS) zones shown on the Open Space parameter plan illustrated in **Figure 10** below. Each zone would comprise a landscape character area structured around a network of pedestrian paths and cycle routes that provide links to the surrounding countryside.

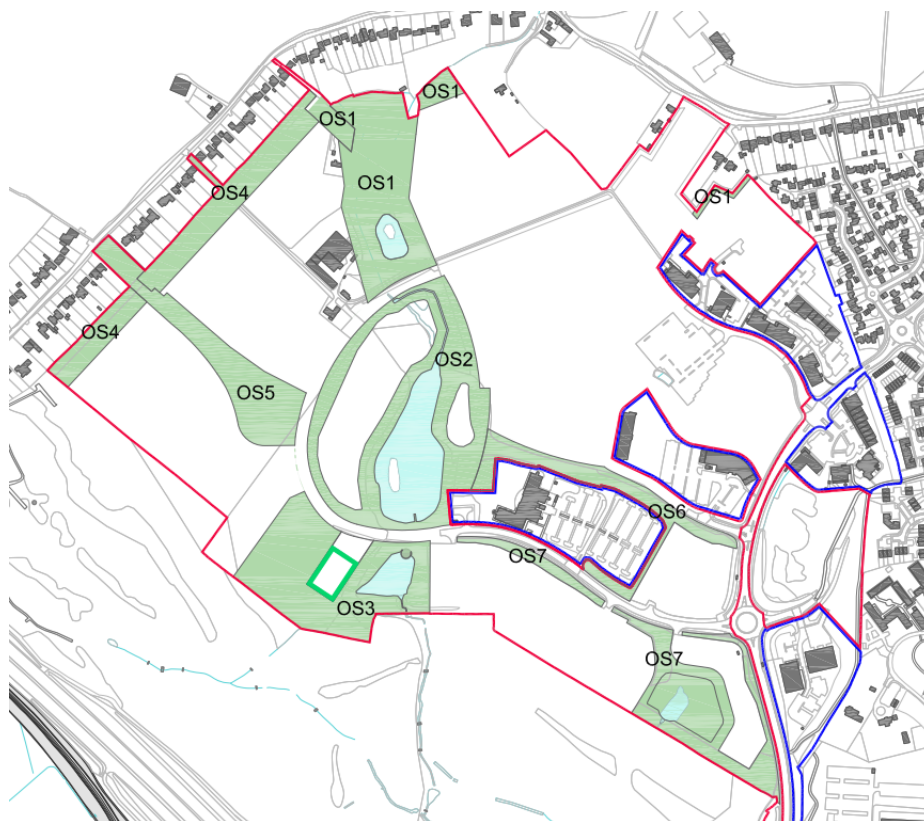


Figure 10: Open Space Zones parameter plan

124. At the centre of the site is the Green and Blue Heart or Main Lake (OS2) which has been designed around the retained lake and new wetland/attenuation pond and swales. This OS zone would benefit from open views of the water and is envisaged to provide informal natural green space with a variety of seating as well as elevated boardwalks/bridges/platforms and pedestrian and cycle circulation routes and opportunities for play. I am satisfied this is capable of providing an appropriate focal point for the landscaping and open space strategy envisaged by Policy S20.
125. The Green and Blue Heart would form part of the Green Spine, described as a diverse landscape and ecological corridor linked to OS1 (The Woodland) to the north and OS3 (Water Reservoir) to the south. The Woodland open space zone comprises established woodland which has capacity to be improved and enhanced with new native species woodland planting and a new 'landscape link'. The landscape link would be in accordance with criterion (3) of Policy BAE NP5 which seeks to establish a buffer *'from Alders Wood towards Tile Lodge Wood to the rear of properties fronting Sandyhurst Lane'*. This area is envisaged as informal natural green space with pedestrian trails and opportunities for play provision. The Water Reservoir space is envisaged as informal natural green space around the retained reservoir and trees and an

indicative area of 1.1ha is shown as a potential space for a MUGA/sports use.

126. Open space zone OS4 (Sandyhurst Lane buffer) would comprise the retained and enhanced woodland adjacent to Sandyhurst Lane to provide a minimum 30m wide buffer of woodland edge mix planting. OS4 would be directly linked to OS5 (The Valley) which would comprise a green corridor connecting to the Green Heart. The Valley comprises 1.44ha and is envisaged as an informal natural green space with potential for informal sport, community orchards and allotments. It would also facilitate movement via pedestrian and cycle trails and make provision for play and places to rest and meet.
127. Open space zones OS6 and OS7 (Green Corridor) would be aligned with the existing access road (Nicholas Road) and Lower Pemberton. These areas benefit from existing trees, hedges and planting to be retained and enhanced and will provide a further informal natural green space, pedestrian and cycle trails, a wetland, SuDS and opportunities to rest and meet.
128. OS1, OS2 and OS3 would provide a green corridor broadly located on a *'north-south alignment focused on the existing lake, ponds and woodland'* as sought by criterion (1) of Policy BAE NP5. This policy also requires a green corridor *'on an east-west alignment focused on Footpath No. AE210 and its associated tree line'*. Although there is no designated open space zone on the alignment of this PRoW, the footpath and associated tree line is to be retained to provide a further green corridor (in addition to OS6 and OS7) linking Trinity Road with the centre of the site. The strategy allows for the retention of existing views of the North Downs skyline identified in Policy BAE NP5.
129. In addition to the open space zones the layout includes 8.2ha of nutrient neutrality land located between the residential and commercial areas of the site. This will be publicly accessible and lightly managed to retain a natural and rural environment.
130. In summary I am satisfied that the open spaces would provide an appropriate quantum and variety of amenity spaces and through fostering inclusivity and ease of movement could facilitate a range of activities to enhance biodiversity and the wellbeing of future residents and the wider community. The fine detail of each open space would be subject to further assessment as part of future reserved matters applications and their delivery and management and maintenance arrangements secured via a s106 planning obligation.

- **Play space**

131. The proposed development size falls below the Public Green Spaces SPD

threshold for on-site provision of children and young people's play space (minimum 0.5ha on sites of 415 dwellings or more). Notwithstanding this the Design and Access Statement identifies many of the proposed open space zones as suitable for play provision and includes photographic references to informal and equipped play areas. The Planning Statement also references provision of play spaces within residential parcels.

132. The integration of play spaces into the wider open strategy is welcomed; however in the absence of any details or commitments to the provision of incidental or formal play space I recommend a Play Space Strategy for the site should be secured by condition.
133. Policy S20 also requires the provision of proportionate financial contributions towards off-site infrastructure including children's play equipment. Accordingly and as set out in Table 1 below a contribution is sought for investment in new and replacement play equipment at Goat Lees playground.

- **Trees and soft landscaping**

134. The application is supported by a comprehensive Tree Schedule and Tree Constraints Plan that identifies individual trees, groups of trees and hedgerows across the site and categorises them according to the relevant British Standard.
135. As existing the site's landscape character comprises a number of features including woodland and planting belts of varying size and quality. The majority of the western and southern boundaries and parts of the northern and eastern boundaries are defined by groups of trees or established planting, some of which lie within the application site and some on neighbouring land. In addition to the area of woodland to the north, further groups of established trees and planting belts exist amongst the areas of grassland, arable fields and various waterbodies within the site. In the majority of cases such trees are individually of limited merit but have moderate value as a collective group. Only four groups of trees (G8, G14, G30 and G56) and one individual tree (213) have been identified in the Tree Schedule as Category A (high arboricultural quality).
136. Whilst none of the trees across the site are subject to Tree Preservation Orders many of the existing landscaping features are proposed to be incorporated or strengthened within the layout. This is reflected in the submitted Open Space Zones plan which identifies the two onsite Category A groups of trees as retained. This includes Group G8 adjacent to the boundary with Trinity Road (to be retained within OS7) and Group G30 to the north of

- the site (to be retained within OS1). Group G56 located to the east of the PROW and Group G14 located on the southern boundary with the golf course are located on the site boundary however are capable of being protected through sensitive layout and design of the relevant reserved matters applications.
137. A number of Category B groups of trees are also proposed to be incorporated into the development layout, including the dense group of trees to the north of the site adjacent to Sandyhurst Lane (G25) which will be incorporated in OS4, sections of the southern boundary adjacent to the golf course (G17-G19) to be incorporated into OS3 and OS7 and existing tree clusters and vegetation surrounding the central lake within OS2. Groups G13 and G53 provide prominent buffer planting and screening to both sides of Nicholson Road are also shown to be retained within OS6 and OS7.
138. Whilst a number of other established landscape features are not identified on the Open Space Zones plan, I consider they are capable of being retained for their collective value and should be incorporated into the detailed designs for the relevant reserved matters. This includes group G41 adjacent to the existing PROW and parallel to the proposed access road across the NNL and the five established and visually prominent Category B Corsican Pine trees (89-93) located within Plot 4. To ensure the realisation of the landscape-led approach advocated in the submitted Design and Access Statement I recommend an arboricultural impact assessment and method statement should be secured by appropriate condition to allow the development of each plot to respond to its immediate conditions.
139. Elsewhere across the site, the majority of individual trees and groups, which include areas of ornamental shrub and colonising scrub are identified as of low arboricultural value (Category C) that are unremarkable and would be readily replaceable.
140. In this way the Illustrative Masterplan makes provision for extensive native tree planting and soft landscaping including grassland and hedgerow planting. As landscaping is a reserved matter precise details of the tree and soft planting schedules will be assessed as part of future applications to ensure compliance with the aspirations of Policy S20 of the ALP and Policy BAE NP5 to provide maximum screening, visual interest and biodiversity benefits appropriate for this edge of town location.
141. In summary, I am satisfied that the existing trees of highest amenity value would be incorporated into the proposals. At the site edges existing and proposed planting can be used to further strengthen the cohesive boundaries

and within the site existing and proposed planting can be integrated into the layout to assimilate the development into its wider landscape setting, to contribute to a high quality and locally distinctive sense of place as well as to serve appropriate buffer and screening functions.

(g) Ecology

142. The ES includes an Ecology chapter and assess the likely significant effects of the proposals on site ecology. It is informed by an Ecological Baseline assessment (December 2019) and an Addendum to Ecological Baseline assessment (September 2021). The Council's EIA consultant has reviewed the Ecology chapter of the ES and identified a number of points of clarification. The applicant submitted further information in the form of an 'Environmental Statement – Further Information' report (December 2022) and Technical Notes (May and August 2023).
143. The ES confirms that whilst no statutory or non-statutory ecological designations apply to the site, there are a number of designations in the wider area that are relevant. At international level, the closest statutory designations are the Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (located 23km to NE), Wye and Crundale Downs SAC (6.2km to E), Parkgate Down SAC (15.5km to SE) and Folkestone to Etchinghill Escarpment SAC (17.5km to S). These are all important at an international level. At national level, Hothfield Common Site of Special Scientific Interest (SSSI) is located 3.3km to the east, and at District-County level, the Ashford Green Corridor Local Nature Reserve (LNR) is located 1.3km to the southeast.
144. The closest non-statutory designations are Tile Lodge Wood Local Wildlife Site (LWS) 200m to the north and Ashford Warren LWS 325m to the south beyond the M20, both of which are important at the District-County level. Tile Lodge Wood contains the nearest ancient woodland to the site.
- Site ecology
145. Policy S20 requires appropriate species and habitat surveys to be carried out to inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with ENV1 with particular regard to The Warren Local Wildlife Site.
146. As shown in **Figure 11** below the ES identifies that the site supports a variety of habitat types. At District level importance are areas of Woodland

(comprising two areas of Lowland Mixed Deciduous Woodland), Waterbodies and Reedbeds. At Local level importance are Hedgerows and Open Mosaic Habitat (with presence of Green Winged Orchid and Common Spotted Orchid). All these habitats are considered to qualify as Priority Habitats. Other habitats present within the site include arable land, rank/semi-improved grassland, trees, dense and scattered scrub, tall ruderal, bare/recolonising ground, amenity grassland and planting, and buildings/hardstanding, none of which are of any ecological importance.



Figure 11: Extract from Habitats and Ecological Features plan

147. The ES is also supported by a range of faunal surveys that identify presence of bats (roosting within trees and buildings and foraging and commuting), Badger, Dormouse, Reptiles (low populations of Common Lizard and Slow Worm) and Invertebrates. Separate Otter and Water Vole surveys undertaken in April 2023 yielded no evidence of presence. KCC Ecology are satisfied with the level of survey work undertaken.
148. The ES identifies the various measures that have been embedded into the design to avoid or mitigate significant effects. These include:
 - i. Retention and protection of high value habitats including woodland and waterbodies with suitable buffer, maintaining a green/blue corridor through the site enabling the continued movement of wildlife from the golf course in the south, through the site and to open countryside to the north.

- ii. The development will maintain equivalent green-field runoff rates under the completed development phase, thereby ensuring that any hydrologically sensitive receptors in/connected to the site will remain unaffected in terms of hydrology.
 - iii. Provision of a nutrient neutrality strategy in respect of the Stodmarsh designations. To achieve this two areas of the Site will be removed from agricultural production and two wetland features created.
 - iv. Cessation of the application of chemical treatments to retained arable land, resulting in a reduction in nutrient leaching/run-off into local waterbodies and watercourses.
 - v. Vegetation at the peripheries of the site will be retained, these features being located outside the development footprint, maintaining the continued movement of wildlife around the site.
 - vi. Woodland planting will be undertaken at the periphery of the Site within landscape buffers.
149. The ES contains an assessment of potential construction and completed development effects as assessed below.
- Construction effects
150. Prior to mitigation there would be a negligible (non-significant) effect on the various off-site statutory and non-statutory ecological designations, including ancient woodland identified above. The ES identifies construction effects on habitats as slight, adverse and medium-term that could be significant at the local level. 54 trees have been identified with bat roost potential and adopting a precautionary approach, construction effects on roosting bats are identified as minor to moderate, adverse and medium-term that could be significant at the local level. The effects on foraging and commuting bats are identified as slight, adverse and short-term that would be non-significant at the local level.
151. Construction effects on Dormouse are considered to largely relate to severance of a single commuting route and disturbances and would be slight, adverse, short-term, and likely to be significant at the local level. Construction effects on birds are considered to be moderate, adverse and short-term, and would be non-significant at the local level. Construction effects on reptiles would be moderate, adverse and medium-term, and could be significant at the local level.
- Outline Mitigation (Construction effects)
152. A number of potentially significant effects have been identified in relation to the construction phase, in respect of retained habitats of ecological value, roosting bats, Badger, dormouse, birds and reptiles.

153. The ES proposes general construction safeguards to control run-off and pollution impacts, including relating to tree protection and dust mitigation and these would be secured through a Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity) by condition.
 154. Works to buildings and trees with likely presence of roosting bats would be subject to a future European Protected Species (EPS) licence application to Natural England; however the ES contains an outline mitigation strategy for the approach to building demolition and tree felling works. Mitigation would include the requirement for update surveys prior to works to identify any new bat roosting features and provide an assessment of presence/absence of roosting bats, together with implementation of appropriate safeguarding measures (such as 'soft' demolition and soft-felling of trees).
 155. The removal of Hedgerow habitats identified as suitable for Dormouse would also require an EPS licence from Natural England. The ES identifies mitigation for Dormouse and birds to be implemented during construction which would follow best practice guidelines. Adverse effects on bats, Dormouse and birds would also be minimised through adopting good working practices and measures to reduce disturbance from construction related noise and lighting impacts.
 156. An update habitat assessment will be required to inform a detailed mitigation strategy for reptiles which will include a translocation exercise to a reptile receptor area that provides good connectivity to suitable off-site and retained on-site habitat. Elsewhere across the site areas with potential to support reptiles will be subject to sensitive vegetation clearance using hand tools and under ecological supervision. These method statements for protected species would also be secured via a CEMP.
- Completed Development effects
157. The ES identifies completed development effects on international and national statutory ecological designations to be negligible and non-significant. This is on the basis of the development achieving nutrient neutrality and having no adverse effect on the Stodmarsh SAC, SPA and Ramsar site. This is further considered below.
 158. An assessment of recreational impacts on nearby LWS' and ecological receptors within the site has been undertaken. The ES concludes there would be no significant adverse effects arising from recreational pressure.
 159. Prior to mitigation, the ES concludes the effects on Woodland habitat would be negligible and non-significant at the district level. The six existing ponds

- within the site are to be retained (and the lining of an existing dry pond is to be repaired) such that the effects on Waterbodies and Reedbeds are considered to be moderate, beneficial and long-term, and significant at the district level.
160. The development would result in the loss of approximately 280m of Hedgerow habitat and this would result in a slight, adverse and long-term, and significant effect at the local level. The same effects are attributed to the proposed loss of an area of Open Mosaic Habitat in the north of the site.
161. Prior to mitigation the completed development would have effects on faunal species. Adopting a precautionary approach, the effects on roosting bats are considered to be minor to moderate, adverse and long-term, and would be significant at the local level. Effects on foraging and commuting bats from the completed development are considered to be negligible, and non-significant at the local level. The effects on Dormice from the completed development are considered to be slight, adverse and long-term, and would be significant at the local level.
162. The development would result in the permanent loss of arable land and grassland. The ES attributes effects on farmland birds from the completed development as slight, adverse and long-term, albeit given the existence of suitable farmland habitat in the surrounding area, it is unlikely that the proposed development would result in any measurable declines in the local populations of these species. As such, effects are considered to be non-significant at the local level. Temple advises there remains insufficient information to assess the impact on birds. The ES identifies the increase in wetland habitat will benefit Reed Bunting, Mallard and other wetland birds, such that effects are considered to be moderate, beneficial, long-term and significant at the local level. Effects on other bird species from the completed development are considered to be negligible and non-significant.
163. The effects on reptiles from the completed development are considered to be slight, adverse and long-term, and would be non-significant at the local level.
- Outline Mitigation (Completed Development effects)
164. To mitigate for significant and non-significant effects of the completed development, the application is supported by a framework mitigation strategy (**Figure 12** below) which includes measures to be implemented as part of the detailed design, together with ongoing management or monitoring activities.



Figure 12: Ecological Mitigation Strategy

165. The ES refers to measures to mitigate potential significant effects on Stodmarsh are based on a strategy to achieve nutrient neutrality. To achieve this, two areas of the site will be removed from agricultural production and two wetland features created (A and C). The cessation of chemical treatments to the retained arable land will be an ecological benefit.
166. The ES also refers to the implementation of a SuDs scheme to manage runoff from built development areas, comprising a network of swales, soakaways, and infiltration trenches as appropriate. Pollution control measures will also be incorporated to mitigate potential effects on waterbodies and any watercourses they connect with.
167. The application is supported by an illustrative masterplan which provides for new linear planting, including hedgerows within green infrastructure corridors, providing connectivity for wildlife on the site. The ES states this shows opportunities to compensate for habitat loss and where possible create higher quality habitats to achieve net gains for biodiversity.
168. A detailed Landscaping Strategy and Landscape and Ecological Management Plan (LEMP) will be secured at future reserved matters stage. The LEMP will include a detailed ecological mitigation and monitoring strategy, including for

bats and farmland and other breeding birds. As recommended by KCC Ecology this must include supporting information to demonstrate that mitigation areas designated for specific species will be sufficient. The ES confirms it will incorporate new and appropriately managed wetland features, areas of woodland and fruit tree planting, 3854m of new hedgerow compared with existing length of 1623m, translocation of orchids and general soft landscaping. It is also proposed to incorporate green roofs to provide many of the features typical of Open Mosaic Habitat. A detailed Lighting Strategy to include light exclusion zones/dark corridors and variable lighting regimes will also be secured at reserved matters stage.

169. Mitigation for adverse effects on roosting bats will be informed by confirmation of species and roost type to be evidenced via future update surveys of all trees within the development boundary that shall also include climbed tree inspections. The ES identifies potential mitigation in the form of alternative roosting sites within the proposed development, for example in the form of bespoke bat roost features on new buildings. Whilst the ES confirms this represents an opportunity for enhancement to bat roosting, foraging and commuting, Temple advises there is no evidence to substantiate these claims and any statements about beneficial effects on bats should be disregarded during determination. Temple advise that should Officers be minded to recommend approval then exceptionally a planning condition should be imposed for mitigation to be secured to ensure that there is an increase in bat roosting, foraging and commuting opportunities. This must be fully assessed and demonstrated in the reserved matters application.
170. It also identifies mitigation for loss of dormice habitat in the form of planting native species-rich hedgerows, some with trees, woodland planting and the establishment of copses to improve connectivity as well as provide an enhanced foraging resource. It is also proposed to provide nesting opportunities in the form of wooden nest boxes. It is proposed to manage retained and created grassland habitat for the benefit of reptiles, particularly within landscape buffers and along the margins of public open spaces. Mitigation will also be secured through the provision of hibernacula and log piles providing opportunities for shelter, overwintering and foraging.
171. Whilst onsite mitigation is proposed for a number of farmland bird species, including Yellowhammer, Linnet and Reed Bunting, the preferred mitigation for loss of and disturbance to Skylark via the provision of off-site skylark plots is not deliverable. The applicant notes that one skylark territory was recorded within the site and whilst it is possible that skylark could continue to breed on the nutrient neutrality land, public disturbance would pose a risk to its success.

172. Finally the ES contains principles for the avoidance of recreational pressure on onsite ecological receptors, which will also provide further confidence in the absence of any significant adverse effect on local LWSs. It is proposed to broadly characterise each of the eight open spaces according to three main access zones (dedicated amenity/recreation zones, informal recreation zones and minimal access zones) to ensure they are managed based on their ecological sensitivity to ensure disturbance to habitats within the site is minimised. I recommend that these principles be adopted and incorporated into the reserved matters submissions. Temple advises that insufficient evidence has been submitted to justify the applicant's reliance on onsite recreational space providing equivalent recreational value. Temple advise that should Officers be minded to recommend approval then exceptionally a planning condition should be imposed to ensure the minimum area of on-site open space (24.96ha, excluding areas within development plots) be provided and maintained onsite. I am satisfied this will be secured through compliance with the Development Specification and Open Space parameter plan.

- Residual effects

173. The ES identifies the various significant residual effects (those predicted to remain after implementation of the mitigation). The adverse effects relate to net loss of Priority Habitat Open Mosaic Habitat (slight magnitude, significant at local level). This is also identified as a significant residual cumulative effect. Negligible, non-significant residual effects are predicted for farmland birds.

174. Beneficial effects are predicted in relation to net gain of wetland habitats (including Priority Habitats Standing Open Water and Reedbeds), Priority Habitat Hedgerows, birds in general (moderate, long term and significant) and habitat for wetland bird species.

175. Whilst the ES refers to a net gain in roosting opportunities for bats and predicts slight, long term and significant effects, Temple advise there is no evidence to substantiate these claims and any statements about beneficial effects on bats should be disregarded during determination.

176. KCC Ecological Advice Service is satisfied that the application is supported by sufficient ecological information and I am satisfied with the ES conclusions that subject to securing a detailed mitigation strategy, compensation and enhancement measures through appropriate conditions, the residual effects of the development on site ecology would be reduced to non-significant.

(h) Highway impacts, car parking and cycle provision

177. Policy TRA7 of the ALP relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
178. In this regard Policy S20 has specific requirements in relation to highways impacts and mitigation, including stating that development proposals for the site must demonstrate that vehicular access to the site shall be provided from Trinity Road only (criterion 'e'). Development proposals shall also provide vehicular connections to the southern boundary of the site (criterion 'g') and include new pedestrian and cycle routes throughout the development with connections to Sandyhurst Lane and existing routes and the Public Rights of Way running through the site should be maintained and incorporated within the development (criterion 'd'). Policy S20 also requires parking provision to meet at least minimum standards (criterion 'h') and proportionate contributions to the completed M20 Junction 9 and Drivers roundabout improvements and towards local bus services (criterion 'i' and 'j').
179. Chapter 9 of the NPPF relates to the promotion of sustainable transport. In considering development proposals, local planning authorities should ensure that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
180. 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. To this end, paragraph 116 of the NPPF sets out that applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in

relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations..

181. The ES includes a Traffic and Transport chapter and assesses the likely significant effects of the proposed development on the capacity of the local road network, road safety, pedestrians and cyclists in combination with the other proposed/permitted developments in the surrounding area and the scope of mitigation required to accommodate additional vehicular journeys arising from the introduction of new residential and non-residential uses at this location. It is informed by a Transport Assessment (TA) and Framework Travel Plan. The Council's EIA consultant has reviewed this chapter of the ES and identified a number of points of clarification. In response to requests for further information from Temple Group, KCC H&T and National Highways the applicant submitted further information in the form of a TA Addendum (TAA), Technical Note (February 2023) and further Transport Technical Notes (May and July 2023).

- **Vehicular access**

182. The supporting text to Policy S20 notes that the existing vehicular access to the site from the west of Trinity Road (Nicholas Road and Upper Pemberton) should form the principal access points to the development site with Nicholas Road providing the main entrance to the residential development and Upper Pemberton providing the main entrance to the employment development. The supporting text also states the two access roads should form a loop to provide secondary access to the residential development and that there should be no vehicular access from Sandyhurst Lane, other than for emergencies.
183. The planning application is supported by an Access and Movement Parameter Plan (see **Figure 4** above) which shows all vehicular access into the site would be from the A251 Trinity Road. As existing, the A251 is approximately 7.9m in width, street lit and subject to a 40mph speed limit adjacent to the site.
184. Vehicular access into the east and west sides of the site would be provided via the existing Trinity Road/Nicholas Road roundabout at the southern end of

the site and via the Trinity Road/Upper Pemberton/Local Centre signalised junction at the northern end of the site. These roads are currently no through routes but would be extended west to form an internal loop that would sweep around the lakes and link the proposed residential and employment land to provide the primary means of site-wide vehicular access.

185. It is also proposed to extend the existing Lower Pemberton access which would form a link with Upper Pemberton. The proposals do not make any provision, including for emergencies, for vehicular access from Sandyhurst Lane. As these arrangements are clearly shown on the submitted parameter plan it is not necessary to impose a specific condition to restrict vehicular access in this location.
186. I note Policy S20 also requires the '*provision of vehicular connections to the southern boundary of the site*' (criterion 'g') to futureproof access from the application site to the Ashford Golf Course land. These are not shown on the Access and Movement Parameter Plan; however as they are not required to facilitate access to the Eureka Park development itself this requirement is considered in the assessment of the layout of the proposals below.
187. I note the concerns raised regarding the introduction of the loop road on the layout of the development and in particular it's impact on the 'green heart'. Whilst the detail of the internal access road will be subject to future reserved matters approval I am satisfied that the principle of the loop road is acceptable. It is consistent with the supporting text to Policy S20 and would provide resilience by facilitating two access routes to every part of the site whilst also allowing for the distribution of traffic between the two junctions on Trinity Road. Therefore, in terms of establishing vehicular access into the site I am satisfied that the proposals are consistent with the requirements of Policy S20 of the ALP.

- **Development impact**

188. The proposals have been subject to extensive pre-application discussions over several years with the Highways Authority to agree the scope of the submitted Transport Assessment, including extent of junction capacity assessments on the nearby road network and modelling of future conditions. Since submission of the application extensive discussions have been undertaken with the Highways Authority to ensure that the modelling assessment (based on a worse-case scenario with no reductions applied to account for active travel enhancements), including trip distribution is robust and that any proposed mitigation can be expected to achieve its intended outcomes in those locations where severe development impacts may occur.

These are considered in turn below:

Drovers Roundabout

189. The mitigation scheme at this junction seeks to increase capacity on the A28 Templer Way and A20 (west) arm by revising signing and lining to enable three lanes to be used for movements towards M20 Junction 9 via the A20 Fougères Way. Fougères Way would be widened by approximately 2.5m to allow for three lanes to exit off the roundabout. An acceptable Stage 1 Road Safety Audit has been completed.
190. Capacity assessments indicate that the full development impact would result in a maximum increase in queuing equating to 5 cars on the A20 Fougères Way in the 2031 PM peak hour scenario. A net reduction in queuing is anticipated on the A20 (west) arm of the junction in both 2026 (3 cars) and 2031 (4 cars) scenarios. KCCH&T are satisfied that this does not represent a severe impact on congestion and queuing at Drovers Roundabout and the mitigation scheme is acceptable to them. It is recommended these works be secured as a s106 planning obligation via a 'Monitor and Manage' approach whereby updated traffic surveys and junction capacity assessments will be required at intervals to be agreed with KCC H&T to determine when the works are required to be delivered, and in any case prior to the first occupation of any commercial development.

A251 Trinity Road/Nicholas Road Roundabout

191. The capacity assessments confirms that this junction is already operating in excess of capacity on the Trinity Road South arm in the 2021 AM peak. Future 2026 and 2031 scenarios demonstrate that the capacity will worsen significantly on both north and south arms and that mitigation is required.
192. The proposed mitigation would provide additional capacity by increasing the inscribed circle diameter (ICD) of the roundabout from 41.0m to 47.5m. The circulatory would be increased from 7.3m to 8.0m to allow for two lanes of traffic. Two lanes of entry and exit are also shown on both the Trinity Road north and south arms, to allow for all 'ahead' movements to utilise both lanes. KCCH&T confirm that this would sufficiently mitigate the development impact in this location. By reason of this roundabout junction operating in excess of capacity in a 2026 Do Nothing scenario these works are required to be implemented prior to the first occupation of any development on site. I recommend this be secured by condition.

A251 Trinity Road/Faversham Road Signalised Junction

193. This junction is currently operating at capacity and KCC H&T confirm that a mitigation scheme is required prior to the first occupation of any development on site. The mitigation scheme comprises carriageway widening to increase capacity, footway widening on the eastern side of the A251 Trinity Road, a new footway on the northern side of Faversham Road to connect in with the existing footway to the Towers School and relocation of the staggered crossing and bus stop. The submitted modelling results demonstrate that the junction will operate more effectively than compared to a without development scenario and KCCH&T confirm it is acceptable in principle. I recommend this be secured by condition.

A251 Trinity Road / Thomson Road / Bradfield Road / Rutherford Road Roundabout

194. A mitigation scheme is proposed for the Trinity Road North arm of this roundabout to accommodate the proposed commercial development. The proposed mitigation seeks to extend the width of the approach lane on Trinity Road (N), providing a two-lane approach for 70.0m and implementing a two-lane approach at the give way line. To enable the widening of the carriageway, the existing verge on the eastern side of Trinity Road (N) will be removed. This mitigation scheme would mitigate the impact of the proposed development and KCCH&T recommend it be delivered via the s106 monitor and manage approach described above, and in any case prior to the first occupation of any commercial development.

Upper Pemberton

195. KCCH&T recommend that modelled stage sequence improvements to the Upper Pemberton traffic signals be completed in accordance with details and a timetable to be approved by the Council in consultation with the Highways Authority prior to the first occupation of any built development on the site. I recommend this be secured by condition.
196. Other highway improvement works are recommended to be secured via the s106 monitor and manage approach. The recommendations include a back-stop of when those works needs to be completed by, unless new traffic surveys and highway capacity assessments submitted via the monitor and manage approach demonstrate otherwise. The highways works include the A28 Chart Road improvement works between Tank and Matalan roundabouts (to be delivered in any case prior to the first occupation of any commercial development, unless otherwise indicated via the monitor and manage approach), the M20 Junction 9 improvements works (as secured in the

Otterpool Park planning application Y19/02547/FH, and in any case prior to the first occupation of any commercial development, unless otherwise indicated via the monitor and manage approach) and the Lower Pemberton improvement works (and in any case prior to occupation of 50% of the commercial development, unless otherwise indicated via the monitor and manage approach).

- Impact on the Strategic Road Network

197. The applicant has submitted a significant level of information relating to the impact of the development upon Junctions 9, 10 and 10a of the M20 which comprises the strategic road network. Policy S20 sets out that proportionate contributions should be made from this development to mitigate its impact upon the strategic road network
198. Highways England raise no objection to this application. The delivery of Junction 9 of the M20 and Drivers roundabout has (in part) been forward funded by central government funds which are the subject of an Agreement between the Borough Council and Homes England to be refunded through developer contributions as relevant schemes come forward. Without this forward funding, the junction would not now be available, and there would therefore be constraints to development on this site. As such, the Council are seeking suitable contributions from the applicant to effectively be reimbursed for unlocking the potential of this site. The exact contribution required to comply with the requirement in criterion (i) of policy S20 is being negotiated and this is reflected in Table 1 below.
199. Subject to the various conditions and obligations to secure the mitigation proposals outlined above KCC H&T raise no objection to the proposals. Furthermore, subject to conditions to secure a Construction Traffic Management Plan and both Residential and Commercial Travel Plans, National Highways are satisfied there would be no unacceptable impacts on the safety, reliability, and/or operational efficiency of the Strategic Road Network either during the construction or operational phases of the development. I concur with the conclusions of the ES that the proposal will not result in significant effects on highway capacity, driver delay or highway safety in Ashford and the surrounding area both alone and in combination with other planned and approved development.

- Pedestrian and cycle access

200. Policy S20 of the ALP states that development proposals for the site shall include '*New pedestrian and cycle routes throughout the development with*

connections to Sandyhurst Lane and existing routes. The Public Rights of Way running through the site should be maintained and incorporated within the development' (criterion 'd').

201. Policies TRA5 and TRA6 of the ALP are also relevant. Policy TRA5 states *'Development proposals shall demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network. Opportunities should be proactively taken to connect with and enhance Public Rights of Way whenever possible, encouraging journeys on foot.'* Policy TRA6 sets out how the Council will seek to improve conditions for cyclists, including through requiring developments, where opportunities arise, *'to include safe, convenient and attractively designed cycle routes, including, where possible, connection to the Borough-wide cycle network.'*
202. Criterion (2) of Policy BAE NP5 also includes a requirement relevant to pedestrian and cyclist access, stating *'a green corridor should link Eureka Park to the Sandyhurst Lane/Sandyacres Sports and Recreation Open Space including a new link to the existing footway south of Sandyhurst Lane'*.
203. The Illustrative Masterplan and Access and Movement Parameter Plan identifies three points of dedicated pedestrian and cyclist access from Sandyhurst Lane; two to the north west and one to the north east. The access to the north east would provide a pedestrian and cyclist link between the application site to Sandyhurst Lane and Sandyacres Sports and Social Club. The Illustrative Masterplan indicates that this could be provided via a 15m wide corridor running adjacent to an existing hedgerow on the eastern edge of Plot 7. I note Westwell Parish Council have requested detailed plans of the proposed highway works and that Sandyhurst Lane Residents Association has raised specific highway safety concerns relating to the means of access and egress on to Sandyhurst Lane. I am satisfied that these fine details can all be secured through future reserved matters applications.
204. As identified in the description section above, there are a number of PROW crossing the site. KCC PROW and Access Service has lodged a holding objection to the proposals, including on the basis the PROW are not shown on all plans or referenced in relevant sections of the DAS. Whilst PROW are not shown on the various parameter plans the existing PROW are shown on the updated Existing Site Layout Plan and the Illustrative Masterplan.
205. Some PROW diversions will be necessary as the detailed design evolves and I acknowledge KCC's request for the indicative routes to be shown as part of this outline application; however I am satisfied the masterplan is sufficiently

- flexible to facilitate a variety of options which can be subject to pre-application engagement with KCC prior to submission of future reserved matters applications.
206. I am satisfied that the proposals, including the indicative layout has had consideration to and been broadly structured around maintaining the existing PROW which are capable of being positively incorporated into the masterplan. It is important to note that PROW can only be created, extinguished or diverted by Orders that are separate to the planning application process. On this basis and in recognition that this is an outline application the level of information provided by the applicant is considered sufficient to demonstrate that the onsite PROW network is capable of being retained and positively enhanced in this location.
207. Specific onsite enhancements include the upgrading of Public Footpath AE210 (linking Trinity Road with the centre of the site) and AU2A to a surfaced 3m wide Public Bridleway to facilitate additional cycle access from Trinity Road, through the site and onwards to Sandyhurst Lane. These enhancements would ensure the existing important views of the North Downs skyline as identified in criterion (5) of Policy BAE NP5 can be retained and better appreciated and be in general accordance with Policy BAE NP9 requiring public rights of way to be protected and enhanced.
208. A development of this scale will have impacts on the wider PROW network and KCC have identified offsite enhancements to be funded by a financial contribution of £37800. These enhancements include resurfacing of PROW AW137 that connects to the site and accessibility improvements to PROW AU3 to facilitate outdoor recreation and active travel. I recommend that the above works (to be completed prior to first occupation) and a PROW scheme of management be secured by condition.
209. Trinity Road forms part of National Cycle Route 17 from Rochester via Maidstone and Ashford to join National Cycle Route 2 on the coast between Folkestone and Lydd. The site therefore offers potential for onward connectivity into the wider pedestrian and cyclist network. In particular, pedestrian and cyclist access to Ashford town centre can be achieved via the existing segregated footway/cycleway on the western side of Trinity Road which links to Rutherford Road and the Eureka Skyline Bridge to the south. Northbound on Trinity Road there is intermittent segregated pedestrian and cyclist access via Freathy Lane and Sandyhurst Lane to Lenacre Street, also on National Cycle Route 17 and which forms part of the Pilgrims Cycle Trail.
210. The section of Trinity Road between Nicholas Road and Lower Pemberton

benefits from an existing 2.75m wide segregated footway/cycleway on its western side, becoming a 2m wide footway either side of these junctions. There is an existing 3.4m wide segregated footway/cycleway on the eastern side of Trinity Road. The proposals include provision of a shared footway/cycleway to the west side of Trinity Road and improved connections for pedestrians and cyclists across Trinity Road. Two of these are the existing trafficked pedestrian and cycle crossings adjacent to the Upper Pemberton/Trinity Road and Nicholas Road/Trinity Road junctions and a third would be new. I concur with KCC H&T recommendation to require these highway improvement works to Trinity Road prior to the occupation of any built development.

211. Pedestrian and cyclist access into the site from Trinity Road would also be accommodated at the vehicular access points considered above with specific provision being made in the design of the internal loop road which is envisaged as a 30m wide corridor comprising the primary internal access road, pedestrian and cycle paths, green and blue spaces, and sustainable drainage.
212. In summary I am satisfied that the masterplan will protect and enhance existing PROW to make good provision for pedestrians and cyclists and facilitate good quality links to the wider network in the area in accordance with relevant policy requirements. I concur with the conclusions of the ES that the proposed development will deliver moderate (not significant) benefits to pedestrian and cycle amenity through the provision of high-quality pedestrian and cycle infrastructure and connectivity within the site.

- **Public transport**

213. Policy TRA4 of the ALP requires the potential for bus patronage to be considered as part of any proposal for new residential or commercial development and where appropriate for enhancements to be secured which may include contributions towards bus-related infrastructure and operational subsidy for the service in the early years of occupation of the development. Policy S20 of the ALP is consistent with this approach and requires development proposals on the site to make '*a proportionate financial contribution to the extension of local bus services to serve the development*' (criterion 'j').
214. Trinity Road is serviced by several bus routes, the most frequent of which is Route 666, offering an hourly service between Ashford and Faversham. Other services (including the 10A, 125, 515 and WS1) are also provided at a lesser frequency. Bus stops are located at various intervals across the length of

Trinity Road, with those closest to the site provided within the vicinity of the Lower Pemberton priority junction. Ashford International Railway Station is situated 3.8km to the south of the site, taking in the region of 18 minutes by bicycle or nine minutes by car. From this station, access to Canterbury West, Dover Priory, Eastbourne, London Victoria, London Charing Cross and London St Pancras International (via High Speed services) can be achieved, with an hourly service frequency of up to 12 services. Eurostar services to mainland Europe are also accessible from this station.

215. The outline proposals have been designed to further enhance public transport accessibility by facilitating bus access to all land uses within the site via the internal loop road. KCC H&T are satisfied with the access proposals in this regard and recommend a planning obligation be imposed to require the full length of the loop road be implemented prior to occupation of the 150th dwelling. They also recommend that details of on-site bus stop infrastructure, including shelters and real time information displays be secured by condition. In accordance with the requirements of Policy S20 they request a financial contribution of £230,000 per annum over a 7 year period (equating to a total contribution of £1.61 million), payable from the 150th dwelling to enhance the Route 666 bus service to provide a half-hourly frequency between the site and Ashford International Railway Station. This would need to be secured by a s106 planning obligation.
216. Whilst Kennington Community Council refer to the provision of carbon-neutral bus services; the precise nature of the bus technology would be determined by the operator in conjunction with Kent County Council at a later date. Overall I am satisfied that the proposed public transport route and financial contribution towards provision of bus services will enhance the accessibility of the site in compliance with relevant planning policies.

- **Car/cycle parking**

217. Policy S20 of the ALP states that development proposals for the site must provide '*Parking provision on-site to meet at least the minimum parking standards for residential and commercial development set out in policies TRA3(a) and TRA3(b)*' (criterion 'h'). Policy TRA3(a) and TRA3(b) of the ALP sets out the required parking standards for new residential and commercial development but also permits flexibility, for example where there is a good level of accessibility to shops and services or accessibility to public transport. Policy BAE NP7 also requires '*adequate and convenient car and cycle parking, in accordance with adopted parking standards*' to be provided to serve the development.

218. The indicative layouts for plots 1 and 2 (comprising a mix of flatted blocks and terraced dwellings) demonstrate there would be sufficient space for parking either within individual plots or within communal spaces, or via undercroft parking to serve the flatted blocks. The indicative layout for plots 3 and 4 (comprising detached and semi-detached dwellings) demonstrate that each unit could accommodate a minimum of 2 or 3 car parking spaces each. Plot 5 (comprising clusters of dwellings arranged around central yards) is indicatively shown to provide at least 2 car parking spaces to the majority of dwellings, and where this is not the case this area would be of sufficiently low density to enable provision in accordance with the requirements of Policy TRA3a. There is also scope to provide designated on-site visitor parking across all residential plots.
219. The employment development plots 6, 7, 8, 9a, 9b and 10 are all indicatively shown as capable of providing on-site car parking to serve the needs of each building whilst also complying with the requirements of Policy S20. This includes the requirement for plot ratios for each development parcel to not exceed 0.4:1 and for each development parcel to achieve a minimum of 50% of soft landscaping. The masterplan shows it will be possible to locate all car park and service areas discretely to reinforce the parkland setting of each plot and in accordance with the Policy BAE NP5 requirement for car parking to be sited such that it is not prominently located.
220. There is an existing surface-level car park within Plot 9a. The indicative masterplan shows provision for the relocation of this car park has been made to the rear of Plot 8. As the application is in outline the details including capacity of this car park are not fixed however I recommend imposing a condition to ensure its provision is required prior to the closure of the existing car park that will be required to facilitate development on Plot 9a. I also note interested parties have raised concerns about the potential for overspill parking in surrounding roads; however there is no evidence to suggest that provision of a policy-compliant quantum of on-site car parking would result in overspill parking occurring.
221. Details (and provision prior to occupation) of car parking that complies with the relevant parking standards applicable at the time of submission of future reserved matters applications can be secured by condition. This should also include details of Electric Vehicle Charging infrastructure. I also recommend that details and provision of enclosed and secure cycle parking for all dwellings, and details and provision of cycle changing/shower/drying and locker facilities within commercial buildings comprising 2,500sqm or more should also be secured by condition in accordance with the requirements of Policy TRA6. In summary I concur with KCC H&T that at least the minimum

car and cycle parking provision is capable of being delivered in accordance with relevant planning policy.

- **Refuse strategy and servicing**

222. The proposals are capable of making adequate provision for refuse storage and collection for all parts of the development in accordance with the Council's Residential Layouts and Wheeled Bins guidance. I recommend that tracking plans of refuse vehicle movements will be required as part of future reserved matters submissions and should be secured by condition.

(h) **Heritage impacts**

- **Archaeology**

223. The application site lies across a valley that includes active water channels known to have been favourable routes and resource areas for early prehistoric and prehistoric communities and later settlement and industrial activity. The site is accordingly located within an Area of Archaeological Potential and has high potential for archaeological remains and for surviving landscape features.
224. The application is supported by an Archaeological Desk Based Assessment (DBA); however as acknowledged by the County Archaeological Advisor this is not robust or comprehensive. I concur with their recommendation that more detailed assessment and a phased programme of geo-archaeological and archaeological investigations and survey and evaluation works are required to be undertaken prior to submission of any reserved matters applications. This will enable the results of the assessments to inform the detailed development proposals across the site.
225. I recommend that the investigation, recording, reporting and interpretation of archaeological features be secured by appropriate conditions in accordance with the requirements of Policy ENV15 of the ALP.

- **Setting of designated heritage assets**

226. Three Grade II listed buildings lie within 1km of the centre of the site; Sandpit Cottages and Kingsland are both located beyond Sandyhurst Lane to the north and northwest of the site and Bockhanger Farmhouse is located on Bockhanger Lane to the east. All of these are sufficiently distant from the application site, and buffered by intervening road infrastructure and built development that the proposals would have no impact on the significance of

these designated heritage assets or their settings consistent with Policy ENV13 of the ALP, the NPPF and the statutory requirements set out in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

(i) Residential amenity impacts

227. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users. Criterion (k) of Policy S20 requires development proposals to be '*Laid out and orientated so that the residential amenity of neighbouring occupiers is preserved*'.
228. There are a number of existing dwellings surrounding the application site and it is necessary to consider the potential adverse impacts from the proposals on the amenities of the occupiers of these properties, including in terms of daylight and sunlight, overshadowing and loss of outlook or privacy.
229. To the northwest there are a number of single and two-storey dwellings in Sandyhurst Lane which have rear elevations and gardens facing the application site. The depths of their rear gardens vary between approximately 22-40m and adjoin an existing belt of 'Category B' trees (G25) within the application site approximately 10m deep. The tree belt provides a dense screen however owing to the trees being mainly deciduous there is some inter-visibility between; more so in the winter months.
230. The indicative layout shows the retention of a minimum 30m wide buffer between the proposed dwellings in Plots 4 and 5 and the rear boundaries of properties in Sandyhurst Lane. The buffer would include the retention of the existing mature tree belt and additional native species woodland edge mix planting. Plots 4 and 5 are intended to have the lowest height and density of all development plots and although the dwellings are indicatively shown as aligned to the buffer's edge, it may be appropriate to stagger building frontages as part of the future detailed design. I am satisfied that total separation distances in excess of 30m between the proposed built development and existing rear garden boundaries can be provided which coupled with the existing and proposed tree planting would preserve the residential amenity of occupiers in Sandyhurst Lane in accordance with Policy S20 requirements.
231. To the north there is a new two-storey dwelling on Land adjacent to 198 Sandyhurst Lane next to Plot 6. The new dwelling is sited at right angles to the plot and has no windows or openings in the side elevation overlooking it. There are also dwellings located on both sides of employment Plot 7 including

- Molehill to the north and 296 Sandyhurst Lane to the south. Both dwellings are set behind groups of mature 'Category B' trees (G40, G42 and G44) located on and offsite and providing a dense screen. Molehill has consent for a part single part two-storey side extension adjacent to Plot 7.
232. The proposed indicative layout indicates the car parking for both Plots 6 and 7 would be sited towards the rear of the plots and closest to the existing dwellings. The buildings would be set back and would not exceed 8m in height (plus 2m allowance for plant rooms and auxiliary structures). Given the plot ratios for these development parcels would not exceed 0.4 I am satisfied that they are capable of being developed without harm to the residential amenities of these occupiers. Detailed design matters relating to landscaping and design and linked issues pertaining to potential impacts including from noise and disturbance, daylight, sunlight, outlook and privacy will be subject to assessment at reserved matters stage.
233. There are a number of other dwellings in Sandyhurst Lane that share a boundary with or have the potential to overlook parts of the application site proposed to be retained as unbuilt open space and I am satisfied there would be no unacceptable impacts on their residential amenity. I have also considered the potential impacts of the various pedestrian and cycle accesses proposed to link the site with Sandyhurst Lane. Two of the access points are aligned with an existing access road and Public Right of Way and the third would comprise a 15m wide green link in accordance with the site requirements set out in criterion (2) of Policy BAE NP5. I am satisfied that their use by pedestrians and cyclists would not cause unacceptable disturbance.
234. Employment Plot 8 would be bound by the side and rear garden boundaries of dwellings at 298 and 300 Sandyhurst Lane and the rear garden boundaries of dwellings within Aylesbury Road. The submitted Land Use Parameter Plan makes provision for an Open Space Zone (OS1) adjacent to 298 and 300 Sandyhurst Lane comprising woodland planting. The building heights on this plot would be a maximum of 3 storeys (12m plus 2m allowance for plant rooms and auxiliary structures) and in response to representations received the development specification has been amended to confirm there will be a minimum 20m distance between buildings and existing dwellings to the north. Plot 8 would also accommodate the existing car parking that would be lost to the redevelopment of Plot 9a. The proposed relationship between the site and dwellings in Aylesbury Road would not be inconsistent with the established relationship immediately south.
235. The proposed development includes the erection of buildings on presently

open land and on parts of the site such as this where there is a greater degree of inter-visibility it will change the outlook from the rear of the existing dwellings. Nevertheless, as I concluded in relation to the impacts arising from Plots 6 and 7 I am satisfied that subject to careful assessment at reserved matters stage, Plot 8 is capable of being developed for employment use without unacceptable harm to the residential amenities of these occupiers.

236. Proposed Plot 10 to the east of the site would also be located in proximity of existing dwellings in Bloomsbury Way. By reason of the set back of the dwellings from the application site boundary and the intervening public right of way and mature tree belt, the illustrative masterplan indicates how this parcel could be developed for employment use whilst retaining a substantial buffer and safeguarding the residential amenity of surrounding occupiers. This also applies to the relationship with the Kingswood Grosvenor Hall site which is an adventure sports centre with overnight accommodation. Full details of boundary treatments would be subject to assessment as part of future reserved matters submissions pertaining to 'landscaping'.
237. Objections relating to potential noise and light pollution have also been received. The proposed development would be unlikely to generate any noise or disturbance beyond that normally associated with the use of domestic houses or gardens which would not be unreasonable in this edge of town location. Concerns relating to noise impacts from commercial buildings, including mechanical plant, can be controlled by appropriate condition and subject to assessment within future reserved matters submissions. Concerns relating to light pollution can be addressed by a suitable condition to ensure that it is the minimum appropriate for its use and protects wildlife in accordance with Policy ENV4.
238. In summary, I am satisfied that the proposals would provide for a good standard of amenity for nearby residents, in accordance with paragraph 130 of the NPPF and Policy S20.

(k) Pollution from Noise and Vibration, Air Quality and Land Contamination

- Noise and vibration

239. Paragraph 191 of the NPPF requires planning decisions to '*ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...*' and should '*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality*

of life'.

240. The ES includes a Noise and Vibration chapter which assess the likely significant noise and vibration effects resulting from the development. The noise survey demonstrates that noise levels across the site are dominated by road traffic noise from the M20 and Trinity Road. There are no significant sources of vibration (e.g. railway lines) near to the site and vibration effects have therefore been scoped out of the assessment.
241. The assessment of potential noise effects on proposed new dwellings has considered the internal noise levels within habitable rooms and external noise levels within garden areas. As an outline application the assessment is based on the parameter plans as opposed to detailed layouts.
242. The assessment concludes that for the majority of the plots in the centre of the site it is possible to achieve internal and external noise criteria with screening afforded by nearby dwellings and typical window and ventilation systems. Accordingly the magnitude of the noise effect is identified as negligible for dwellings in these locations and below the threshold for significant noise effect.
243. For the residential plots 1 to 5 closest to the road traffic noise sources, the levels are calculated to be above the internal and external noise criteria and the magnitude of the noise effect is therefore considered significant. In order to adequately control noise ingress to habitable rooms in these areas it will be necessary for enhanced acoustic glazing to provide minimum levels of sound insulation performance. It will also be necessary to provide trickle ventilation in order to achieve suitable background ventilation rates with windows closed.
244. Through carefully considered layout and the use localised acoustic fencing, the development is capable of providing external amenity areas that comply with relevant guidance. Subject to adequate mitigation the ES does not predict any significant residual effects.
245. In order to deal with the potential significant effects of construction noise and vibration, I recommend a CEMP, to include monitoring and measures to reduce construction and construction traffic noise and vibration impacts should be secured by condition.
246. I note that the ES is based on historic noise survey data and whilst this has been agreed by the Council's Environmental Protection team for the outline planning application, I concur with the Council's EIA consultant that future reserved matters applications should be informed by up to date noise surveys

of the site and that these should inform the detail of the plot specific mitigation identified above. Separate noise assessments will be required to support future reserved matters applications for the commercial development to include details of any mechanical plant required for heating or ventilation. I recommend this be secured by condition.

247. In summary I am satisfied that with appropriate mitigation measures, the proposed development is suitable for this location and capable of providing a high standard internal and external living environment for future occupiers in accordance with relevant planning policy and guidance.

- **Air Quality**

248. The application is supported by an Air Quality Assessment which includes an assessment of existing air quality in the local area and potential effects from the construction and operational phases of the development.
249. The assessment concludes the site is suitable for the proposed use and effects associated with likely exposure of future occupants are considered to be not significant. Subject to the implementation of effective dust mitigation measures, in accordance with IAQM guidance, residual construction dust effects are also considered to be not significant. I concur with the Council's Environmental Protection Officer recommendation that these be secured in the CEMP by condition.
250. Subject to securing mitigation measures for the operation of the development, including relating to all gas-fired boilers meeting a minimum standard of less than 40 mg NO_x/kWh, and measures to promote sustainable travel and secure EVC infrastructure the operational effects from concentrations of pollutants are also predicted to be not significant.

- **Land contamination**

251. The planning application is supported by a Phase 1 desk study. The site has previously been used for agricultural use, an old chalk pit (possibly infilled) and various commercial developments which are to remain. The report has recommended that a Phase 2 site investigation is carried out to include; identifying locations of potential contamination and make up of made ground, soil samples including herbicides and pesticides, buildings and structures on the site, suitability of soil for garden areas and other areas of the proposed site along with an investigation into the ground water. An initial conceptual model and risk assessment has been included with a moderate to low risk.

252. The EA and the Council's Environmental Protection Officer note the prior uses of the site and the potential for contamination that may pose a risk to the environment and public. I concur with their recommendations to impose conditions to ensure that the potential for contamination is subject to further assessment and appropriate remediation and verification where required to ensure that the future occupants of the development are protected from adverse contaminated land impacts.

(I) Socio-economic effects

253. The ES includes a full desk based assessment of the likely socio-economic effects of the development, including on employment, demography, housing supply, educations, facilities and services.

254. The likely construction effects are the generation of direct employment, equating to approximately 618 temporary construction jobs over the construction period. The ES identifies this as a slight temporary beneficial effect that is not significant. The construction phase is also predicted to generate approximately 1829 indirect and induced jobs over the construction period which is identified as a moderate temporary beneficial effect that is significant.

255. In terms of completed development effects, the proposed development is anticipated to deliver 375 dwellings which would increase the population of the Bockhanger and Boughton Aluph and Eastwell Wards by 16.4% of the existing population. The ES concludes the effect on population, age structure and household composition would not be significant.

256. The ES identifies the proposed development would result in significant beneficial effects in terms of market and affordable housing supply at both the ward and borough level and in terms of providing between 574 and 2449 direct jobs (depending on the configuration of the commercial floor space) and between 1067 and 4408 indirect and induced jobs.

257. The ES predicts that without mitigation, the proposed development would result in a moderate significant adverse effect on GP provision and a not significant effect on dental provision. Significant effects are also predicted in relation to primary and secondary education provision. As set out in Table 1, financial contributions towards community facilities including healthcare and education have been secured to mitigate these significant adverse effects. In conclusion, the only significant residual effects arising from the proposed development would be beneficial.

258. The ES also contains a cumulative assessment which demonstrates that whilst there would be significant beneficial effects on housing provision, employment, community facilities and quality of life, the significant adverse effects on healthcare and education provisions would also be increased. However, the proposed mitigation measures by way of a financial contribution made through a section 106 agreement means these adverse impacts of the cumulative sites will be mitigated and no significant adverse residual socio-economic effects are envisaged.

(m) Surface water and drainage

259. Criterion (c) of Policy S20 requires development proposals for the site to be supported by a drainage strategy that includes proposals to provide SuDS in accordance with Policy ENV9 of the ALP. Policy ENV9 and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDS for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality.
260. The application is supported by a Surface Water Management Strategy and Surface Water Drainage Strategy Plan. The site lies within Flood Zone 1 with a very low risk of flooding. The existing surface water drainage from the business park drains to the two ponds near to the southern boundary.
261. As an outline application, the detailed SuDS strategy cannot be confirmed; however the proposed development would utilise various SuDS measures including swales, bio retention zones, rain gardens, tree pits and permeable paving to reduce runoff (as well as provide nutrient mitigation).
262. The development would also be served by adequate drainage (primarily via discharge to adjacent watercourses and the wider watercourse network). The two treatment wetlands will also be designed to satisfy surface water attenuation requirements.
263. The Environment Agency and Local Lead Flood Authority (LLFA) have no objection to the proposed development subject to securing a detailed surface water drainage scheme and verification reports as part of future reserved matters applications.
264. Criterion (l) of Policy S20 requires development proposals to include a *'connection to the sewerage system at the nearest point of adequate capacity, in collaboration with the service provider, and ensure future access to the existing sewerage system for maintenance and upsizing purposes'*.

265. As existing, foul sewerage generated by the Eureka Park development is treated by Southern Water sewers, which drain wastewater to Ashford WwTW for treatment before discharging to the Great Stour.
266. Southern Water raise no objection to the proposed onsite treatment of foul sewerage from the residential development, though note that planned sewerage network reinforcement will be required to ensure the provision of sufficient capacity within the offsite foul network to cope with additional sewerage flows, including from any commercial development. I recommend this be secured by condition. The Environment Agency raise no objection subject to a condition to secure a foul water drainage strategy.
267. I also recommend imposing a condition to restrict water consumption to no more than 110 litres per person per day in accordance with the requirements of Policy ENV7 of the ALP.

(n) Sustainability and Climate Change

268. The NPPF identifies one of the overarching objectives of sustainable development as mitigating and adapting to climate change. Specifically, paragraph 157 states: *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*
269. In respect of residential development, the ALP confirms reliance on Building Regulations to reduce energy emissions from new housing development. In respect of non-residential development Policy ENV11 requires *'all major non-residential development will achieve BREEAM 'Very Good' standard, with at least a 40% improvement in water consumption against the baseline performance of the building (Wat1, 3 credits), unless demonstrated not to be practicable'*.
270. The ES includes a chapter on Greenhouse Gases and Climate Change and assesses the likely significant effects resulting from the development as a consequence of greenhouse gas emissions and its contribution to global climate warming.
271. Whilst it is not possible to accurately quantify the precise carbon emissions of an outline proposal, assuming a 'zero emissions' baseline for the site (on the

basis it is currently undeveloped) the construction and completed development phases, without mitigation, the development would be likely to result in an adverse significant effect on emissions and climate change relevant to the boroughs carbon budget.

272. In response, the good practice mitigation measures set out below are recommended for the construction phase. These can be incorporated into the detailed design and construction plan to be submitted with future reserved matters applications to avoid significant adverse effects and result in potentially neutral to beneficial residual effects:
- An evidenced reduction in total materials required and hence embodied carbon through lean/efficient design e.g. as set out in BS 8895 Designing for Material Efficiency in Buildings Part 1 and 2;
 - Use of materials with low embodied carbon where feasible (e.g. based on data in the BRE Green Guide to Specification or Environmental Product Declarations);
 - Production of a Contractor's Energy Efficiency Checklist and ongoing energy monitoring and reporting during construction in accordance with BRE Home Quality Mark Guidance;
 - Requiring all employment development is to be designed to achieve BREEAM 'Very Good' or above; and
 - Specifying that materials should be sourced locally where possible to reduce transport GHG emissions.
273. Mitigation of completed development effects is reliant on managing energy consumption and it is therefore recommended that an Energy Strategy for each phase, to be based on the recognised hierarchy of 'Be Lean', 'Be Clean', 'Be Green' should be secured by condition. The Energy Strategy would demonstrate how the development would secure greenhouse gas emission reductions beyond a 'do-minimum', business-as-usual scenario and seek to ensure operational carbon emissions accord as closely as reasonably possible with Ashford's cumulative carbon emissions budget as set out by the Tyndall Centre. This would avoid significant adverse effects and result in potentially neutral to beneficial residual effects.
274. The ES also recommends that details of how the development would comply with 'circular economy principles' should be secured by condition to mitigate end-of-life emissions. Such details to include how the development would be designed for adaptability and disassembly and how materials would be selected for re-use. I concur that these principles should be embedded into the design of future reserved matters applications.

275. Further measures to mitigate climate change impacts include provision of a Travel Plan and sustainable transport measures. I recommend a condition to restrict water consumption to no more than 110 litres per person per day in accordance with the requirements of Policy ENV7 of the ALP. The applicant has also committed to 10% active and 100% passive EVC (electric vehicle charging) in accordance with the requirements of Policy ENV12 of the ALP which requires all major development proposals to promote a shift to the use of sustainable low emissions transport.

276. In summary, I concur with the conclusions of the ES that the proposed development can be designed to address and mitigate the risks of climate change, by significantly reducing greenhouse gas emissions compared to the industry standard for a development of this type and thereby avoid the adverse effect on climate change that new development can create. In this regard the proposals are consistent with national and local planning policy and guidance.

(o) Housing land supply

277. Turning to housing land supply considerations, the Council is not currently able to demonstrate a five-year supply of housing. 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.

278. 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. Appeal 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.
279. Notwithstanding the inability to demonstrate a 5 year supply of deliverable housing sites, the application site is allocated in the Local Plan for mixed use development, including housing. The relevant policy is therefore up-to-date and this means that paragraph 11c applies and for decision taking this means *'approving development proposals that accord with an up-to-date development plan without delay'*. There is no requirement to apply the tilted balance afforded by paragraph 11(d) of the NPPF.

(p) Habitats Regulations

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

283. The planning application is supported by a Nutrient Neutrality Assessment (NNA). Notwithstanding that the masterplan has been designed to include land use changes to minimise nutrient runoff from the site, including through providing an area of managed greenspace as nutrient neutrality land (NNL), the development would not be nutrient neutral and a mitigation strategy is therefore required to offset the effects. The NNA and proposed mitigation strategy has been subject to various amendments in response to feedback from statutory and non-statutory consultees. The strategy comprises three main components of on-site infrastructure as below:
- Provision of an onsite Wastewater Treatment Works (WwTW) to treat domestic wastewater
284. The onsite WwTW would reduce the nutrient load from the development by treating wastewater to a higher standard than currently achieved at the Ashford WwTW. Foul sewerage from the dwellings would be collected and conveyed to the WwTW through a separate foul-only sewerage system and the treated wastewater will thereafter discharge to the onsite watercourse and on to the Great Stour. Wastewater from new commercial uses would be conveyed to Ashford WwTW via existing Southern Water sewers consistent with the existing commercial uses. The WwTW will be adopted, maintained and operated by Severn Trent Connect (STC) in its capacity as the local statutory wastewater undertaker. The Environment Agency have no objection but note an Environmental Permit will be required.
- Provision of Sustainable Drainage Systems to reduce nutrient pollution from surface water runoff
285. Various SuDS measures will be used to manage surface water runoff and remove nutrients. This will likely include the use of attenuation storage for drainage from roofs and roads with managed (restricted) discharge to the onsite watercourses and waterbodies and may also include infiltration from a combination of bioretention zones, rain gardens, tree pits and permeable paving. Management and maintenance of the SuDS will be the responsibility of the maintenance company to ensure performance in perpetuity.
- Provision of two onsite surface water treatment wetlands
286. As shown in **Figure 13** below, the masterplan makes provision for two surface water treatment wetlands (A and C). The wetlands have been sited to function as both treatment wetlands from new and existing development at Eureka Park and from the watercourse flowing through the site and also as

attenuation features.

287. Wetland A will be designed to treat combined site runoff and watercourse flows and after treatment will be discharged into the Central Lake to ensure the lake is continually fed by the watercourse. Wetland C will treat the combined drained and overland runoff from the east of the site.

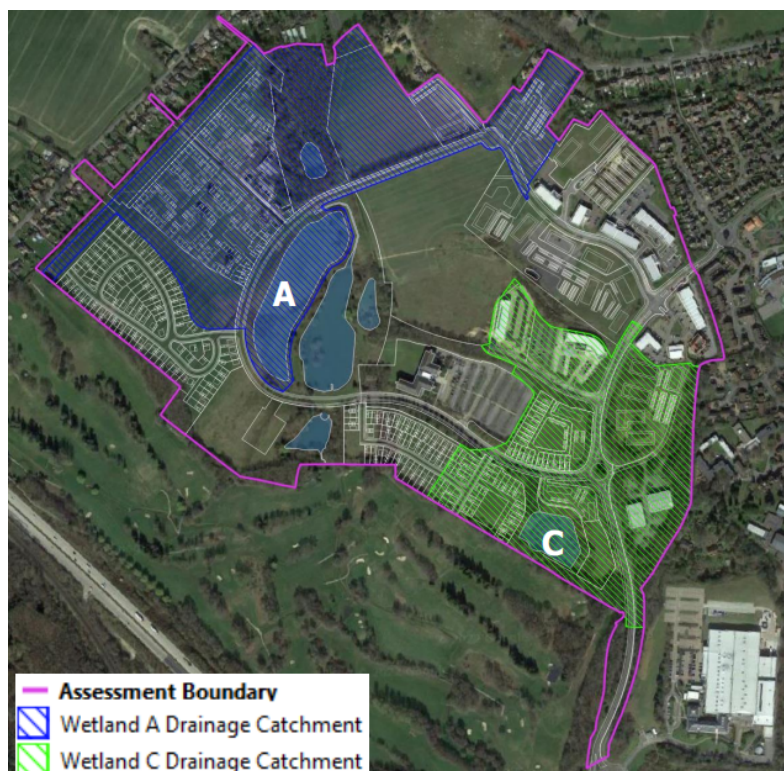


Figure 13: Proposed Wetlands

288. In recognition that this is an outline planning application, the nutrient neutrality assessment is based on preliminary designs and will need to be updated at future reserved matters stages to ensure the proposed mitigation strategy will achieve nutrient neutrality for the quantum of development proposed. A draft Appropriate Assessment has been prepared on the basis the mitigation strategy has been assessed and is sufficient to mitigate the maximum quantum of development proposed. I am satisfied beyond reasonable scientific doubt that the development would not have a significant adverse effect on protected sites, subject to the proposed mitigation measures being secured. No objection has been raised by either Natural England or the Environment Agency. Adverse effects from the development on the integrity of the Stodmarsh Lakes designated sites would not occur either alone or in combination with other plans or projects.

289. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and obligations), I recommend that the application is not determined until the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a S106 legal agreement and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place.

(q) Planning Obligations

290. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

291. In accordance with the requirements of Policy IMP1 I recommend that the planning obligations set out in Table 1 below be secured in the event that planning permission is resolved to be granted. These are agreed with the applicant and they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

292. At the present time, the applicant has not agreed to enter into a planning obligation to secure a financial contribution of £90 per dwelling towards quality 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.

293. Recommendation (A) further below deals with the necessity for the applicant to enter into an s106 agreement and includes delegation to officers to deal with any necessary deletions, amendments and additions that might be required.

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

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

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>30% affordable housing on-site, comprising:</p> <ul style="list-style-type: none"> • 10% for affordable or social rent. • 20% for affordable home ownership (of which 10% of the total dwellings should be shared ownership). <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</p>	Quantum and proportionate distribution to be determined through future reserved matters applications	<p>An Affordable Housing Scheme for each Residential Reserved Matters Area to be submitted with each reserved matters application.</p> <p>To be constructed and transferred to Registered Provider before occupation of more than 50% of the general market units in any Residential Reserved Matters Area</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 (across each Residential Reserved Matters Area) shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>7.5% of all affordable rented dwellings (across each Residential Reserved Matters Area and the site as a whole) shall be built in compliance with building regulations M4(3b).</p>	<p>20% M4(2) of all dwellings across each Residential Reserved Matters Area</p> <p>7.5% M4(3b) of all affordable rented dwellings across each Residential Reserved Matters Area</p>	<p>All accessible and adaptable homes in each Residential Reserved Matters Area to be constructed in accordance with an Accessible and Adaptable Dwellings Phasing Plan for that specific Residential Reserved Matters Area</p>
3	<p><u>Allotments</u> Project detail:</p> <p>Provision of new or improvement of existing allotments within the parishes of Boughton Aluph and Eastwell (50%) and Kennington (50%).</p>	<p>£258.00 per dwelling for capital costs</p> <p>£66.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>For Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before occupation of more than 50% dwellings in that Residential Reserved Matters Area</p>

<p>4</p>	<p><u>Open Space</u> Project detail:</p> <p>To provide the Open Space, comprising amenity open space, children’s play space, landscape buffers, woodland and other indicated areas in accordance with the Open Space Parameter Plan and relevant reserved matters and Open Space Phasing Plan.</p> <p>To provide and have approved the details of each Open Space Area, including detailed specification of the finish of amenity open space and other open spaces.</p> <p>The developer to ensure the Open Spaces are delivered available for use free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>To certify completion of open space areas.</p> <p>The Open Space Zones to be managed/maintained in perpetuity with management arrangements to be agreed with the Council.</p>	<p>NA</p>	<p>Not to commence development on the following parcels until the following landscaping details as identified on the parameters plan have been agreed: OS1 – prior to commencement of Parcels 5,6,7 or 8 OS2 – prior to commencement of Parcels 4 or 5 OS3 – prior to commencement of Parcels, 4, 5 or WS1 OS4 – prior to commencement of Parcels 4 or 5 OS5 – prior to commencement of Parcels 4 or 5, OS6 – prior to commencement of Parcel 1, 4 or 5 OS7 – prior to commencement of Parcels 2 or 3</p> <p>Not to occupy more than the following percentage of the dwellings in the following parcels until the respective landscape and amenity area has been completed and a completion certificate has been issued: OS1 – prior to more than 75% occupation of parcels 5,6,7 or 8 OS2 – prior to more than 75% occupation of</p>
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			<p>Parcels 4 or 5</p> <p>OS3 - prior to more than 75% occupation of Parcels, 4, 5 or WS1</p> <p>OS4 - prior to more than 75% occupation of Parcels 4 or 5</p> <p>OS5 - prior to more than 75% occupation of Parcels 4 or 5,</p> <p>OS6 - prior to more than 75% occupation of Parcel 1, 4 or 5</p> <p>OS7 – prior to more than 75% occupation of Parcels 2 or 3</p>
5	<p><u>Art and Creative Industries</u> Project detail:</p> <p>Provision of community arts, to include investment in theatre/performance arts/events/creative industries within Boughton Aluph and Eastwell, Westwell and Kennington Community Council parishes.</p>	<p>£338.00 per dwelling for capital costs</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area; balance before occupation of more than 50% dwellings in that plot</p>
6	<p><u>Children and Young People’s Play Space</u> Project detail (off site):</p> <p>Financial contribution towards investment at Goat Leas play area.</p>	<p>Off site: (equivalent to number of dwellings to be confirmed)</p> <p>£649.00 per dwelling for capital costs</p> <p>£663.00 per dwelling for</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before occupation of more than 50% dwellings in that Residential Reserved Matters Area</p>

		<p>maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	
7	<p><u>Indoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards indoor sports pitch/sports hall provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>£449.00 per dwelling for capital costs</p> <p>(capital only – contributions are derived from the latest Sport England Calculator).</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>For each Residential Reserved Matters Area– 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area; balance before occupation of more than 50% dwellings in that plot</p>
8	<p><u>Informal Natural Green Space</u> Project detail (off site):</p> <p>In the event that a policy compliant provision of INGS is not provided on site: Financial contribution towards a site within the Parish of Kingsnorth in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified.</p>	<p>£434.00 per dwelling for capital costs</p> <p>£325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before occupation of more than 50% dwellings in that plot</p>
9	<p><u>Outdoor Sports Provision</u></p>	<p>£500.00 per dwelling for</p>	

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	<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, including Sandyacres.</p> <p><i>Contribution to be amended to reflect delivery of on site MUGA.</i></p>	<p>capital costs</p> <p>£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 2019</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that plot; balance before occupation of more than 50% dwellings in that Residential Reserved Matters Area</p>
10	<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 2012</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before occupation of more than 50% dwellings in that Residential Reserved Matters Area</p>
11	<p><u>Custom/Self Build Housing</u></p> <p>Amount to be secured in accordance with Policy HOU6:</p> <p>Up to 19 serviced plots for use by custom/self-builders to be made available and marketed.</p> <p>A Self-Build / Custom Build Plots Plan showing</p>	<p>Up to 19 serviced plots (5% of total dwellings)</p>	<p>Not to commence development on any Residential Reserved Matters Area until the Self-Build / Custom Build Plots Plan has been Approved by the Council.</p> <p>Not to commence construction of any Dwellings in a relevant Residential Reserved Matters Area until a Self-Build / Custom Build Plots Plan for that Residential Reserved</p>

	<p>the location of each serviced custom / self-build plot to be submitted to the Council prior to or concurrently with the submission of the first Residential Reserved Matters Application.</p> <p>In respect of each Residential Reserved Matters Area which pursuant to the Approved Self-Build / Custom Build Plots Plan is to contain Self-Build / Custom Build Plots:</p> <p>(i) not to commence construction of any Dwellings in that relevant Residential Reserved Matters Area until a Self-Build / Custom Build Plots Phase Scheme (including a Design Brief, marketing strategy and details of services to the boundary of each such plot) for that Residential Reserved Matters Area has been submitted to and approved by the Council.</p> <p>(ii) to make each Self-Build / Custom Build Plot within the relevant Residential Reserved Matters Area available for disposal in accordance with the relevant Self-Build / Custom Build Plots Phase Scheme.</p> <p>If, in respect of each serviced custom / self-build plot 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>Matters Area has been approved by the Council.</p>
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Kent County Council Planning Obligations			
12	<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 April-20 360.3 Q2</p>	<p>For each Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area</p>
13	<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 April-20 360.3 Q2</p>	<p>For each Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area</p>
14	<p><u>Education Land for Primary</u> Project detail: Contribution towards a new primary school site at Conningbrook Park or alternative location in the planning group</p>	<p>£410 per dwelling except as specified below. £0 for any 1-bed dwelling with less than 56 m² gross internal area. Indexation: BCIS General Building Cost Index from April 2020</p>	<p>For each Reserved Matters Area – Half the contribution before occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved Matters Area.</p>
15	<p><u>Libraries</u></p>	<p>£55.45 per dwelling</p>	<p>For each Reserved Matters Area – 50% before</p>

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	<p>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>Indexation: BCIS General Building Cost Index from April-20 360.3 Q2</p>	<p>occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area</p>
16	<p><u>Primary Schools</u></p> <p>Project detail:</p> <p>Towards new education places at the new 2FE Primary school at Conningbrook Park and/or within the Planning Group.</p>	<p>Per Flat £1134.00 (New Build) except as specified below</p> <p>Per House £4535.00 (New Build) except as specified below</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index Oct-16 328.3 Q4</p>	<p>For each Reserved Matters Area – Half the contribution before occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved Matters Area</p>
17	<p><u>Secondary Schools</u></p> <p>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 (New Build) except as specified below</p> <p>Per House £4687.00 (New Build) except as specified below</p>	<p>For each Reserved Matters Area – Half the contribution before occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved Matters Area</p>

		<p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index Oct-16 328.3 Q4</p>	
18	<p><u>Youth Services</u> Project detail: Towards additional resources for the Ashford Youth service to enable outreach services in the vicinity</p>	<p>£65.50 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April-20 360.3 Q2</p>	<p>For each Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area</p>
19	<p><u>Public Rights of Way (PRoW)</u> Project detail: Towards enhancement of existing PRoW on and connected to the site, including surfacing and accessibility improvements to PRoW AW137 and AU3</p>	<p>£37800</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>The total amount payable before the occupation of 100 dwellings</p>
20	<p><u>Sustainable Travel</u> Towards enhancement of bus services between the site and Ashford International Railway Station.</p>	<p>£230000 per annum over a 7 year period</p> <p>Indexation</p>	<p>Before occupation of the 150th dwelling and annually for 7 years thereafter.</p>

<p>21</p>	<p><u>Monitor and Manage</u></p> <p>Unless agreed in writing with the LPA and LHA through the monitor and manage approach to provide, agree and implement a scheme for monitoring of junction capacity (via traffic surveys and junction capacity assessments) at the following junctions:</p> <ol style="list-style-type: none"> 1. Drovers Roundabout (as shown in drawing 14382-H-12 Revision P1) - Completed prior to the occupation of any commercial development. 2. Trinity Road / Thomson Road / Rutherford Road / Bradfield Road roundabout (as shown in drawing 14382-H11 P3) - Completed prior to the occupation of any commercial development. 3. A28 Chart Road improvement works between Tank and Matalan roundabouts - Completed prior to the occupation of any commercial development. 4. M20 Junction 9 improvements works (as set out in Otterpool Park planning application Y19/0257/FH) - Completed prior to the occupation of any commercial development (should the Otterpool Park mitigation not come forward, then upgrades to the Trinity Road arm of the junction completed prior to occupation of 75% of the commercial floorspace). 5. Lower Pemberton (14382-H-10 Revision P2) 	<p>NA</p>	<p>Pre-occupation, provide a strategy for monitoring of the junction's performance and monitor on an ongoing basis until the trigger specified or until such time as mitigation is required.</p>
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	- Completed prior to the occupation of 50% of the commercial development.		
22	<p><u>Framework Travel Plan</u></p> <p>To enable the number of vehicle movements associated with the development to be assessed yearly over a 10 year period to ensure that the actual number of movements is not greater than those predicted in the Transport Assessment. On-site multi-modal counts will be required at the vehicle and pedestrian site access points at yearly periods over that 10 year monitoring period. Upon final occupation of the last dwelling on-site and all of the proposed employment floor space the applicant will be required to undertake a fully complaint TRICS survey for the site including for the proposed residential and non-residential uses. This should be sent to TRICS for validation to enable this site to be uploaded to the TRICS database.</p>	£1000 per annum over a 10 year period	Before occupation of the 100 th dwelling or upon occupation of 8000sqm of employment floor space, whichever is earlier and annually for 10 years thereafter.
Other Obligations			
23	<p><u>Employment land – Marketing and Delivery Strategy</u></p> <p>To prepare and agree in writing with the Council a Marketing Strategy/Site Prospectus (containing details of potential flexible range of employment uses on all Plots identified on the masterplan for commercial development) with</p>	NA	Within one year of planning permission to prepare and agree in writing with the Council a Marketing Strategy/Site Prospectus.

	<p>the objective of attracting and securing employment generating occupiers or purchasers/measures to procure and secure future occupiers including through reputable commercial local and national agents/commitment to liaise with the Council in relation to any potential tenants and/or occupiers who approach the Council from time to time with enquiries about pursuing an interest in the Borough) which seeks to test the appetite within the market for development of that kind on the application site to potential investors, developers and occupiers to test market appetite;</p> <p>To submit a report of the responses received in respect of the Marketing Strategy/Site Prospectus;</p> <p>In the event of market demand to prepare and agree in writing with the Council a Delivery Strategy (a strategy for obtaining reserved matters approval for and to secure delivery of employment space for letting or sale, including timetable for construction and occupation/or a strategy for the provision of serviced land for letting or sale) demonstrating how it proposes to deliver employment space within 3 years of the date of planning permission;</p> <p>To deliver employment space in accordance with the Delivery Strategy provided that construction and delivery would be financially</p>		<p>Within 6 months of issuing the Marketing Strategy/Site Prospectus - and in any event prior to submission of the first reserved matters application for the Employment land to submit a report of the responses received in respect of the Marketing Strategy/Site Prospectus.</p> <p>In the event the report of the responses received in respect of the Marketing Strategy/Site Prospectus is agreed by the Council to indicate market demand, to submit a Delivery Strategy within 3 months of agreement of the report of the responses.</p>
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	viable.		
24	<p><u>NHS General Practice</u> Project detail:</p> <p>Towards refurbishment, reconfiguration and/or extension of New Hayesbrook and/or Hollington Surgery and/or Sydenham House Medical Centre and/or Wye Surgery and / or towards new general practice premises development in the area.</p>	Number of dwellings x assumed occupancy x £360	For each Reserved Matters Area – Half the contribution before occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved Matters Area.
25	<p><u>Strategic Highways</u></p> <p>A proportionate financial contribution towards the repayments of the forward funding that delivered the M20 Junction 9 & Drovers roundabout improvements.</p>	Proportionate financial contribution to be calculated with reference to ABC forward funding amount and agreement to apportionment.	50% on commencement of construction, 25% before the occupation of 1/3 of the dwellings and 25% before the occupation of 3/4 of the dwellings.
26	<p><u>SUDS</u></p> <p>To submit to the Council a Certificate of Practical Completion and following submission to transfer the SuDS for that phase to a Management Company and thereafter to monitor, manage and maintain the SUDS in accordance with any conditions pursuant to Necessary Consents.</p>	NA	Following the occupation of the last dwelling in each phase.

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27	<p><u>Wastewater Treatment Works (WwTW)</u></p> <p>Transfer of the land required for the WwTW to provide access for the sewerage undertaker.</p>	NA	Prior to first occupation of any dwelling.
28	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking and reporting.</p>	<p>£1000 per annum until development is completed</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	First payment upon commencement of development and on the anniversary thereof in subsequent years.

Human Rights Issues

294. 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

295. 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.

Conclusion

296. The application site is allocated for mixed use development in the Local Plan and is an important component of the strategy for housing and employment land delivery in the Borough. Regrettably, the proposals provide markedly less employment land than the ‘around 20 ha’ envisaged by the Local Plan for this site. Whilst this could have implications for the future delivery of employment land in the Borough it is acknowledged that work space requirements have shifted in the context of the pandemic and the trend towards hybrid working.

297. The shortfall in employment land in part reflects the requirement to deliver nutrient neutrality which the scheme provides a comprehensive strategy for. This is a significant benefit of the development. The balance of uses also recognises the prevailing market conditions which indicate a lack of demand for employment floor space generally and is evidenced by the presence of existing vacant employment floor space in this location. To maximise opportunities for employment land delivery the recommendation includes a requirement for the applicant to develop a site prospectus and undertake an active marketing strategy with the aim of attracting and securing employment generating occupiers or purchasers and delivering employment floor space where there is demand.

298. The balance of uses has to be considered against the wider planning merits, including the delivery of up to 375 dwellings, of which up to 113 will be affordable housing in a sustainable location where there are currently significant constraints on delivery. This is also a significant benefit of the

development. Notwithstanding the proposals comprise a departure from the Development Plan, the quantum of uses is on balance considered acceptable.

299. Although the application seeks outline permission, I am satisfied that the illustrative masterplan and parameter plans address the specific criteria required by Policy S20 of the ALP and Policy BAE NP5 of the NP. They demonstrate how the quantity of development proposed can be delivered within a general layout based on good place-making principles sought by Policies SP1 and SP6 of the ALP. The development would be of an appropriate density and scale befitting its edge of town location and sensitive to the character of the area. The design approach would be landscape-led with the masterplan appropriately incorporating and responding to the natural landscape features of the site. The development would include a variety of high quality open spaces accessible to future occupiers and the wider community. I have found it would not result in unreasonable harm to neighbour amenity.
300. The introduction of built development into the currently undeveloped site would inevitably result in a significant visual change, however, the visual impacts associated with this would be relatively localised and capable of being softened by the existing and enhanced landscaping proposed as part of the scheme. I am satisfied that there would be no significant adverse landscape impacts or unacceptable harm to the setting of the AONB. Whilst the majority of ecological impacts are capable of being appropriately mitigated through submission of a Landscape and Ecological Management Plan (LEMP), some residual effects would remain, albeit where these are significant it would be limited to the local level. Issues relating to drainage can be addressed by appropriate conditions.
301. The highways impacts of the development have been subject to robust assessment that has resulted in proposals for various highway improvements. The development is able to be safely accessed from the local road network and would not compromise highway safety. The proposals prioritise sustainable travel, including through enhanced public transport and upgraded pedestrian and cycle infrastructure. I concur with the Highways Authority that subject to the conditions and obligations discussed in the main body of the report, there are no technical grounds for refusal on highway matters.
302. It is acknowledged that a significant number of representations have been submitted, but the matters raised have been taken into account in the assessment in this report. I am satisfied that the necessary infrastructure required by the relevant policies and to mitigate socio-economic impacts can be provided within the application site or satisfactorily provided off-site.
303. In respect of nutrient neutrality, this is a requirement if much needed new housing is to be developed in this part of the Borough in accordance with the adopted ALP 2030 and the spatial strategy to accommodate housing in sustainable locations. The application is supported by a Nutrient Neutrality Strategy which means that it is deliverable in the short term. As set out in this

report, I consider that as a matter of principle the WwTW can be accommodated within the scheme layout without amenity, visual and landscape harm. In operation the available evidence suggest that the WwTW would not give rise to adverse noise or odour impacts. Separate to planning legislation, the WwTW will need to be permitted by the relevant authorities.

304. The application is supported by an ES. An independent review of the ES has found it to be sound with all suitable mitigation identified for all significant impacts. I am satisfied that the necessary infrastructure required by the relevant policies and to mitigate socio-economic impacts can be provided within the application site or satisfactorily provided off-site.
305. In conclusion, for the reasons set out above, it is considered that this is an acceptable proposal for socially, economically and environmentally sustainable development. The site is allocated for development in the Local Plan and therefore notwithstanding the absence of a five year housing land supply, the development plan can be considered up-to-date for the purposes of determining this application. The proposals comply with the requirements of the development plan and the NPPF; where this is not the case, a justified exception can be made. With reference to the presumption in favour of sustainable development enshrined in paragraph 11 of the NPPF this means that paragraph 11c applies and for decision taking this means *'approving development proposals that accord with an up-to-date development plan without delay'*.
306. I am satisfied that sufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. The Recommendation (B) below to approve is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to secure any necessary additional obligation(s) and/or planning conditions to that end.
307. The application includes the provision of over 5,000sqm of out-of-centre office development which, by reason of the shortfall in employment floor space against Policy S20 is not in accordance with the provisions of the Development Plan. Recommendation (C) below therefore includes a requirement to consult the Secretary of State prior to the grant of any planning permission in accordance with the requirements of Paragraph 5 (1) of the Town and Country Planning (Consultation) (England) Direction 2021.
308. As discussed within the main body of the report I recommend that a number of conditions will be necessary. My Recommendation (C) further below deals with delegation to add/amend/remove planning conditions as appropriate.

Recommendation

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in**

Table 1 above in terms agreeable to the Planning Applications & Building Control Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Planning Applications & Building Control Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,

- B. Subject to the adoption of an Appropriate Assessment under the Habitats Regulations 2017 (as amended) by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Planning Applications & Building Control Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto, and**
- C. Subject to prior consultation with the Secretary of State in accordance with the requirements of Paragraph 5 (1) of the Town and Country Planning (Consultation) (England) Direction 2021, to**

PERMIT, subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.

Conditions:

1. For each phase of development identified by Condition 3, the approval of details of the appearance, landscaping, layout, and scale (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase is commenced.
2. The first application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission, and the last application for approval of Reserved Matters must be made not later than the expiration of 5 years from the date of this permission. The development hereby permitted shall be begun no later than

the expiration of 2 years from the date of approval for each Reserved Matter for that approved phase

3. Prior to the approval of the first application for Reserved Matters, a phasing plan shall be submitted. The phasing plan shall identify the phases of development for the purposes of Reserved Matters applications and a programme for the delivery of each phase.
4. All Reserved Matters applications shall be in substantial accordance with the Environmental Statement and approved plans and documents.
5. For each submission of Reserved Matters applications pursuant to this permission, a "Compliance Report" shall be submitted that states how the Reserved Matters comply with the Environmental Statement and the approved parameter plans and documents identified in Condition 4.
6. Prior to the submission of any Reserved Matters applications pursuant to condition 1 to submit geo-archaeological field evaluation works and archaeological landscape survey in accordance with a specification and timetable submitted to and approved in writing by the LPA; and further geo-archaeological and early pre-historic investigation, recording and reporting in accordance with a specification and written timetable submitted to and approved in writing by the LPA; programme of post excavation assessment and publication;
7. Prior to the submission of any Reserved Matters applications pursuant to condition 1 to submit archaeological field evaluation works in accordance with a specification and timetable submitted to and approved in writing by the LPA; following the evaluation any safeguarding measures to ensure preservation in situ or important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable submitted to and approved in writing by the LPA;
8. Prior to occupation to secure the implementation and completion of a programme of post excavation and publication work in accordance with a specification and timetable submitted to and approved in writing by the LPA;
9. Prior to occupation to secure the implementation of a programme of heritage interpretation in accordance with a specification and timetable submitted to and approved in writing by the LPA;
10. Construction Environmental Management Plan (CEMP) prior to commencement of development on any phase;
11. Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) prior to commencement of development on any phase;
12. Construction Traffic Management Plan (prior to commencement of development on any phase);
13. Climbed tree inspections of all trees with potential for bat roosts to be undertaken for the reserved matters application;
14. Reserved matters application to demonstrate enhancements to bat roosting, foraging and commuting and to evidence a beneficial impact on bats;
15. Prior to commencement of development in any phase (including site clearance and below ground works) a Side Wide Ecological Mitigation Strategy informed by up-to-date ecological surveys of the site, including a

walk over survey, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include (but not be limited to) the following:

- Habitat Creation Plan
 - Habitat Enhancement Plan
 - Habitat Creation Timetable
 - Ecological Management and Monitoring Plan
16. Reserved matters applications to include a detailed Ecological Mitigation Strategy for that phase informed by up-to-date ecological surveys of the site, including a walk over survey, shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Ecological Mitigation Strategy shall be in general conformity with the Site Wide Ecological Mitigation Strategy pursuant to Condition 15 and include bat, farmland and other breeding bird mitigation, and details. Must include, as per KCC County Ecologist advice, supporting information to demonstrate that mitigation areas designated for specific species will be sufficient to maintain species, dark zone plans with lighting levels, overview of management to be carried out within the site.
 17. Within six months of the commencement of development in each phase a Landscape and Ecological Management Plan (LEMP) for that phase;
 18. Detailed foul drainage strategy (prior to the commencement of development in each phase), including how this will support achieving nutrient neutrality for the whole development alongside the surface water drainage strategy;
 19. Details of the proposed means of foul and surface water sewerage disposal, detailing how the developer will implement an appropriate foul drainage within the site with a connection to an adopted foul sewage system with sufficient capacity to accommodate the foul drainage generated;
 20. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.
 21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater;
 22. Detailed surface water drainage strategy (prior to the commencement of development in each phase), including determination of nutrient treatment efficiencies for each drainage catchment and how this will support achieving nutrient neutrality for the whole development alongside the foul drainage strategy;
 23. Details of operation and maintenance for the surface water drainage system (prior to first occupation of any dwelling in each phase);
 24. Verification Report pertaining to the foul water and surface water drainage system (prior to first occupation of any dwelling in each phase);
 25. Details of WwTW (including odour assessment and scheme for control of noise and vibration) and programme for implementation (prior to the commencement of development);

26. Details of management, monitoring and maintenance plan for WwTW, SuDS and wetland to secure their performance for the lifetime of the development;
27. Detailed remediation strategy to deal with land contamination to bring the site and buildings to a condition suitable for the intended use(s) by removing unacceptable risks to human health, buildings and other property and the natural environment;
28. Verification Report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation;
29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority;
30. Reserved matters pursuant to 'layout' to show details of all internal access arrangements and how future vehicular access could be provided to the southern boundary of the site;
31. Reserved matters applications pursuant to 'layout' and 'landscaping' to include:
 - an Arboricultural Impact Assessment and Method Statement to include details of all the trees and hedgerows to be retained within or adjacent to each phase and how retained trees and hedgerows are to be protected on site;
 - Contour plan showing existing and proposed levels and earthworks to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform
32. Prior to commencement of development in any phase where existing public rights of way are affected, a Scheme of Management for the Public Right(s) of Way (PROW) within that Phase shall be submitted to and approved by the Local Planning Authority. The Scheme should detail how the PROW will be impacted during both the construction and operation of that phase of development and the actions that will be taken to mitigate the impacts including: (i) the requirement for any permanent diversions and the timing of such; (ii) proposals for any temporary closure and alternative routes to be provided and their timing; (iii) the measures to protect the PROW and their users during construction; (iv) the construction and design of the paths to be laid out during both construction and operational phase; (v) proposals for the PROW boundaries/buffers, including landscaping and any fencing; (vi) details of connections of PROWs at site boundaries; (vii) a programme for delivery of PROW works; and (viii) future maintenance arrangements for any adjacent landscaping.
33. Reserved matters applications pursuant to 'landscaping' to include specific mitigation to ensure that the WwTW will be sufficiently screened;
34. Reserved matters applications to provide for policy-compliant car parking;
35. Reserved matters applications to provide for refuse storage and recycling facilities;

36. Reserved matters applications to provide for secure and covered policy-compliant cycle parking;
37. Reserved matters applications for commercial buildings over 2,500sqm to provide for cycle changing/shower/drying and locker facilities;
38. Provision of a Framework Residential/Commercial Travel Plan prior to first occupation;
39. Within 8 months of occupation provision of a Workplace Travel Plan for qualifying buildings;
40. Prior to occupation of any phase completion of footways/cycleways/carriageways/junction visibility splays
41. Prior to occupation of any phase details and provision of bus stop infrastructure;
42. Prior to the occupation of any built development, the highway improvement works to the Trinity Road / Nicholas Road roundabout shall be completed and opened for use by the travelling public;
43. Prior to the occupation of any built development, the highway improvement works to the Faversham Road / Trinity Road traffic signal junction (as shown indicatively in drawing 14382-H-08 Revision P3) shall be completed and opened for use by the travelling public;
44. Prior to the occupation of any built development, stage sequence improvements to the Upper Pemberton Signals shall be completed and opened for use by the travelling public;
45. Prior to the occupation of any built development, the highway improvement works consisting of the 4 metre wide shared footway / cycleway on the western side of Trinity Road from Nicholas Road and Toucan crossing across Trinity Road (as shown indicatively in drawing 14382-H111 P3) shall be completed and opened for use by the travelling public;
46. The existing surface-level car park within Plot 9a shall be retained as available for use until a scheme for replacement parking and a timetable for its provision has been submitted to and approved by the Local Planning Authority;
47. Details of a scheme of electrical vehicle (EV) charging points within each phase;
48. Details of a scheme for external lighting for the protection of biodiversity and landscape character, and a programme of implementation;
49. Reserved matters applications pursuant to 'layout' and 'landscaping' to include a Play Space Strategy;
50. Reserved matters applications pursuant to 'layout' and 'landscaping' to include a Public Art strategy;
51. Reserved matters applications to include details of measures to be incorporated into the development to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) and Secured by Design (SBD).
52. Restrictions on the use of the Nutrient Neutrality Land and details of how it will be managed and maintained in perpetuity;

53. Detailed wetlands design, meeting the criteria of the Natural England Framework Approach for Responding to Wetland Mitigation Proposals documentation and demonstrating how this will support achieving nutrient neutrality;
54. Services plan to include provision of underground ducts to enable telephone services, electricity services and communal television services to be connected to any premises within that phase without recourse to the erection of distribution poles and overhead lines;
55. Water use not to exceed 110 litres per day;
56. Details of rainwater harvesting;
57. Details of Fibre to the Premises;
58. Sustainable Design and Construction Statement to include:
 - An evidenced reduction in total materials required for construction and hence embodied carbon through lean/efficient design e.g. as set out in BS 8895 Designing for Material Efficiency in Buildings Part 1 and 2;
 - Use of materials with low embodied carbon where feasible (e.g. based on data in the BRE Green Guide to Specification or Environmental Product Declarations);
 - Production of a Contractor's Energy Efficiency Checklist and ongoing energy monitoring and reporting during construction in accordance with BRE Home Quality Mark Guidance;
 - Requiring all employment development is to be designed to achieve BREEAM 'Very Good' or above;
 - Specifying that materials should be sourced locally where possible to reduce transport GHG emissions.
59. Details of Energy Strategy for residential and employment buildings;
60. Details of how the development will accord with the following circular economy principles:
 - Designing for adaptability
 - Designing for disassembly
 - Selecting materials than can be re-used/reclaimed.
61. Noise impact assessment (commercial) to ensure noise emissions from proposed commercial land uses (including appropriate selection of mechanical plant items, locations of activities undertaken and, if necessary, mitigation) are controlled to maintain residential amenity.
62. Noise impact assessment/mitigation (residential) to ensure acceptable internal and external noise environments;
63. Any gas boilers installed to serve the energy requirements of the development should use Ultra-Low NOx boiler(s) with a minimum standard of < 40 mg NOx/kWh.

Notes:

1. Working with the Applicant

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 proactive manner by as appropriate updating applicants/agents of any issues that may arise in the processing of their application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/02146/AS)

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Ashford Borough Council - Report of the Assistant Director - Planning and Development
Planning Committee – 13 March 2024

Application Number	22/01067/AS
Location	Former Houchin Playing fields, Canterbury Road, Kennington
Community Council	Kennington
Ward	Bybrook
Application Description	The erection of a Class E retail unit alongside access, car parking, landscaping and associated works
Applicant	Aldi Stores
Agent	Planning Potential Ltd
Site Area	1.67 hectares

Introduction

1. Under the Council's current scheme of delegation, planning applications seeking full planning permission for one or more buildings totalling 1,000 m² to 5,000 m² (inclusive) proposed for retail use require an Officer delegated assessment to be circulated to Planning Committee Members where the Recommendation is to grant permission. This application proposes a building of 1,803 m² which would be used for Class E (retail) purposes and therefore falls within that agreed process.
2. An assessment report was circulated to the Planning Committee Members on 26/02/24 and, as a result, by 17:00 on 29/02/2024 there was no requirement to elevate consideration of the application to a meeting of the Planning Committee because no Members of the Planning Committee had called the application in. However, on the evening of 01/03/24 a request was received by the Ward Member, Cllr Dean, requesting that the application be reported to the Planning Committee due to his concerns on highway issues.

Site and Surroundings

3. The application site (shown in **Figure 1** below) extends to approximately 1.67 hectares and is located off Canterbury Road in Kennington, to the north of Ashford. The site formerly comprised the Houchin's Sports and Social Club associated with this local company. It is understood that this use ceased at this site in approximately 1993.

4. The site currently comprises undeveloped scrubland and some areas of hardstanding, footings and parts of the walls of former buildings, previously in use as the Houchin Sports and Social Club. There are no actual buildings now on the site associated with the former use.

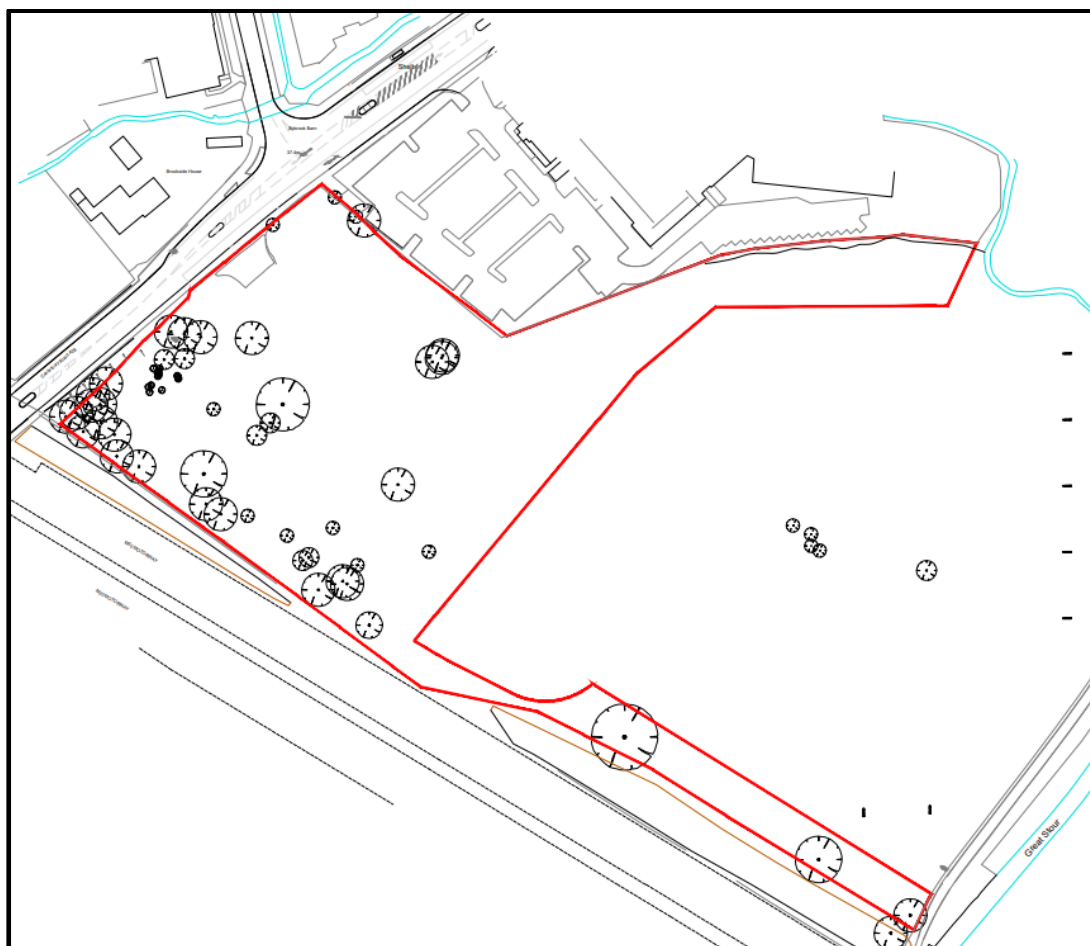


Figure 1 - Site location plan

5. As shown in **Figure 2** below, the site is situated within a built-up area of Ashford and close to existing retail/commercial uses. The site is bound by Canterbury Road to the north and the M20 to the southwest, the latter separated by well-established mature trees and planting.
6. Immediately to the north-east, is the Holiday Inn Ashford Central and beyond this are residential properties along Canterbury Road, with Ashford Rugby Club to the rear. Immediately to the north of the site on the other side of Canterbury Road is the Longacres Garden Centre, Dovecoat Health Centre, and Bybrook Barn; which comprises a number of smaller shops and services. Immediately to the east of this is a Harvester bar and restaurant. Further to the north-west of Canterbury Road is the Eureka Leisure Park and Warren Retail Park.



Figure 2 – The application site in its wider context

7. The site is not located within a conservation area, nor are there any Tree Preservation Orders (TPOs) within the site. There are five listed buildings in the locality, as shown in **Figure 3** below, but none are immediately adjacent to the site.



Figure 3 – Nearby listed buildings (application site shown by red dot)

8. The majority of the site is located within Flood Zone 1; however, the eastern part falls within Flood Zones 2 and 3. The site is also located within a designated Green Corridor (**Figures 4 and 5**), Mid Kent Greensand and Gault Biodiversity Opportunity Area and is a site of potential archaeological interest.

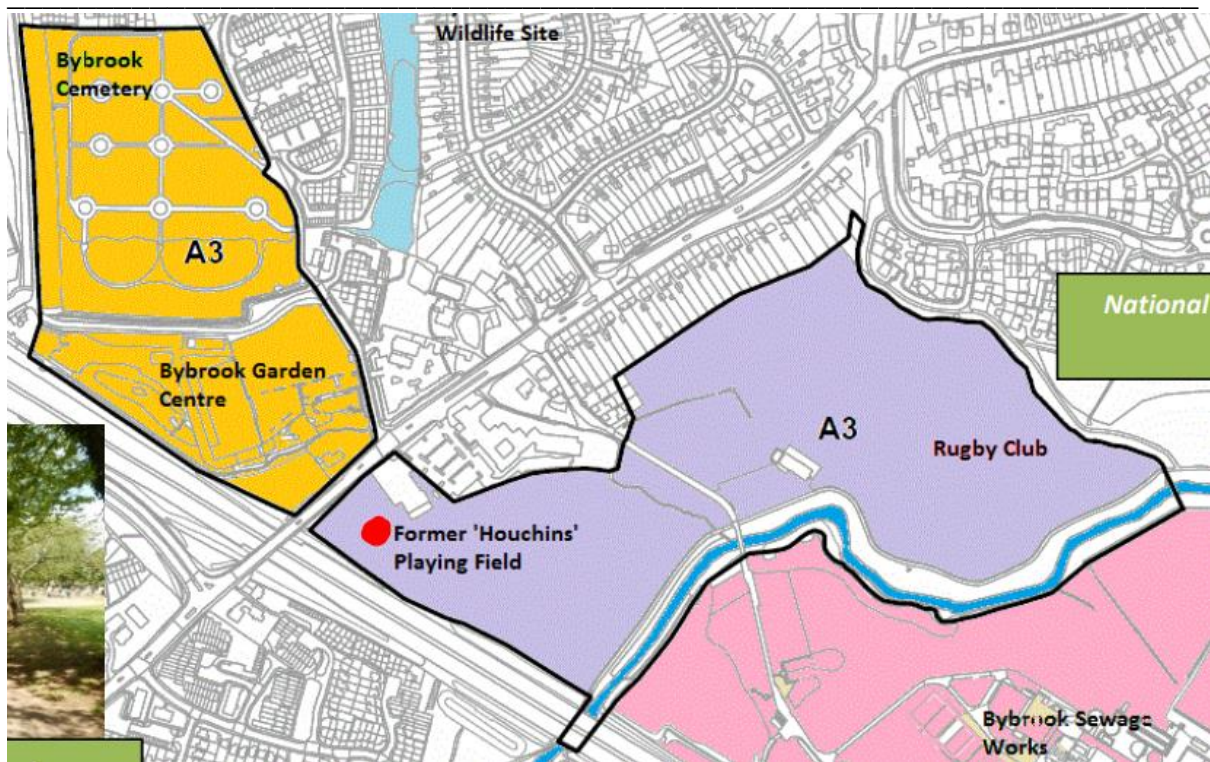


Figure 4 – Green Corridor designation (application site shown by red dot)



Figure 5 – Green Corridor in its wider context (application site shown by red dot)

The Proposal

9. The proposal seeks planning permission for a new food retail unit (Class E), associated car parking area and landscaping. It is proposed that the end user would be Aldi.
10. The proposed scheme would involve the removal of the existing structures on the site to facilitate its redevelopment. The proposals can be summarised as follows:
 - An Aldi foodstore of 1,803 sq m gross floorspace, offering 1,315 sq m of net retail sales;
 - A car park offering 116 spaces, seven of which would be DDA compliant and ten would be reserved for parents with children. Four electric charging spaces would be provided, with twenty passive spaces provided for future connection to increase charging provision.
 - Eighteen covered cycle parking spaces are proposed, including provision for cargo and similar bikes;
 - A new vehicular and pedestrian access from Canterbury Road;
 - An integrated service area to the rear of the site;
 - The retention of trees and enhancements to landscaping to the site boundaries; and
 - The provision of an ecological corridor.

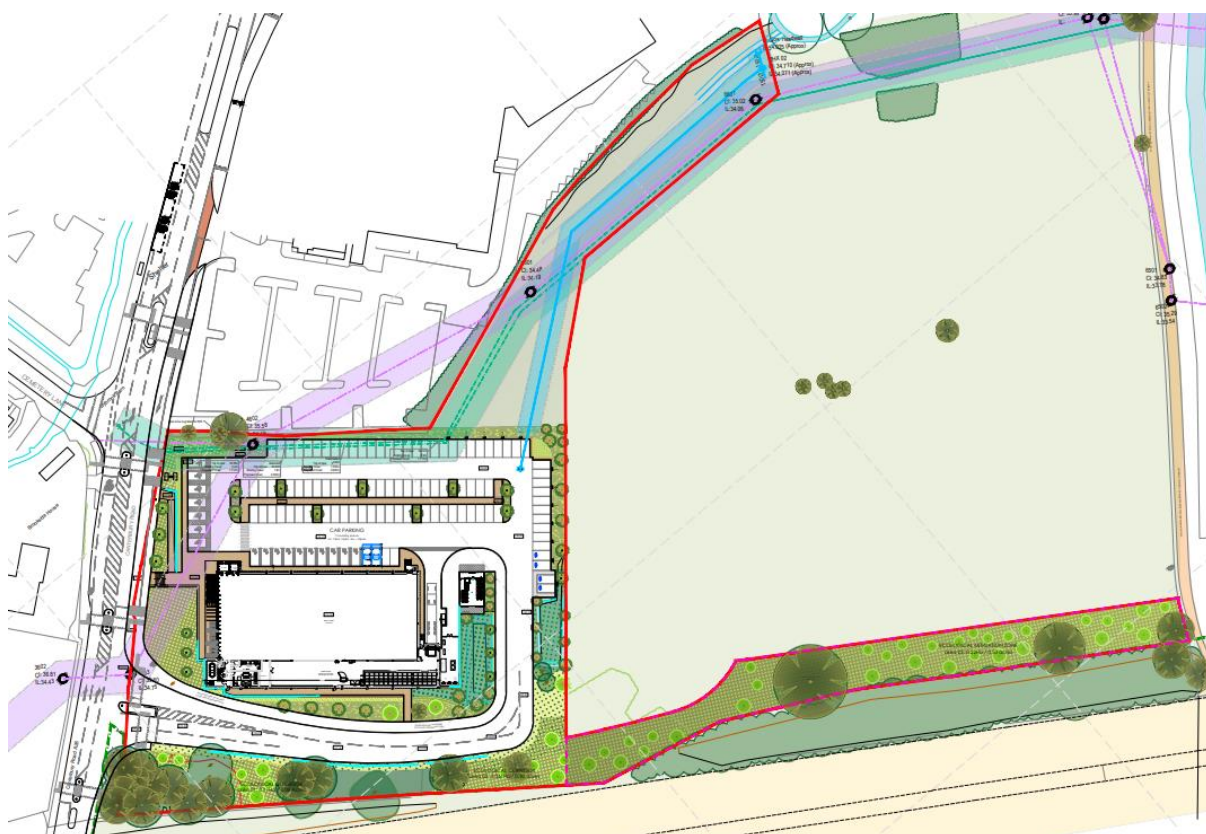


Figure 6 – Proposed site layout

11. The new store would be set fairly centrally within the site with the new access created to the south of the building and customer parking to the north and east. The servicing bay for deliveries would be at the eastern end of the building. **Figure 7** below shows the site layout, alongside the location of the previous Houchin Sports and Social Club pavilion and car parking (now demolished) shown as an overlay in light orange.



Figure 7 – Proposed site layout with overlay of previous development

12. The principle elevations of the building would face Canterbury Road and the car park. There would be a two-storey element at the most prominent corner of the building fronting both Canterbury Road and the car park. Materials would involve brick, black weatherboarding, glazing to the principle elevation fronting Canterbury Road and a bespoke wild meadow green roof. Elevations, including CGIs and floor plans are set out below.

Ashford Borough Council - Report of the Assistant Director - Planning and Development
 Planning Committee – 13 March 2024

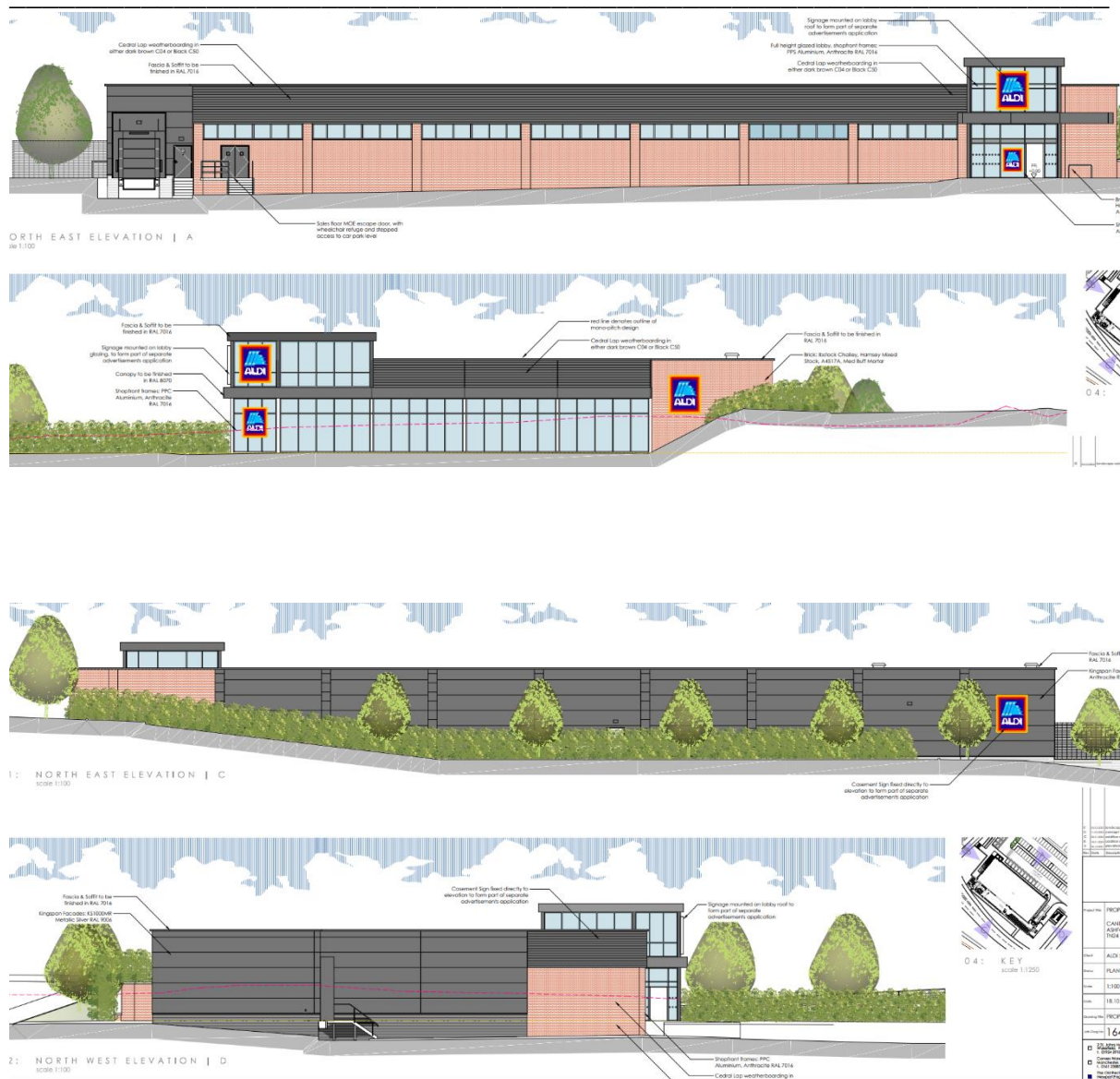


Figure 8 – Proposed elevations



Figure 9 – Illustrative CGIs

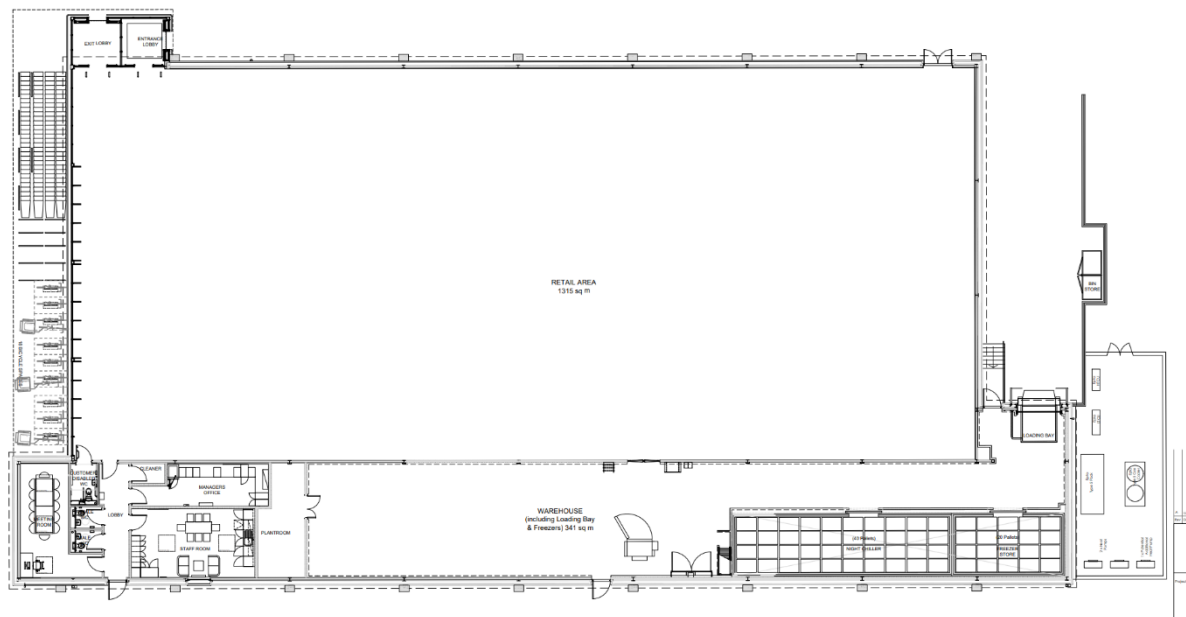


Figure 10 – Proposed floor plan

13. The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement (including Statement of Community Involvement)
- Transport Assessment
- Landscape & Visual Impact Assessment (LVIA)
- Environmental Noise Report
- Air Quality Assessment
- Contamination Assessment
- Archaeological Desk Based Assessment
- Heritage Statement
- Minerals Assessment
- Flood Risk Assessment & Drainage Strategy
- Renewable & Low Carbon Energy Statement
- Arboricultural Method Statement
- Arboricultural Impact Assessment and Tree Protection Plan
- BREEAM Pre-Assessment
- Ecological Assessment
- Travel Plan

Planning History

10/00372/AS - Improvement of former recreation land to provide a school of football development including temporary buildings for changing/showers etc, 2 training pitches, flood lighting, fences, new access and car parking – PERMIT

13//00800/AS – This permitted a further 3 years to implement the above 10/00372/AS application.

18/00161/AS - Erection of part single, part two storey Class A3 restaurant building together with associated access, parking and landscaping – PERMIT

14. In determining any planning application, planning history is a material consideration. Planning permission 18/00161/AS for a restaurant use on the site is of particular relevance to the current proposal. The application was determined in September 2019 and therefore was considered against the policies in the current Ashford Local Plan 2030. The approved layout of that scheme is shown in **Figure 11** below:



Figure 11 – Previously approved development

15. The development was largely on the same site as the proposal subject of the current application, although the amount of built development was less and the access was to be provided on the northern side of the site. The proposal showed an undeveloped area to the north for an ecological receptor site and a green area to the south.

16. In assessing the application it was considered that the site constituted an infill in an urban area and lay in a sustainable location well related to public transport and well served by roads, cycleways and footpaths.

17. The proposal was assessed under policy ENV2 as the site lies within the Green Corridor, which remains the same today. The assessment stated:

“Part of the site is covered by hardstanding and there is historical evidence of a structure previously on the site used in association with an outdoor recreation use on the site. The site has been vacant and un-used for a long time and can therefore be considered a brownfield site, in part. Given its location on the northeast side of Canterbury Road, the site/proposal could also be considered infill development in a sustainable urban location between the M20 and established built development along Canterbury Road. The proposal would therefore be considered the redevelopment of a brownfield site in a sustainable location.

In addition, the principle of development has previously been accepted on the site albeit for different scheme that would have been compatible with the principal open space use in accordance with green corridor policy.

It is also noted that only a small part of the Green Corridor would be developed as part of these proposals and part of the built development would be located on the previously development brownfield sections of the site. As a means of protecting and enhancing the Green Corridor the southern and western boundaries of the site would be retained and enhanced providing visual screening and ensuring continuity of the Green Corridor from Ashford town centre extending northwest beyond the site. The retention of the wooded area to the south would also ensure there remains a clear ‘green’ separation between Kennington and Ashford, as referred to in the Green Corridors Action Plan SPG - notwithstanding the separation provided by the M20 and further to the east.”

18. It was also acknowledged that the proposal would provide economic benefits in the construction and operational stages and that the proposal would be compatible with the surrounding commercial uses. The assessment concluded:

“On balance it is therefore considered that the proposal would be in accordance with policy ENV2 as an ‘other form of development’ as it relates to the redevelopment of a suitable and sustainable brownfield site (in part), there would be some economic benefits and there would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.”

19. This application was approved in August 2019 and has therefore now lapsed. At the time of the submission of the current application it remained extant, albeit only by just over a month.
20. The current application falls to be assessed in exactly the same manner and in respect of the impact on the Green Corridor, a key issue is therefore whether the additional land take would cause an unacceptable level of harm.

Consultations

Kent Highways – No objection

Summary of highway works

- The proposal would include a new signalised vehicular site access from A28 (Canterbury Road).
- The proposal would signalise the junction of A28 (Canterbury Road) and Cemetery Lane as the latter backs up for right-hand turns in peak times.
- Formal pedestrian crossings are proposed across Canterbury Road as part of the signalling upgrade making the store more accessible by foot and bicycle and access to National Cycle Routes 17&18.
- Improvements to the junction of A28 (Canterbury Road) & Simone Weil Avenue, as well as traffic signal upgrades along the A28 are due to be carried out as part of the Conningbrook development. If these do not come forward before the Aldi development then Aldi would need to carry out these highway improvements themselves.
- A new segregated cycleway and footway is proposed to the southern side of Canterbury Road involving the removal of the bus lane but this would be compensated for by the improvements at the junction of the A28 (Canterbury Road) & Simone Weil Avenue.
- Highway alterations to Canterbury Road have been subject to Stage 1 Road Safety Audit and no highway safety concerns have been found.
- The provision of 116 car parking spaces would be acceptable based on Aldi's modus operandi (4 EVCP (20 passive), 10 parent / child & 7 disabled).
- 18 cycle spaces is considered acceptable.

Transport Assessment (TA)

- The TA assesses 12 junctions:
 - 1) A28 Canterbury Road / Site Access Junction
 - 2) A28 Canterbury Road / Cemetery Lane Priority Junction
 - 3) A28 Canterbury Road / Holiday Inn Priority Junction
 - 4) A28 Canterbury Road / Kinney's Lane Priority Junction

- 5) A28 Canterbury Road / Bybrook Road Signal Junction (Install SCOOT)
- 6) A28 Canterbury Road / Faversham Road / George William Way Signal Junction (Install SCOOT)
- 7) A28 Canterbury Road / The Ridge Priority Junction.
- 8) A28 Canterbury Road / A2070 Willesborough Road / Conningbrook Hotel Roundabout Junction.
- 9) A28 Canterbury Road / Simone Weil Ave Signal Junction (Install SCOOT)
- 10) Simone Weil Ave / Sainsbury's and M&S Signal Junction
- 11) A28 Canterbury Road / Magazine Road Signal Junction (install SCOOT)
- 12) A2042 Canterbury Road / A292 Somerset Road / Edinburgh Road Signal Junction

- The highway capacity assessments also include two committed developments nearby with their permitted traffic flows as set out in their respective Transport Assessments:
 1. Conningbrook Park (19/00025/AS) – Located off the A2070 Willesborough Road (725 dwellings, local centre and two form entry primary school).
 2. Conningbrook Lakes (12/01245/AS) – Located off the A2070 Willesborough Road (300 dwellings and a country park).

TRICS for the Aldi Store

- AM peak – 65 movements (26 departures & 39 arrivals)
- PM peak – 150 movements (75 arrivals & 75 departures)
- Saturday peak – 255 (123 arrivals & 132 departures)
- KH&T are satisfied these trip rates are accurate.
- It is anticipated that only 30% of the above would be new trips as 30% would be pass-by, 20% linked (Sainsbury's & M&S) and 20% transferred from other retail stores)
- The greatest flows would be Saturday peak but the flows at this time along A28 would be a lot less than in the AM & PM peaks.

Most impacted junctions

- *A28 / site access / Cemetery Lane* – site access / A28 junction would operate within the Degree of Saturation (90%) being 83.3% (including committed developments). Queues do not extend further than adjacent junctions i.e. A28 / SWA and A28 / Bybrook Road.
- *A28 / Holiday inn* – Junction capacity assessment shows it would operate well within capacity (max delay 12 secs on Sat peak).

- *A28 / Kinney's Lane* – Junction capacity assessment shows it would operate well within capacity (max delay 10 secs on Sat peak).
- *A28 / Simone Weil Avenue* – Junction capacity assessment shows it would operate well within capacity (max delay 20 secs on Sat peak – not considered to be 'severe' as per the NPPF). This accounts for the highway improvements arising from Conningbrook.
- *A28 / Faversham Road / George William Way* – Junction would operate over capacity with committed developments however this would not build up to the Bybrook Road junction thus improving capacity. Mitigation for Conningbrook Park development includes improvements to the traffic signals on Canterbury Road. The impact of Aldi on the Bybrook Road junction is minimal therefore no further junction capacity tests are needed here. The situation is acceptable in highway terms.
- *A28 / Magazine Road* – Impact so minimal that junction capacity testing is not considered necessary.
- Impact upon the immediate junctions with the planned improvements is acceptable.

Travel Plan

- Needs to be secured through a S106 with a monitoring fee of £1,000 a year over 5 years so KCC can effectively monitor it.

Overall, no objection is raised, subject to conditions which critically include the following:

1) Completion and maintenance of the proposed site access and highway improvements (including signalisation of the Cemetery Lane junction) along the A28 corridor as shown on the submitted plan (19209 - 010 Revision H) prior to the opening of the retail unit hereby permitted.

These proposed highway works on plan reference 19209 - 010 Revision H are shown in **Figure 12** below.

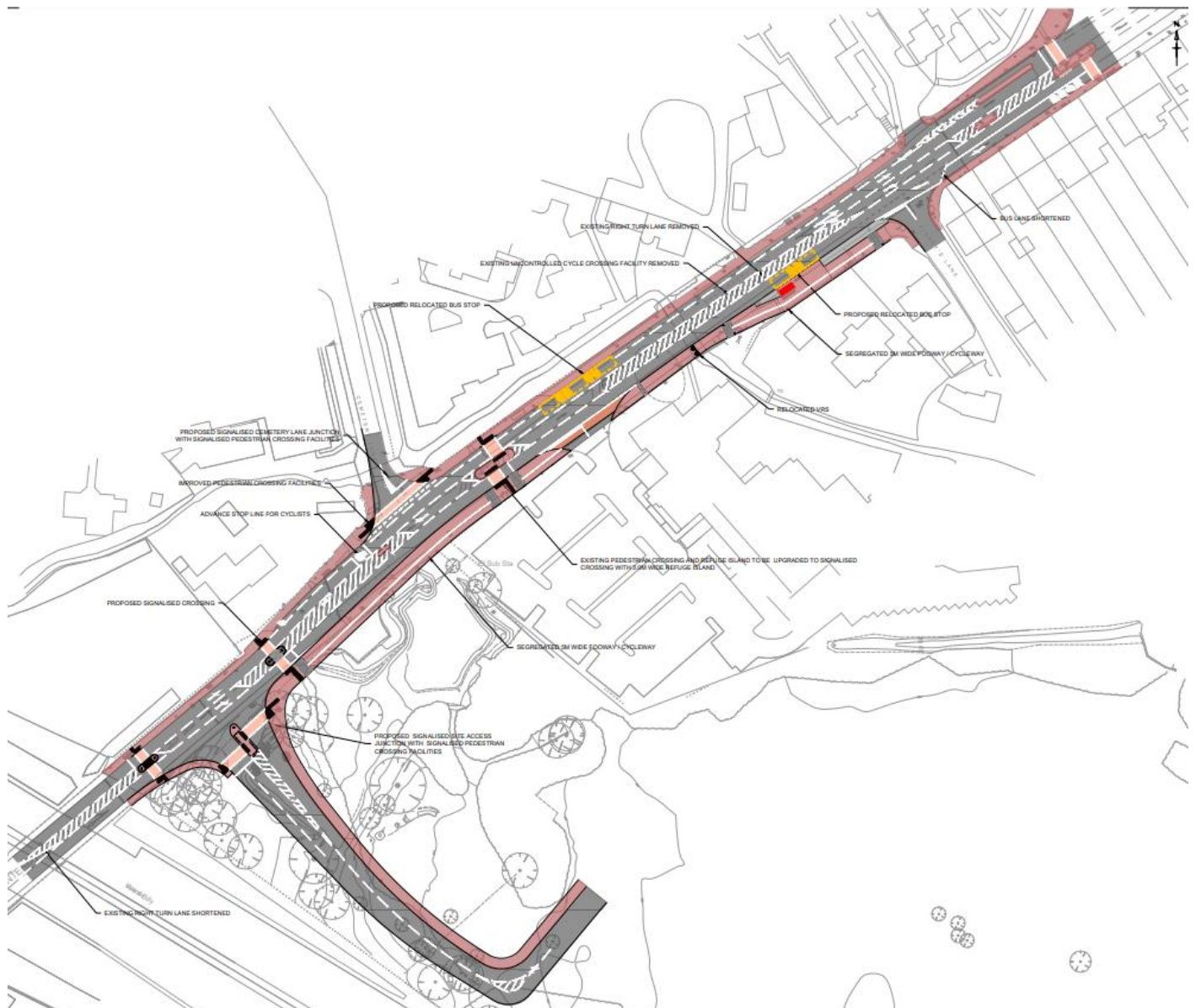


Figure 12 - Proposed site access & highway improvements along the A28

2) Completion and maintenance of the highway mitigation scheme for the junction of Simone Weil Avenue / A28 Canterbury Road as shown on drawing number (42499_5501_010 Revision D) of the Conningbrook Park development (19/00025/AS) prior to the opening of the retail unit hereby permitted.

The proposed highway works on plan reference 42499_5501_010 Revision D are shown in **Figure 13** below.

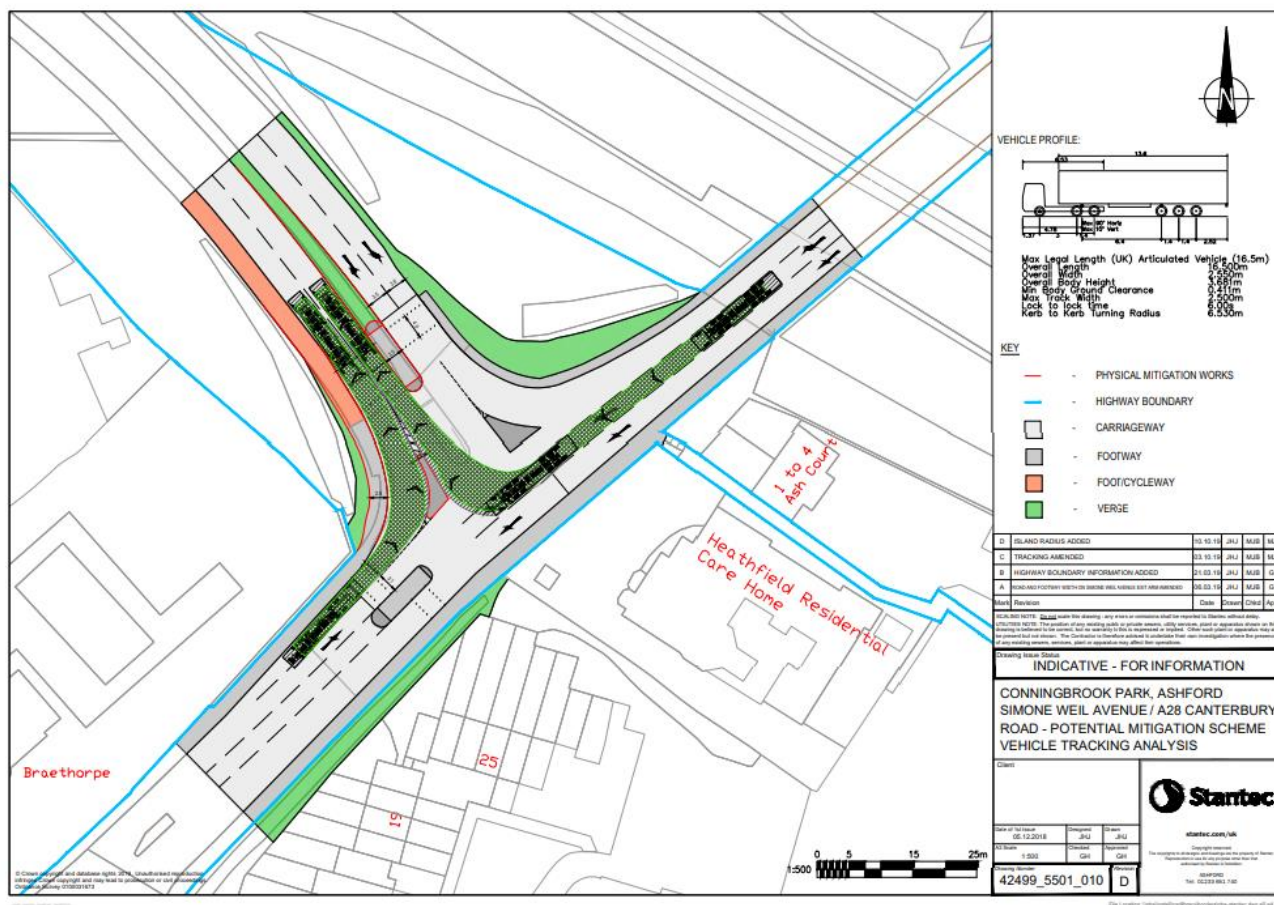


Figure 13 – works to junction of Simone Weil Avenue/A28 Canterbury Road

3) Installation of a SCOOT (Split Cycle Offset Optimisation Technique) system for the following traffic signal junctions:

- A28 Canterbury Road / Magazine Road
- A28 Canterbury Road / Simone Weil Avenue
- A28 Canterbury Road / Bybrook Road
- A28 Canterbury Road / Faversham Road / George William Way

prior to the occupation of the retail unit with details to be approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

KCC Flood and Water Management: No objection, subject to a condition requiring the approval of a detailed drainage scheme based on the principles in the submitted FRA prior to the commencement of the development, as well as a verification report demonstrating that what is installed on site complies with the approved detailed drainage scheme.

KCC Biodiversity – Raise no objection on the basis of additional information submitted by the applicant. Conditions recommended relating to a dormouse mitigation strategy, reptile translocation, a biodiversity method statement, a Construction Environment Management Plan (CEMP), a Landscape & Ecological

Management Plan (LEMP) and a bat sensitive lighting plan, along with the inclusion of mitigation for the loss of broad-leaved woodland in the S.106 Agreement.

Environment Agency – No objection, subject to conditions

KCC Heritage – No objection, subject to conditions.

Kent Wildlife Trust – No comments received.

Economic Development - 21% of jobs locally are within the wholesale and retail sector. The Sequential Assessment shows that Aldi has a very specific requirement for its stores making it hard to retrofit an existing unit and there are no vacant premises that could meet their requirements. Commercial sites within the Local Plan are largely taken up. The store would create between 40-50 jobs, although some of these are likely to be part-time.

River Stour Internal Drainage Board – The IDB's written consent will be needed for any works affecting a ditch or watercourse on or bordering the site. Surface water is to be discharged to the watercourse to the east of the site.

Environmental Protection – No objection. The submitted air quality assessment, noise assessment and contamination report/remediation strategies are acceptable. Recommend the addition of conditions and informatives covering a Construction Environment Management Plan and reporting of any unexpected contamination.

Kennington Community Council -

- The design of the new access will exacerbate traffic problems at Simone Weil Avenue junction.
- Inadequate space for the right hand turn to Simone Weil Avenue resulting in the A28 getting blocked.
- Inadequate space for the right-hand turn into Aldi.
- Traffic lights to control entry and exit from Aldi, coupled with new lights at Cemetery Road junction, will mean four sets of lights within 0.4 miles and three within 0.1 miles. This will cause tailbacks and disrupt the junction from Conningbrook to Mace Lane.
- The controlled crossing at Cemetery Lane is welcomed in terms of improving accessibility to the doctor's surgery opposite the site.
- Disruption during construction.

Neighbours: 39 representations received; 23 in support of the application; 14 objecting and 2 general comments;

Support

- An Aldi in Kennington would be a good thing.
- Discount food store needed in this part of Ashford. The store in the town centre is inconvenient to access and overcrowded.
- Creates jobs.
- Site needs redeveloping and no nearby residents are affected.
- Site is very unsightly.
- Highway improvements proposed will improve traffic flows and reduce congestion. It will alleviate congestion and waiting times at nearby road junctions.
- Aldi here will reduce /alleviate traffic in the town as people in the locality will not need to drive into the town centre store.
- Discount stores are needed with the cost of living crisis and needed in the north of Ashford / Kennington area.
- This is wasteland and redevelopment is welcomed.
- Store is needed with the expansion of Ashford in this area.
- The store will be a visual enhancement to what is there.
- North Ashford lack lacks retail provision/choice unlike south Ashford which has lots.
- Good location for people that cannot drive.
- Location encourages cycling and walking.
- 1000s of homes are being permitted and stores need to support that.
- Will reduce congestion at the right hand turn at Simone Weil Avenue as residents won't have to travel to Sainsbury's and M&S.

Objections

- Additional junction will exacerbate congestion on A28 (Canterbury Road) and nearby road junctions (with Simone Weil Avenue & at Penlee Point). Also the junction with Cemetery Lane, which is opposite the access to the site, is congested.
- New housing development at Conningbrook will already impact on traffic congestion.
- Increased traffic means increased pollution.
- Pollution during construction.
- Loss of part of the bus lane will slow down buses.
- No need for a further Aldi store in Ashford.
- Loss of green space in the Green Corridor.
- Building in the floodplain.
- Impact upon wildlife.
- Food provision in the area is already adequate (Sainsbury's, M&S and B&M).
- Light and noise pollution.
- No opportunity to widen Canterbury Road which was not built to serve a food store.
- The new junction would result in five set of traffic lights within 400m.

- Long Acres Garden Centre would suffer as a result of competition [*Officer Note: This is not a material planning consideration*].

General comments

- Issue of road traffic needs to be addressed as part of this application.
- Cycleway and footpath should not be combined.
- Seven disabled parking bays out of 16 is not sufficient.
- The application would benefit from the inclusion of a cycle link between the river front path and the supermarket to link this better to Little Burton Farm.

Planning Policy

The Development Plan

21. 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).
22. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Examination.
 - (ii) Pluckley Neighbourhood Plan Review currently at Examination.
 - (iii) Aldington & Bonnington Neighbourhood Plan currently at Examination.
23. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 – Strategic Objectives
 - SP3 – Strategic Approach to Economic Development
 - SP6 – Promoting High Quality Design
 - EMP1 – New Employment Uses
 - EMP6 – Promotion of Fibre to the Premises
 - EMP9 – Sequential Assessment * Impact Test

TRA3(b) – Parking Standards for Non-Residential Development
TRA5 – Planning for Pedestrians
TRA6 – Provision for Cycling
TRA7 – The Road Network and Development
TRA8 – Travel Plans, Assessments and Statements
ENV1 - Biodiversity
ENV2 – Ashford Green Corridor
ENV3a – Landscape Character and Design
ENV4 – Light Pollution and Dark Skies
ENV6 – Flood Risk
ENV8 – Water Quality, Supply and Treatment
ENV9 – Sustainable Drainage
ENV11 – Sustainable Design and Construction
ENV12 – Air Quality
ENV13 – Conservation & Enhancement of Heritage Assets
ENV15 – Archaeology
IMP1 - Infrastructure Provision

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

DM7 - Safeguarding Mineral Resources

24. 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
- Sustainable Drainage SPD 2010
- Public Green Spaces and Water Environment SPD 2012
- Dark Skies SPD 2014
- Fibre to the Premises SPD 2020

Government Advice

National Planning Policy Framework (NPPF) 2023

25. 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 chapters of the NPPF are relevant to this application:-

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 - Building a strong competitive economy
- Chapter 7 - Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 10 – Supporting high quality communications
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed and beautiful places
- Chapter 14 - Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials

National Planning Policy Guidance (NPPG)

26. In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. The PPG contains a range of subject areas that are relevant to the consideration of this application, with each area containing several subtopics.

Assessment

27. The main issues for consideration are:
- a) Principle of development
 - b) Sequential test and retail impact assessment
 - c) Design and visual impact
 - d) Impact on the Green Corridor
 - e) Ecology and biodiversity
 - f) Landscape impact
 - g) Trees and landscaping
 - h) Highways and transportation
 - i) Residential amenity and living conditions
 - j) Ground conditions
 - k) Flood risk and drainage
 - l) Heritage/archaeology
 - m) Minerals safeguarding

n) Planning obligations

A) Principle of development

28. The NPPF requires all developments to be sustainable. It sets out the three aspects to sustainability being social, economic and environmental. Strategic policy SP1 of the Local Plan sets out the strategic objectives and guiding principles by which development proposals are required to adhere to, including the need to ensure that they are in accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities.
29. In this case, the proposal would utilise a partly previously developed site which forms an underutilised piece of land in the urban area. The site has good transport connections to the town centre and the surrounding area by road as well as cycle paths, footways and public transport. In terms of its location, the site can be considered sustainable.
30. The proposal has been submitted by Aldi in order to address an under-provision of food retail in the northern part of the Ashford Urban Area (north of the M20). There is currently an Aldi store within the town centre but the applicant argues that this is a different catchment area and that the proposal would reduce the need for residents in the northern part of Ashford to travel into the town centre to access the discounted food store, thereby reducing car journeys as well as congestion in and around the town centre. Furthermore, there are considerable residential areas in the vicinity and full planning permission has been granted for 288 dwellings at Conningbrook as part of the larger Ashford Local Plan site allocation policy S19 with construction of the 288 dwellings now underway.
31. In terms of the NPPF and the Development Plan, there are no strategic objections to the principle of a new food retail outlet in this location, subject to the material considerations below being satisfactorily addressed.

B) Sequential test and retail impact assessment

32. Policy EMP9 of the Local Plan accords with the requirements of the NPPF and states:

Policy EMP9 - Sequential Assessment and Impact Test

Proposals for retail development which are not located in the Primary Shopping Areas, or for other 'main town centre uses' which are not located within the boundaries of Ashford or Tenterden Town Centres (as defined in Policy SP4, EMP7 and EMP8 and set out on the Policies Map), and are not supported by other policies in this Plan, will only be permitted if all of the following criteria can be met:

- a) A sequential assessment has been carried out that demonstrates that no suitable sites are available, firstly in the primary shopping area for retail, or the town centre boundary for other town centre uses, then edge of centre locations. Only if no sites are available in these locations should out of centre locations be considered. Preference will be given to sites that are well connected to the town centre; and,**
- b) The proposal, either by itself, or in combination with other committed development proposals, will not have a significant adverse impact on investment or the vitality and viability of a town centre, or any significant adverse impact upon the town centres can be adequately mitigated. Proposals for retail development which are greater than 500 sqm, will be required to carry out an impact assessment. Other main town centre uses will be required to carry out impact assessments in line with the requirements of the NPPF.**

- 33. The Sequential and Retail Impact Assessments are required to be carried out because both Ashford and Tenterden town centres are potentially vulnerable to increasing competition from out of centre retailing and the growth of internet shopping. The concern is that existing retailers, particularly in Ashford, could choose to take space in a larger, more modern unit in an out of centre location. The loss of existing major retailers in the town centre would be significantly detrimental to the vitality and viability of the town centre.
- 34. With regard to criterion a) of policy EMP9, this requires development such as that proposed in this application to first look to be located at a town centre site, and then edge of centre sites. Only if no sites are available in these locations should out of centre locations be considered, with a preference given to sites that are well connected to the town centre. The NPPF advises that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 35. The Glossary of the NPPF defines an edge of centre location for retail purposes as “a location that is well connected to, and up to 300 metres from, the primary shopping area”. The application site is located approximately 700m from the designated Primary Shopping Area and would therefore be considered an out of centre location.
- 36. Criterion b) of policy EMP9 requires the submission of a Retail Impact Assessment for retail development greater than 500sq.m. in order to assess

the impact on the vitality and viability of the town centre. The NPPF/NPPG require that the level of detail to be included within the Sequential and Retail Impact Assessments should be proportionate to the scale and type of retail floor space proposed, and that this shall be determined on a case-by-case basis.

Sequential Assessment

37. The proposed development would comprise of 1,803 sq.m. Class E (retail) floorspace with 116 car parking spaces. Potential sites should be considered based on this requirement as the Aldi food provision is based on a homogenous approach to all of their stores. Cases such as Tesco v Dundee CC in the Supreme Court established that sequential site assessments should be assessed on whether “an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site”.
38. The case of the High Court Challenge (Mansfield) for an out of centre food retail provision is also relevant to the consideration of this application. This established what the terms ‘suitable’ and ‘available’ meant in relation to potential sites. It concluded that suitable and available need to relate to the nature of the development proposed in the application by approximate size, type and range of goods sold. It requires flexibility, but that does not mean the application should be transformed into something significantly different, and the test needs to reflect the real world and not an artificial one.
39. As stated above, Aldi follows a homogenous approach across all of its stores and has very specific requirements. This is relevant when considering alternative sites in this case. The applicant states that to seek to reduce the size of the development or disaggregate it would fail to deliver Aldi’s function. This is a material consideration in the application of the sequential test. Potential sites need to be assessed on the site’s availability, suitability and viability.
40. The applicant’s Sequential Assessment looked at vacant units that could meet Aldi’s needs and were available. Firstly, the town centre vacant sites of County Square, the Mecca Bingo and former Debenhams were looked at but these failed to meet Aldi’s needs or requirements based on the homogenous retail provision that they offer. They were also not available.
41. Secondly, allocated sites were looked at but these were also found not to be suitable or available. These included:
 - Within the town centre – Commercial Quarter & Gasworks Lane.

- Beyond the town centre – Newtown Phase 2, Former Klondyke Works, former Bombardier Works.
42. In terms of other sites, the Council's Economic Development Officer was approached but no suitable alternative sites in a town centre or edge of centre location were identified. I am therefore satisfied that a robust Sequential Assessment has been undertaken and that this is the most sequentially suitable site that is available, viable and meets the applicant's needs.

Retail Impact Assessment

43. The applicant's Retail Impact Assessment identifies that to the north of the M20 there is very limited retail provision. The current store serving the area is the Co-Op located on Faversham Road. The next closest stores are at Warren Retail Park where there is Sainsbury's and an M&S food hall. Aldi, however, offer a very different product to these stores. Aldi does not have a large selection of ranges, no kiosks and does not offer 'one stop shop' as it does not offer the complete food shop experience but instead, offers a limited range of goods at a discounted price. Its products regularly change as many are based on a 'when it's gone, it's gone' basis.
44. As a result of the different offer of an Aldi store, its users will still be likely to need to use other shops and it is considered to be more of an addition to the customer's shopping experience rather than a complete replacement of the need to use other shops. It is therefore not anticipated that this store would have any significant adverse impact on Ashford Town Centre.
45. A retail impact assessment has been submitted with the application. This states that the assessment had regard to the detailed guidance in the NPPG which states:
- “As a guiding principle impact should be assessed on a like for like basis in respect of that particular sector (i.e. it is not appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would not normally compete directly). Retail uses tend to compete with their most comparable competitive facilities.”*
46. The NPPG emphasises that the impact assessment needs to be undertaken in a proportionate way. The applicant has undertaken such an assessment which identifies that that the Sainsbury's at Simone Weil Avenue is the principle destination for food shopping in this area. The assessment split up the food retail provision into zones, as per the map in **Figure 14** below.

Figure 7.2: Study Area

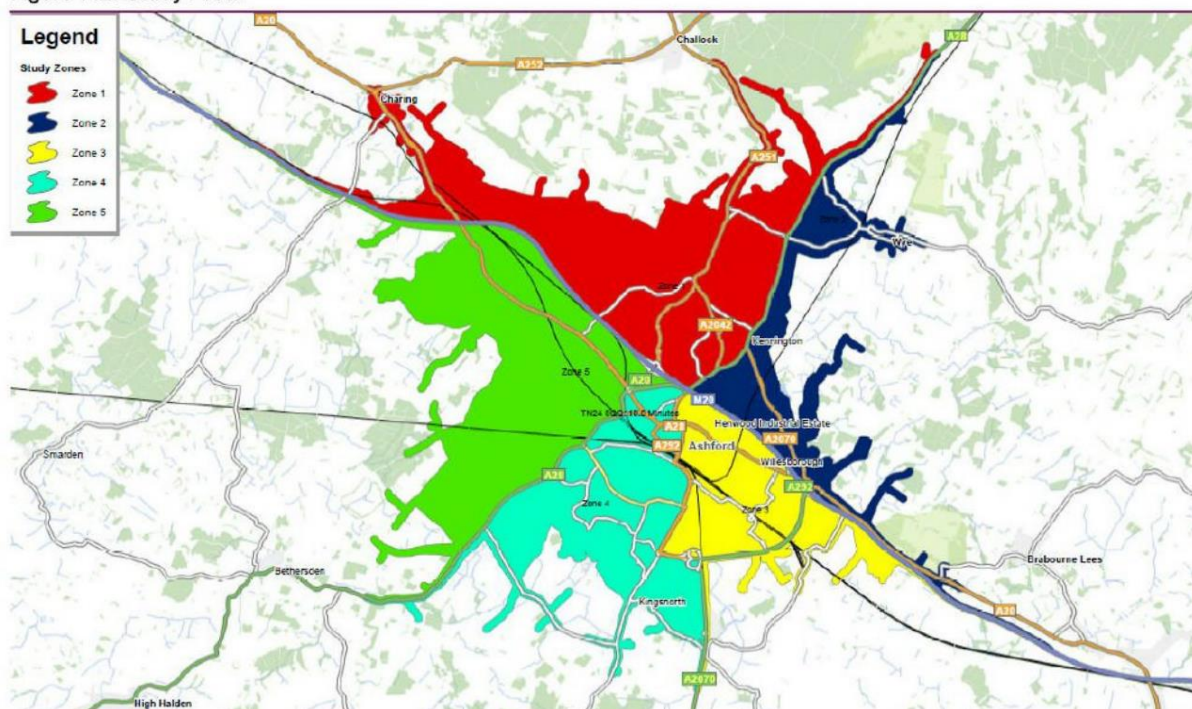


Figure 14 - Food retail provision zones

47. The results of the surveys / assessment are set out in **Figure 15** below:

Table 7.1: Main Stores by Zone (Primary main food shopping)

Zone	Store	Market share
Zone 1	Sainsbury's Superstore, Simone Weil Avenue	42.48%
	Aldi, Victoria Road	9.40%
	Tesco Extra, Hythe Road	8.17%
Zone 2	Sainsbury's Superstore, Simone Weil Avenue	31.57%
	Tesco Extra, Hythe Road	27.06%
	Aldi, Victoria Road	8.13%
Zone 3	Tesco Extra, Hythe Road	38.11%
	Sainsbury's Superstore, Simone Weil Avenue	20.15%
	Asda, Kimberley Way	11.95%
Zone 4	Tesco Extra, Moatfield Farm	51.73%
	Sainsbury's Superstore, Simone Weil Avenue	11.90%
	Asda, Kimberley Way, Ashford	11.10%
Zone 5	Sainsbury's Superstore, Simone Weil Avenue	53.37%
	Waitrose, Repton Park / Sir Bernard Paget Avenue	9.84%
	Aldi, Victoria Road, Ashford	8.62%

Figure 15 - Food retail stores by zones

48. All main food retailers, other than Aldi on Victoria Road (edge of centre) are in out of centre locations. The current Victoria Road Aldi store attracts almost 10% of main shopping food trade and based on the surveys was the second most popular food retail destination in zone 1.
49. The surveys identified that 41% considered proximity to home as the main reason for visiting a particular store and over 85% travelled to do their weekly shop by car.
50. The main/majority of food retailers are in out of centre locations and are not protected in planning policy terms. The proposed store is not expected to impact on the town centre given the convenience provision is limited and due to the edge of centre location of the existing Aldi store.
51. Ashford Town Centre is not reliant on convenience goods retailing to support its vitality and viability and therefore the proposal would not undermine or adversely impact the overall 'health' of the Ashford Town Centre.
52. In conclusion, I am satisfied that a robust sequential test and retail impact assessment have been undertaken and that this is the most sequentially suitable site that is both available, viable and meets the applicant's needs. It has also been demonstrated that the retail impact on the town centre's viability and vitality would be negligible. I am therefore satisfied that the proposal meets the requirements of the Local Plan policy EMP9 and the NPPF in this regard.

C) Design and visual impact

53. Local Plan Policy SP6 is consistent with Chapter 12 of the NPPF in seeking to achieve well-designed and beautiful places. The policy requires all development proposals to achieve high-quality design and demonstrate a careful consideration of and a positive response to the policy's design criteria.
54. The views of the site are localised, with the main vantage point being from Canterbury Road immediately outside of the site. The embankment and planting for the M20, and the neighbouring Holiday Inn provide substantial screening on approach from the south-west and from the north-east respectively.
55. The proposed building, layout and ecological corridor/landscaping are set out in the drawings and CGIs in the 'Proposal' section above. The design approach adopted responds to the bespoke needs of Aldi but has been significantly enhanced following pre-application advice in order to respond to the local context, to add visual interest when viewed from Canterbury Road

and to provide a two-storey glazed element at the corner containing the entrance to the building.

56. The levels across the site would drop down from Canterbury Road which would reduce the prominence of the development viewed from Canterbury Road. The design approach adopted results in a primarily single-storey building that would in keeping with, or lower than, the height of surrounding development in the vicinity of the site. The design ethos generally is for a simple contemporary building that would assimilate into the local context.
57. The front elevation which faces north-east towards the Holiday Inn, as well as the main area of the proposed customer car park, would be primarily visible from Canterbury Road when travelling in a south-westerly direction i.e. in the direction of the town centre. This elevation would be red brick with a ribbon of grey windows above and cedar lap weatherboarding above the windows. Pillars have been introduced to the brickwork to break up the massing and to provide visual interest. The elevation fronting Canterbury Road, which is arguably the most prominent elevation, would be predominantly glazed which would offer an attractive active shopfront. There would be a two-storey glazed corner defining this entrance which would provide visual interest. Above the glazing, the cedar lap boarding would continue.
58. The remaining elevations to the rear and side (facing towards the M20), which are not readily visible from any public vantage points would primarily be constructed from a combination of dark grey cladding and brickwork. The roof would be a bespoke wild meadow green roof to both reflect and be sympathetic to the Green Corridor location.
59. In terms of its layout, the building would set back from Canterbury Road but with its attractive frontage facing towards it. The car parking is sited to the north and the access road and ecological area to the south of the building. I consider the layout to work well, with a defined entrance and clear pedestrian and cycle routes.
60. Pedestrian and cycle entrances from Canterbury Road are proposed in addition to the vehicular access, whilst tree planting is also proposed to Canterbury Road which would further soften and integrate the development. Additional tree planting is proposed within the site, including to break up the expanse of car parking. The established tree planting to the south-west is proposed to be retained and enhanced by the addition of an ecological corridor.
61. Overall, I consider the design approach adopted for the proposed development to be of high quality and acceptable for the context of the site.

D) Impact on the Green Corridor

62. The site lies within a designated Green Corridor and as such, consideration needs to be given to Ashford Local Plan policies SP1 and ENV2, as well as the Green Corridor Action Plan 2017. The designated Green Corridor is a network of largely green open areas made up of recreation space and other green and blue spaces alongside the Great and East Stour rivers. These areas have remained largely undeveloped and provide a unique opportunity for improving the quality of the urban environment and for establishing green links between the town and the surrounding countryside.
63. Policy SP1 sets out a range of strategic objectives, including the conservation and enhancement of the Borough's natural environment which is consistent with the objectives of the NPPF. This includes designated and undesignated landscapes and the promotion of a connected green infrastructure network that should play a role in managing flood risk, delivering net gains in biodiversity and improving access to nature.
64. Policy ENV2 echoes the provisions in the NPPF which identifies the conservation and enhancement of the natural environment as a core planning principle of sustainable development. The policy deals specifically with the Ashford Green Corridor which states, as a key objective, the protection and enhancement of the Green Corridor. The policy does not preclude development within the Green Corridor but allows for development that is compatible or ancillary to the Green Corridor designation, or alternatively where it relates to the redevelopment of a suitable brownfield site, or where it delivers overriding benefits. In either scenario, it would need to be demonstrated that *"there would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor"*.
65. The Green Corridor is split into three parts in the Action Plan 2017, with each part split into lettered characteristic zones. Houchin's playing fields is located within character area A3, which also covers the adjacent rugby club as well as the garden centre, doctor's surgery and cemetery on the opposite site of Canterbury Road. The Action Plan identifies the site on the opposite side of Canterbury Road as mostly comprising buildings and car parking but acknowledges that it retains a degree of openness with the adjacent cemetery contributing towards this.
66. The Action Plan in respect of the former Houchin's Playing Field and Ashford Rugby Club area states:
- "This large area of flat, open flood plain is an important green break between Kennington and the rest of Ashford. The river, as it passes through this*

section, is winding and attractive, and also joins the Kennington Stream. The land is in private ownership but there is access across the site through Kinney's Lane which joins the National Cycle Path Route 18 and a footpath which is fenced. The Rugby Club have been located around this area since the 1970's and accessed from Kinney's Lane. The club is very active and the site is well used, even though the area is within flood zones 2 & 3."

67. The application site itself is privately owned and is therefore not publicly accessible. There are no Public Rights of Way (PROW) that either run through or adjoin the application site.
68. The Action Plan sets out the proposed key habitat enhancements for this site and the rugby club as follows:
- Invasive removal (Himalayan Balsam) and Japanese Knotweed
 - Tree thinning to control over-shading of river
 - River work to improve flow dynamics and water quality (EA consent required)
 - Replacing current fence along the footpath and cycle way with a hedge. Visually more appropriate but more importantly would allow greater movement for wildlife. Fencing will need to remain to ensure site security while hedge establishes. [*Officer note – this footpath/cycleway is within the rugby club land, not the application site*]
69. The Green Corridor Action Plan 2017 sets out the details and characteristics of the Green Corridor. It states that the Green Corridor is a key piece of the town's infrastructure that offers multi-functional uses offering a wide range of environmental and quality of life benefits to the local community. These overarching characteristics are set out below followed by a brief assessment regarding how the site currently performs:
- “• Providing valuable wildlife habitats and corridors and protecting nature conservation areas and the biodiversity within them, linking urban habitats to the countryside;”*
70. The site currently performs well against this criterion. The site, despite its unkempt appearance and lack of maintenance over time, is rich in biodiversity.
- “• Offering educational and play opportunities for all with a variety of open spaces both for active sports and more gentle recreation;”*
71. The site performs badly against this criterion. The site falls within private ownership and as such there is no public access and these opportunities are not provided by this site.

“• Providing natural drainage systems and flood plain and water storage which prevents flooding;”

72. The existing site assists in providing this function.

“• Adding to the visual attractions of the town and complementing other initiatives to regenerate urban areas and the economy and giving the areas a positive image and identity;”

73. The site in its current state performs badly against this criterion. The site has not been in any active use for decades. It is in part previously developed and overgrown and unmaintained.

“• Providing pedestrian and cycle routes through the town which are not just for recreational purposes but make a crucial contribution to day to day travel and transportation needs;”

74. The site performs badly against this criterion. The site falls within private ownership and as such there is no public access and these opportunities are not provided by this site.

“• Providing a tranquil atmosphere in contrast to the noise and congestion in other parts of the town, improving quality of life and enabling more sustainable lifestyles, creating health benefits for residents.”

75. The site performs badly against this criterion. The site falls within private ownership and as such there is no public access and these opportunities are not provided by this site. Further, the site abuts the M20 and A28 Canterbury Road and therefore is subject to a level background noise that is higher than that of the vast majority of the Green Corridor.

76. In view of the above, I consider the site as it currently exists fails to perform a number of the roles that the Green Corridor Action Plan identifies that, ideally, it should. However, it does provide ecological habitat and a visual break from development between Kennington and the rest of Ashford to the south.

77. Local Plan policy ENV2 states as follows:

Policy ENV2 - The Ashford Green Corridor

The protection and enhancement of Ashford's Green Corridor is a key objective.

Development proposals within the identified Corridor designation (and proposed extensions) will be permitted, providing that it is compatible with, or ancillary to, their principal open space use or other existing uses, and it can be demonstrated that the proposal would not cause significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

Other forms of development proposals within the Green Corridor will not be permitted, unless it would be in accordance with a site specific policy in this Local Plan; or where it relates to a) the redevelopment of a suitable brownfield site or b) delivers overriding benefits, and in either scenario, that it can be demonstrated that there would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

Development proposals 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.

Development proposals must take into consideration the appraisals, projects and management recommendations set out for the specific areas in the Ashford Green Corridor Action Plan, including the identified proposed extension areas to the designation.

78. The first strand of Local Plan policy ENV2 states that development proposals that are compatible with or ancillary to their principle open space use or other existing uses will be permitted, providing it can be demonstrated that the proposal would not cause significant harm. I do not consider the proposed development to be compatible with, or ancillary to, the principle open space use of the site so the development would fail to comply with the first strand of ENV2.

79. The second strand of policy ENV2 states that other forms of development will not be permitted, unless it relates to the following:

- The redevelopment of a suitable brownfield site; or
- Delivers overriding benefits; and
- There would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

80. In respect of the above three ENV2 criteria:

The redevelopment of a suitable brownfield site

81. The NPPF defines previously developed (brownfield) land as:

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

82. Part of the site has previously contained both buildings and hardstanding (some of which remains on the site), as shown in **Figure 16** below:

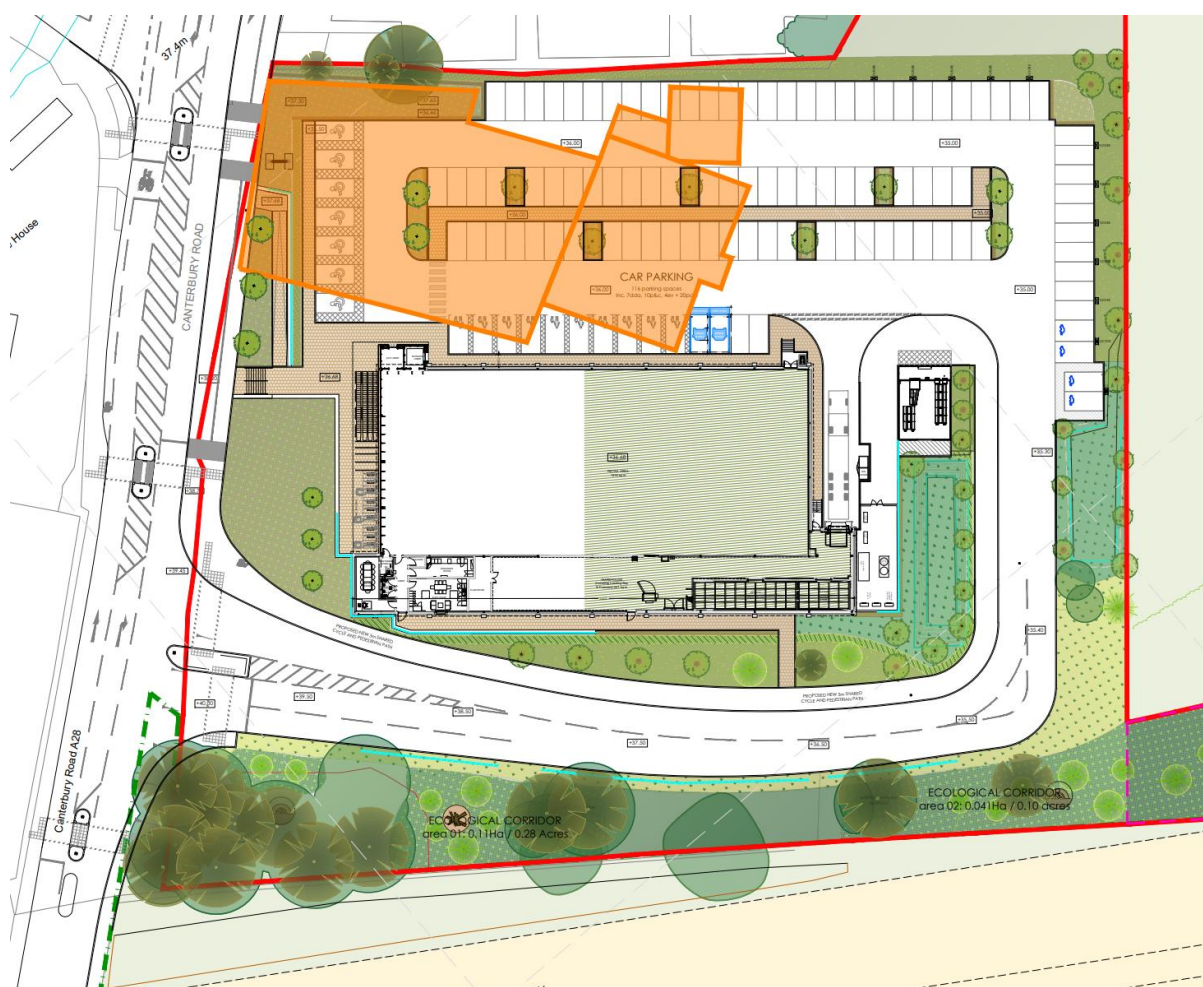


Figure 16 – Proposed site layout with overlay of previous development

83. Based on the NPPF definition, the site can be seen to constitute a previously developed (brownfield) site, although as stated above, it cannot be assumed

that the entire curtilage of those former elements should necessarily be developed.

84. The site represents an infill site within the Ashford urban area. The Green Corridor to the northern side of Canterbury Road is developed up until the cemetery to the north. In this context, the development of the site (which historically has had buildings and parking areas) would not, in my opinion, be intrusive in the wider setting of the Green Corridor.
85. I consider that the proposal can, therefore, at least partially be considered to comply with the first part of this ENV2 criterion.

Delivers overriding benefits

86. There are key benefits associated with this proposal that are material considerations in the assessment against policy ENV2.
87. The first key benefit would be the economic benefits of the development. The proposal would deliver significant further investment in Ashford. The proposed development would create jobs during the construction phase and approximately 50 jobs in the operational stage which are likely to mainly comprise Ashford residents. Further employees during both the construction and operational stages may use other businesses locally, further enhancing the economic benefits.
88. The site, whilst in the Green Corridor, is located adjacent to a group of commercial uses including the Holiday Inn, Harvester pub/restaurant, garden centre as well as a doctor's surgery/pharmacy. The site, at present, makes no economic contribution to that group.
89. Paragraph 81 of the NPPF requires that "*significant weight should be placed on the need to support economic growth and productivity*". The NPPF and policy SP3 are clear that a positive approach to economic development should be adopted to support job growth and economic prosperity.
90. The second key benefit would be access to a greater choice of affordable food for local residents. Para 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places with sub paragraph (C) stating that such decisions should support healthy lifestyles through amongst other things the provision of local shops and access to healthier foods.
91. The only retailer identified to the north of the M20 is the Co-Op on Faversham Road. This is a relatively small facility. There is no discount food retail store in this area and the demand is high, particularly as people are more conscious

of what they spend due to the higher cost of living. Currently, residents of Kennington have to travel south of the M20 to do a main food shop and into the town centre to access discount food retailers.

92. The third key benefit is that the development constitutes a sustainable location for this development. The site comprises an accessible infill site in the built-up urban area of Ashford. It is located well in terms of transport routes, public transport and cycling/footpaths. In accordance with the sequential test, it can be considered a sustainable out-of-town location for the proposed use.
93. Taken as a whole, given the current appearance of the partly previously developed (brownfield) site, how the site currently performs against many of the roles that the Green Corridor Action Plan sets out that it should and the proposed ecological mitigation (as discussed later in this report), I consider that there a reasonable case can be made in relation to the overriding benefits that would arise from the development. The proposal can, therefore, be considered to comply with the second part of this ENV2 criterion.

There would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

94. There is a clear argument that the proposal would comply in the main with the above two criteria. The third, however, requires an analysis of harm which is assessed in the subsequent sections of this report. Subject to none of these demonstrating 'significant harm', as set out in the policy, then the proposal can be considered to be compliant with policy ENV2 of the Local Plan. I shall return to the overall compliance with policy ENV2 in my conclusions.

E) Ecology and biodiversity

95. 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.
96. Paragraph 186 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".
97. The relevant 'former Houchin's playing field' section of the Green Corridor links the remainder of Green Corridor Parcel A3, as identified in the Green

Corridor Action Plan by connecting the Green Corridor area of Bybrook Garden Centre to the north with the rugby club to the north-east of the site. The Green Corridor Action Plan identifies habitat enhancements for this area of the Green Corridor, the majority of which relate to areas outside the application site. The key Action Plan enhancement relevant to this part of the site is the removal of invasive species.

98. The applicant's Ecological Assessment provides an assessment of the site 'as existing' as well as the impacts of the proposed development. It states that the site currently has invasive species 'Himalayan balsam' and invasive non-native 'Buddleia' growing within it, but that these would be removed as part of the development. The development would therefore deliver the relevant enhancement identified for the site in the Green Corridor Action Plan. In addition, the applicant's Assessment states that the proposal would provide 0.19 hectares of land specifically given over to ecological mitigation purposes, primarily through the creation of an ecological corridor to the south-western boundary.
99. The applicant's Ecological Assessment states the following in respect of protected species:
- Bats – the site provides suitable foraging habitat. Careful consideration has been given to the outdoor lighting and the proposed landscaping scheme proposes native species, attracting invertebrates and thus increasing foraging opportunities. Bat boxes are proposed to be installed and mature woodland trees are to be retained.
 - Badgers – no badger setts recorded.
 - Dormice – the survey undertaken in 2020 identified the presence of a breeding population on site and states that a European Protected Species license will be required to be obtained. The mitigation allows dormice to move from the habitat removed as part of the proposal to other habitats which will ensure no long-term effects on the dormice population.
 - Hedgehogs – no evidence recorded on site.
 - Birds – removal of suitable nesting habitat to be carried out outside of the nesting season and bird boxes to be installed in retained trees.
 - Reptiles – surveys in 2020 identified low populations on site. Retained habitat will be enhanced to accommodate reptiles.

- Amphibians – there are no waterbodies on the site. The only ponds within 500m of the site lie to the north of Canterbury Road which is a significant movement barrier in respect of this site.
 - Invertebrates - given the habitat, they are likely to use the site. New wildflower grassland is proposed to be provided for foraging opportunities on the site.
100. The applicant's Assessment concludes that there are no ecological reasons for the site not to be developed.
101. KCC Biodiversity raise no objection to the development and recommend that should permission be granted, planning conditions are attached relating to a dormouse mitigation strategy, reptile translocation, a Biodiversity Method Statement, a Construction Environment Management Plan (CEMP), a Landscape & Ecological Management Plan (LEMP) and a bat sensitive lighting plan.
102. KCC also recommend that mitigation is secured for the loss of broad-leafed woodland which is being lost to create a neutral grassland habitat for reptiles. The development would result in 0.07ha of the 0.25ha of broad-leafed woodland within the site being lost to the development, which cannot be replaced on site.
103. Whilst compliance with Biodiversity Net Gain (BNG) is not a requirement for this application because it was registered long before BNG came into effect, the applicant has carried out a BNG assessment which identifies a net gain of 16.39% in habitat units and 927.66% in hedgerow units through the provision of an ecological-led planting scheme, establishment of an 'ecological corridor' and use of a green roof design. This would exceed the 10% BNG requirement.
104. Despite this, the development would not meet the BNG trading rules because of the overall loss of broad-leafed woodland within the site. The applicant is therefore seeking to ensure that the development would exceed the notional BNG requirement through the provision of a financial contribution towards off-site replacement woodland. This would also ensure compliance with Local Plan policy ENV1. The applicant is proposing a contribution of £5,000 to be secured by S.106 Agreement towards the provision of off-site woodland creation by Kent Wildlife Trust. I consider this would meet the CIL Regulations tests for planning obligations and can be so secured.
105. Subject to the addition of planning conditions and the financial contribution, I consider there would be no harmful impact on protected species or habitats

resulting from the development and that the development would actually exceed the BNG requirements.

F) Landscape impact

106. A Landscape Visual Impact Assessment has been submitted in support of the application. The site lies within the urban area of Ashford and is abutted on three sides by infrastructure and buildings/a car park. The views of the site are localised from Canterbury Road and there are no public footpaths running through the site or in the vicinity of the site from which the development could be viewed.
107. In this context, and coupled with the fact that the existing site has an unsightly derelict appearance which has been the case for many years, I do not consider the proposal would cause harm in terms of its landscape impact.

G) Trees and landscaping

108. An Arboricultural Assessment and Method Statement was submitted with the application. This confirms that the trees to be removed within the site to make way for the development are generally low category trees due to their poor condition and small in size. Some moderate trees would require removal but these are either located well within the site or close to retained trees. No category A trees are to be removed and there are no trees within the site that are covered by a Tree Preservation Order (TPO). None of the trees to be removed are of a quality to warrant a TPO.
109. The primary focus of the landscaping strategy is the provision of landscaping to the boundaries of the site to soften the impact of the development. The retention of existing mature planting to the site boundaries is therefore proposed, with enhancements where necessary. Planting and landscaping is proposed within the site to further soften views, break up parking areas and provide an attractive environment on approach to the site.
110. I consider the impact upon existing trees to be acceptable and, subject to a condition regarding the implementation of the submitted landscaping plan, I consider the landscaping proposals to be acceptable in terms of mitigating the impact of the development and softening its appearance in what is an urban setting.

H) Highways and transportation

111. The application is supported by a Transport Statement. In terms of the highway works associated with the proposal, a new signalised access/junction is proposed to serve the store from the A28 Canterbury Road. This would

work in conjunction with the junction of Cemetery Lane to the north which would also become signalised. Cemetery Lane currently suffers from a significant back-up of traffic waiting to turn right (west) onto the A28 Canterbury Road.

112. The proposed site access and improvements to the Cemetery Lane junction form part of an overall programme of proposed highway improvements along this section of the A28 (Canterbury Road) which also include better pedestrian crossing points over the A28 and formalisation of cycling facilities along the southern side of the A28 through the provision of a segregated 5m wide footway/cycleway, as set out in **Figure 17** below. These highway improvements are proposed by the applicant to be carried out prior to the first opening of the proposed retail unit.



Figure 17: Proposed site access & highway improvements along the A28

113. The access arrangement has been the subject of a Stage 1 Road Safety Audit. The junctions have been tracked for HGVs and the service area within the Aldi site has also been tracked and demonstrates that all have been appropriately designed and are acceptable to KCC Highways and Transportation.

114. In terms of traffic movements and trips associated with the store, TRICS data has been used which is the widely accepted industry standard for predicting traffic flows based upon the use and location. The development is estimated to generate 65 movements during the weekday AM peak hour (07:45-08:45), 150 movements during the weekday PM peak hour (16:30-17:30) and 255 movements during the Saturday peak hour (12:00-13:00). It is anticipated that only 30% of the above would be new trips.
115. KCC Highways and Transportation have reviewed the submitted Transport Statement and are satisfied the trip rates are accurate. Whilst the greatest flows are on a Saturday, this is when there is greater capacity on Canterbury Road compared to the AM & PM weekday peak hours.
116. Detailed capacity analysis of nearby junctions has also been undertaken as part of the applicant's Transport Assessment and this, along with the views of KCC Highways and Transportation, are set out in the 'consultations' section above. Some of the assessed junctions are working well within capacity, however others will require upgrading. In assessing the junctions, the off-site improvement related to the two developments at Conningbrook have been included.
117. The proposed site access from the A28 Canterbury Road, as well as the highway improvements (including signalisation of the Cemetery Lane junction) along the A28 corridor shown in **Figure 17** above, will be required to be provided by the applicant via an agreement with KCC under S.278 of the Highways Act prior to the first opening of the proposed retail store. A negatively worded planning condition will be required to ensure this takes place.
118. In addition, should the retail store be opened in advance of the first residential occupation at the Conningbrook Park development (19/00025/AS) then the completion of the following highway works would also be required prior to the opening of the retail store in order for it to have an acceptable impact on the local highway network:
- i. Completion of the highway mitigation scheme for the junction of Simone Weil Avenue/A28 Canterbury Road (as shown on drawing number 42499_5501_010 Revision D of the Conningbrook Park development ref 19/00025/AS)
 - ii. Installation of a SCOOT (Split Cycle Offset Optimisation Technique) system for the following traffic signal junctions:
 - A28 Canterbury Road / Magazine Road
 - A28 Canterbury Road / Simone Weil Avenue
 - A28 Canterbury Road / Bybrook Road
 - A28 Canterbury Road / Faversham Road / George William Way

119. These measures would provide the necessary junction improvements to provide highway capacity to serve the development, whilst the SCOOT system would coordinate and control the sets of traffic signals along Canterbury Road in order to help improve the overall flow of traffic in this area. KCC Highways and Transportation consider these measures would ensure that the impact of the development on the highway network would be acceptable.
120. The site is well located to public transport with the nearest bus stops located approximately 50m and 250m north of the site. Eleven different bus services stop at these bus stops. The frequency of buses is high, making the site well served by public transport. Canterbury Road also benefits from on-carriageway bus lanes between the site and the Bybrook Road junction.
121. In terms of pedestrian/cycle access to the site, this again is good. The site is easily accessible for both pedestrians and cyclists due to a good network of footpaths and cycle lanes near to the site. There are footpaths on both sides of Canterbury Road and in addition to the new signalised junctions, there are pedestrian crossing refuges proposed along Canterbury Road further improving connectivity. A reasonable walking distance of 10mins or 800m is considered likely for users of the store and this would cover a reasonably sized catchment area of dwellings.
122. In terms of cycling, the likely catchment is approximately 5km. This captures a significant population both north and south of the M20. Adjacent to the site on both sides of Canterbury Road are on-carriage cycleways connecting to the local cycle network. Cemetery Lane forms part of National Cycle Route 17 connecting to Eureka Leisure Park and dwellings to the west of the site. The proposal seeks to formalise cycling facilities on the A28 adjacent to the site.
123. As part of discussions with the applicant, I have investigated whether a cycleway could be provided through the site to link to National Cycle Route 18 to the east which runs along the Great Stour. National Cycle Routes 17 & 18 are shown in **Figure 18** below.



Figure 18 – National Cycle Routes 17 and 18

124. The applicant has looked into this but the provision of a link through the site has not proved possible because a large section of land linking the application site to NCR 18 is outside of the control of the applicant. Further, any route would need to go through the ecological corridor to the south-west of the proposed development which is required for dormice habitat, and to compromise this would give rise to ecological harm.
125. Notwithstanding the above, the applicant has agreed to make a contribution of £33,000 towards improvements to National Cycle Route 18 towards Ashford town centre and/or Footpath AU32 in order to enhance pedestrian and cycle connectivity to the site. This figure has been based on construction costs of providing a tarmacked cycleway of a width of 3m for a length of 180m (that would have been required) which amounts to £60psm. This would meet the CIL Regulations tests for planning obligations and can be secured through a Section 106 Agreement. I consider this would represent a reasonable compromise in this case, particularly given the proximity of the site to the existing cycleway link (NCR 17) from Canterbury Road to NCR 18 to the north along Bybrook Lane.
126. A Travel Plan is also proposed by the applicant to encourage staff to use sustainable means of transport. It promotes walking as a healthy and cheap

mode of travel. To assist this, there would be liaison with the Highway Authority to raise issues with pedestrian routes, as well as improved signalised crossing points on Canterbury Road amongst other initiatives. Cycling would be encouraged with similar liaison with the Highway Authority as set out above, the promotion of initiatives such as the Cycle to Work scheme, measures such as cycle parking provision in appropriately secure form and location, as well as lockers being provided for staff. In terms of bus travel, up-to-date information on bus routes and times would be provided. Car sharing would be encouraged and EV charging points are proposed as part of the development.

127. The Travel Plan would be monitored and reviewed after six months of the store opening and then every year for five years. Updates would be submitted to the LPA. The monitoring of the Travel Plan can be secured over this period with an annual monitoring fee of £1,000 pa for Kent Highways and Transportation, to be secured through the S.106 Agreement. I consider that this would meet the CIL Regulations tests for planning obligations.
128. The development includes the provision of 116 car parking spaces which would be slightly below the standards set out in policy TRA3b. The policy requirements would require 135 spaces for a store of the floor area that is proposed. Although the parking provision would be slightly below the TRA3b requirement, it would meet Aldi's needs. Furthermore, the site lies in a sustainable and easily accessible location for other modes of transport as set out above. There is no opportunity for parking on Canterbury Road and therefore parking associated with the development would not interfere with the flow of traffic along Canterbury Road, or raise any highway safety issues. Of the 116 parking spaces, seven would be bays for disabled people, ten would be parent and child spaces, four would be active EV charging points and twenty would be passive EV charging bays. Eighteen cycle parking stands, sheltered by the store's canopy, would be provided close to the store entrance.
129. Servicing of the site would be from the proposed access and leading to a loading bay to the rear of the site. It is anticipated that four HGVs would visit the site per day and they would seek to arrive prior to the opening of the store.
130. The TA shows that the impacts of the development on the highway network are capable of being accommodated through existing capacity, as well as proposed highway improvements. The NPPF clearly 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*". KCC Highways and Transportation consider the development to have an acceptable impact on highway safety and the highway network, subject to the conditions/obligations set out above.

131. Subject to the necessary conditions/obligations, I consider the development would have no unacceptable impact on the highway network or highway safety and the development would be in accordance with policies TRA3b, TRA6, TRA7 and TRA8 of the Local Plan, as well as the NPPF in this regard.

I) Residential amenity and living conditions

132. There are no residential properties immediately adjacent to the application site. The closest dwelling to the site is at Brookside House which lies on the opposite side of Canterbury Road, approximately 25 metres to the north-west. Other nearby dwellings are located approximately 100m from the site and the surrounding development in the vicinity is primarily commercial.
133. A Noise Impact Assessment has been provided by the applicant which confirms that the development would have no unacceptable impact on the residential amenity of the occupiers of the nearest dwellings. The Noise Assessment concludes:
- i. Construction impacts – There would be noise impacts during the construction phase but these would be temporary and reduced through mitigation measures such as a CEMP;
 - ii. Car park noise – This would be below daytime and night-time WHO guidelines;
 - iii. Mechanical plant – This would be below background noise levels and would have a negligible/no impact;
 - iv. Service yard noise – No noise would be generated that impacts upon the nearest residents. Aldi deliveries (as part of their business model) use an internal docking system. The goods are wheeled off in cages into the warehouse without the use of any lifting equipment. As a result, there would be no rolling of cages or lifting of pallets outside of the building which would reduce the noise levels.
134. The report concludes that the proposal would not result in any unacceptable levels of noise to nearby residents.
135. The applicant has also submitted an Air Quality Assessment which concludes that during the operational phase the development would have a minimal impact on air quality. There would be air quality impacts during the construction phase but again these would be temporary and reduced through mitigation measures such as a CEMP.
136. ABC Environmental Protection state that the submitted Air Quality Assessment and Noise Impact Assessment are acceptable. They raise no objection to the proposed development, subject to a planning condition

requiring the agreement of a CEMP prior to the commencement of the development. I concur with their view and consider the development to be acceptable in this regard.

J) Ground conditions

137. The applicant has submitted a land contamination report which investigates the presence of contaminants on the site. The report identifies no exceedances in contaminants for the proposed commercial use. ABC Environmental Protection consider the report to be acceptable and raise no objection to the proposed development, subject to a condition requiring the approval of a closing/verification report on completion of the groundworks. I concur with their view and consider the development to be acceptable in this regard.

K) Flood risk & drainage

138. A large proportion of the site (closest to the A28 Canterbury Road) falls within Flood Zone 1, with the eastern end (to the rear of the site) falling within Flood Zones 2 & 3, as shown in **Figure 19** below. The dark purple area shows the part of the site in Flood Zone 3 but the light purple indicates the extent of the flood zone that benefits from flood defences. The blue represents Flood Zone 2.

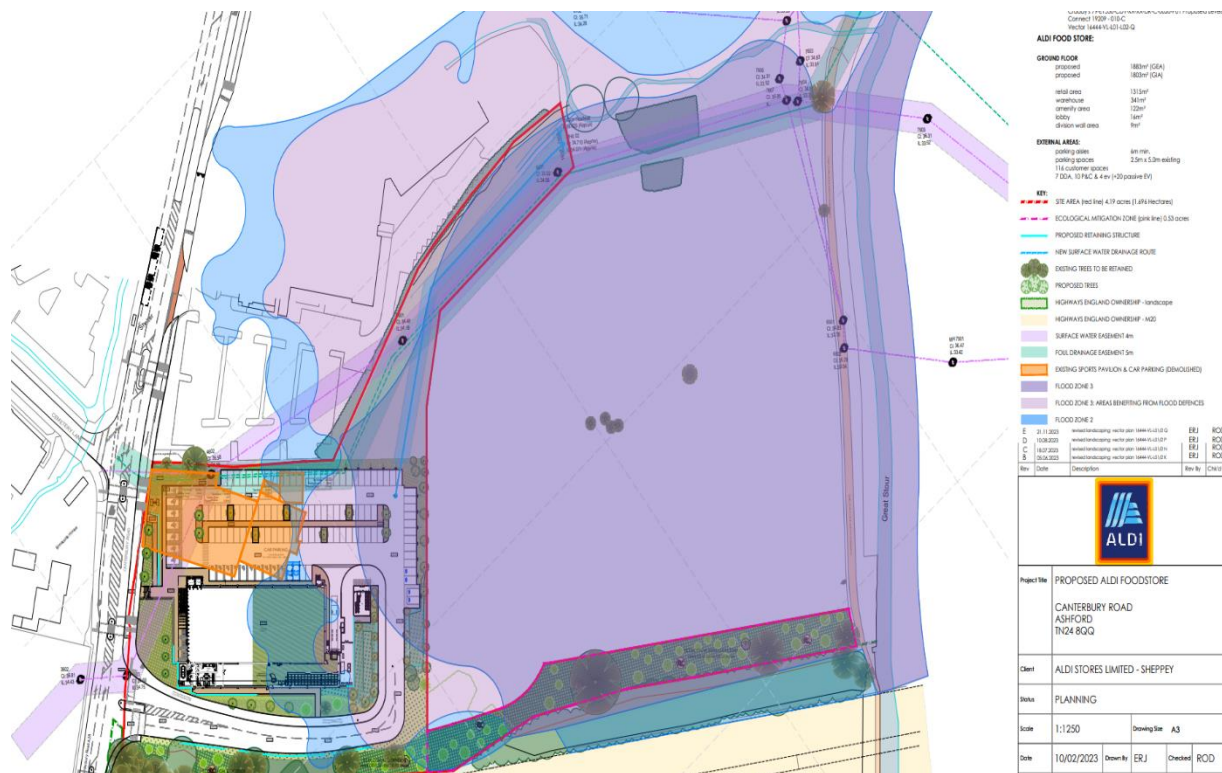


Figure 19 – Flood Zones

139. In accordance with policy ENV6 of the Local Plan and the NPPF, a Flood Risk Assessment (FRA) has been submitted by the applicant in order to assess the flood risk posed by the development and assess drainage proposals.
140. In terms of the sequential test, this is the starting point to see if there is a suitable site for the use proposed at lower risk of flooding (i.e. in Flood Zone 1). Potential alternative sites have been looked at as part of the sequential test including those set out earlier in the report when looking at the impact upon the town centre. Aldi is looking to serve the northern part of the borough with discounted food and locate as sustainably as possible. This has been the only identified site that can accommodate the development and meet these requirements. The site has, however, been designed to ensure the majority of the built development and hardsurfacing is in Flood Zone 1 and minimisation of the amount located in Flood Zone 3.
141. In terms of the development, the proposed floor level of the building is 36.68m AOD which is above the estimated 1 in 100 year plus 38% climate change fluvial flooding level. The site lies within an area covered by the EA flood warning service which would need to be subscribed to by the site operator.
142. Some areas of the vehicular access route, as well as some of the parking spaces towards the south-east of the site, could be affected in 1 in 50 and 1 in 100-year flood events, although this would be by relatively limited flooding depths up to and including the 1 in 100-year event. This would be a matter for the site operator to manage should such a flood event arise. A flood-free pedestrian access route from the store to Canterbury Road can be provided.
143. Geo-cellular tanks are proposed to provide below ground flood storage that would prevent above-ground flooding both at the site, as well as adjacent sites, during storm events. The water would then be discharged at the greenfield controlled rate, in accordance with the Council's Sustainable Drainage SPD, via a piped network to the nearest watercourse which in turn feeds into the Great Stour.
144. The EA raise no objection to the proposal and state that the proposal would satisfy the NPPF's requirements in respect of flooding, subject to a planning condition requiring the development to be carried out in accordance with the measures included within the submitted FRA and drainage strategy. This is particularly in respect of the finished floor level of the store, the finished level of the vehicular access and the compensatory flood storage (excavations from the floodplain).
145. KCC as the Local Lead Flood Authority has also raised no objection to the proposal, subject to a planning condition requiring the approval of a detailed drainage scheme based on the principles in the submitted FRA prior to the

commencement of the development, as well as a verification report demonstrating that what is installed on site complies with the approved detailed drainage scheme.

146. Foul water discharge would be to the main sewer that exists on the site, which will be subject to Southern Water approval. It is anticipated that a gravity connection from the store will be viable as the invert level of the sewer is at a lower level than the store. This, in turn, would negate the need for a pumping station.
147. In view of the above, I consider the proposed development would not be at an unacceptable risk of flooding, particularly given that the proposal is for a 'less vulnerable' retail use. Furthermore, I am satisfied that the development would not increase flood risk elsewhere given the appropriate surface water attenuation proposed within the site. Foul drainage can also be adequately provided. I conclude that the proposed development would therefore accord with Local Plan policy ENV6 and the NPPF in this regard.

L) Heritage/archaeology

148. The application has been accompanied by a Heritage Statement and an Archaeological Desk Based Assessment. This concludes as follows:

Listed buildings

149. The closest listed building is the Holiday Inn to the north of the site. The significance of this building and its setting have already been significantly impacted through a large extension to the rear which is significantly larger than the host building. The car parking for the Holiday Inn lies between the extended building and the application site. In this context, I consider that the proposal would not harm the setting of this listed building.
150. There are listed buildings opposite the site comprising the Harvester, Bybrook House and 1 & 2 Bybrook Cottages. These are divorced from the site by the A28 and are also well screened. I consider that the proposal would have no impact upon the settings of these buildings.

Archaeology

151. The application site lies partly within an area of archaeological potential as it is within the river valley of the Stour, with a high potential for remains associated with early prehistoric activity and related to the palaeoenvironment.

152. KCC Heritage do not object to the proposed development, subject to conditions requiring initial archaeological field evaluation works, along with any necessary follow-on investigations and subsequent evaluation works.
153. In view of the above, I am satisfied that the proposal would cause no harm to heritage assets or their settings, subject to the addition of planning conditions on any grant of permission.

M) Minerals safeguarding

154. The site is located within the Ashford Minerals Safeguarding Area for Superficial Sand and Gravel - River Terrace Deposits and Sub-alluvial River Terrace Deposits. Policy DM7 of the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020) is therefore relevant to the proposal. Kent Minerals and Waste Plan policy DM7 provides the scenarios where planning permission for non-mineral development that is incompatible with minerals safeguarding may be granted.
155. The applicant has submitted a Minerals Resource Assessment which concludes that the cost of extracting the sand and gravel from the site would not be viable due to its relatively small size. Other factors, such as land stability concerns for the adjacent motorway and the potential for contamination of the River Stour are also raised.
156. Given the above, I concur with the view that the extraction of the gravel and sand from this modestly-sized site would not be viable, in accordance with criterion 2 of Kent Minerals and Waste Plan policy DM7.

N) Planning Obligations

157. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
158. I recommend the planning obligations in **Table 1** below be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Heads of Terms for Section 106 Agreement/Undertaking

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 report are considered to be **necessary** to make the development acceptable in planning terms, are **directly related** to the development and are **fairly and reasonably related in scale and kind** to the development. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL Compliance Statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
KCC Obligations			
1	<p><u>Public Rights of Way (PROW)</u></p> <p>Project detail:</p> <p>Improvements to National Cycle Route 18 towards Ashford town centre and/or Footpath AU32 in order to enhance pedestrian and cycle connectivity to the site.</p>	<p>£33,000</p> <p>Indexation:</p> <p>BCIS General Building Cost Index from Oct 2016</p>	<p>Prior to the commencement of development.</p>
2	<p><u>Travel Plan Monitoring Fee</u></p> <p>Project details:</p> <p>Contribution towards the cost of monitoring compliance with the Travel Plan.</p>	<p>£1,000 per annum for a period of five years (£5,000 total)</p> <p>Indexation:</p> <p>Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment prior to first opening of the retail unit to the public, with four subsequent annual payments.</p>
Other Obligations			
3	<p><u>Off-site woodland habitat creation</u></p>	<p>£5,000</p> <p>Indexation:</p>	<p>Prior to the commencement of development.</p>

	<p>Project detail:</p> <p>Contribution towards the creation of replacement broadleaf woodland planting to mitigate the impact of the habitat loss resulting from the development.</p>	<p>Indexation applied from the date of the resolution to grant permission.</p>	
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE: If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused. Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change.</p>			

Conclusion

159. The site is located within a sustainable urban location and the proposed development, including its scale and form, would be of a high-quality design that would be in-keeping with the surrounding area.
160. The proposed development would be located within the designated Green Corridor and I have found the proposal to not be compatible with or ancillary to the principal open space use. Nonetheless, policy ENV2 allows for other forms of development within the Green Corridor, subject to certain criteria.
161. Part of the site constitutes previously developed (brownfield) land and the site is currently an untidy parcel of land that does not enhance the character of the Green Corridor, or the locality as a whole. I consider the main function served by the site as part of the Green Corridor is the provision of biodiversity habitat and as a visual break between development in Kennington and the rest of Ashford to the south.
162. The site has been demonstrated to be the most sequentially suitable for this retail development. I consider the development of the site would bring economic benefits and enhance the retail offer in the vicinity, with no significant harm caused to the vitality and viability of the town centre. The site would constitute a sustainable location for this development which would be compatible with the commercial uses in the vicinity.
163. My assessment has found no unacceptable harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor. Instead, there would be net gains to biodiversity resulting from the development, in particular through the ecological corridor to the south-western boundary but also through the green roof design to the food store and provision of additional landscaping to the site boundaries. This would provide

enhanced biodiversity habitat and ensure the retention of a landscaped ecology corridor through the site, whilst also retaining a landscaped visual break between Kennington and the rest of Ashford to the south. I consider this would safeguard the functioning of the Green Corridor, whilst also accommodating the proposed development. In addition, the development would secure the habitat enhancement identified for the site in the Green Corridor Action Plan through the removal of invasive species. I therefore consider the proposal to comply with Local Plan policy ENV2 and the Green Corridor Action Plan.

164. Subject to the implementation of the identified highway improvements, the proposal would have an acceptable impact on highway safety and capacity, whilst there would be sufficient on-site parking, turning and servicing to serve the development. The proposal would provide sufficient covered cycle parking and secure improvements to the highway and PROW network which would help to enhance pedestrian and cycle connectivity to the site. This would help to promote sustainable methods of transport.
165. The proposal would not be at an unacceptable risk of flooding and would not increase flood risk elsewhere. Given the separation distances to residential properties and the adjacent hotel, there would be no unacceptable impact on neighbour amenity. The proposal would also preserve the setting of nearby listed buildings.
166. I consider the proposal would comply with the Development Plan taken as a whole, and would be in accordance with national planning guidance in the NPPF. I therefore recommend the application for approval, subject to conditions and the completion of a S.106 Agreement to secure the planning obligations identified in **Table 1**.

Working with the Applicant

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

Human Rights

168. I have taken into account the human rights issues relevant to this application. In my view the “Assessment” section above and the Recommendation below represents an appropriate balance between the interests and rights of the applicant (to enjoy his 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) and the wider

public interest.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Planning Applications & Building Control Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Planning Applications & Building Control Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Permit

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

Conditions

1. Standard time condition
2. Approved plans
3. Approval of materials above slab levels
4. Approval of architectural detailing
5. Approval of details of the green roof
6. Details of the management of unexpected contamination found during construction
7. Approval of contamination verification report
8. Approval of archaeological field evaluation, recording and post-excavation assessment and publication.
9. Compliance with the submitted Flood Risk Assessment or Approval of a detailed surface water drainage scheme, based on the submitted FRA.
10. Approval of a surface water drainage scheme verification report.
11. Approval of measures to ensure no discharge of surface water onto a public highway.
12. Approval of details of sewage disposal.
13. Approval of Construction Environment Management Plan
14. No occupation until the parking areas and cycle parking have been provided. Parking/cycle parking shall thereafter be retained.
15. All Electric Vehicle chargers to be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection)
16. No occupation until vehicle loading/unloading and turning facilities provided. Vehicle loading/unloading and turning facilities shall thereafter be retained.

17. No occupation until the highway improvements are in place (site access, signalisation of the Cemetery Lane junction, junction of Simone Weil Avenue/A28 Canterbury Road, installation of the identified SCOOT system along A28 Canterbury Road)
18. Lighting to be installed in accordance with the Lighting Plan.
19. Landscaping to be installed in accordance with the Landscaping Plan.
20. Approval of details of the management of deliveries to the site.
21. Hours of use restricted to between 07:00hrs and 22:00hrs Monday - Saturday and between 10:00 and 17:00 on Sundays and Bank Holidays.
22. Deliveries to the store to be made between 05:00hrs and 23:00 hrs Monday-Sunday.
23. No construction activities other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays.
24. Ecology conditions relating to a dormouse mitigation strategy, reptile translocation, a Biodiversity Method Statement, a Construction Environment Management Plan (CEMP), a Landscape & Ecological Management Plan (LEMP) and a bat sensitive lighting plan.
25. Fibre to the premises
26. Restriction of sales of comparison goods
27. Restriction of the net internal sales area of the retail store
28. Restriction of the use of the unit for convenience/comparison food retail and ancillary non-food retail only.
29. Removal of permitted development rights.
30. Building to be constructed to BREEAM Very Good standard, including submission of post-completion assessment.
31. Approval of details of proposed land levels and earthworks

Informatives

1. In accordance with paragraph 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, as appropriate updating applicants/agents of any issues that may arise in the processing of their application where possible suggesting solutions to secure a successful outcome, informing applicants/agents of any likely recommendation of refusal prior to a decision and, by adhering to the requirements of the Development Management Customer Charter. In this instance the applicant/agent was updated of any issues after the initial site visit, was provided with pre-application advice, the application was acceptable as submitted and no further assistance was required. 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. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission

has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

3. The applicant is advised that Any work in, under, over or within 8 metres of the banks of a designated main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

4. The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

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 22/01067/AS)

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