



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 17th April, 2024 at 6.30 pm.

The Members of the Planning Committee are:-

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

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

If any member of the public, Councillor or organisation wishes to submit any written, pictorial or diagrammatic material to the Planning Committee relating to any item on this Agenda, **this must be concise** and must be received by the Contact Officer specified at the end of the relevant report, and also copied to Planning.help@ashford.gov.uk , **before 3.00 pm on the second working day before the Meeting** so that it can be included or summarised in the Update Report at the Meeting, in the interests of transparency and fairness. Otherwise, the material cannot be made available to the Committee. Material should be submitted as above at the earliest opportunity and you should check that it has been received.

IMPORTANT INFORMATION FOR THE PUBLIC ABOUT THIS MEETING

This is a public meeting and the Council encourages everyone to take advantage of the opportunity to watch and listen to the proceedings at the Meeting via a weblink, which will be publicised on the Council's website at www.ashford.gov.uk about 24 hours before the Meeting.

Agenda

Page Nos.

1. **Apologies/Substitutes**

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

2. **Declarations of Interest**

5 - 6

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

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

c) Voluntary Announcements of Other interests

See Agenda Item 2 for further details

3. **Public Participation** 7 - 8

See Agenda Item 3 for details.

4. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 13 March 2024 ([Public Pack](#)) [Minutes Document for Planning Committee, 13/03/2024 19:00 \(modern.gov.co.uk\)](#)

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

6. **Schedule of Applications**

(a) **PA 2023/0715 - Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent** 9 - 116

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

(b) **PA/2023/0277 - Hothfield Service Station, Maidstone Road, Hothfield, TN26 1AP** 117 - 132

Single-storey side extension to accommodate 'food to go' (Sui Generis).

(c) **PA/2023/2108 - Land Between Primrose Cottage & 1 Buffalo Cottages, Bethersden Road, Smarden, Ashford, TN27 8QX** 133 - 154

Erection of two detached two-storey dwellings with new vehicular access from Bethersden Road, associated parking area, and landscaping.

(d) **21/01862/AS - Land at the Street and North of Court Lodge, The Street, Brabourne, Kent** 155 - 192

Conversion and change of use of the ground floor to distillery use (Sui Generis)

(e) **PA/2024/0116 - 2 Craythorne, Tenterden, TN30 6SD** 193 - 208

First floor extension to create two storey dwelling

- (f) **PA/2024/0340 - Bennetts, 56 The Street, Appledore, TN26 2AE** 209 - 218

External soil stack on the north elevation

- (g) **PA/2024/0356 - Bennetts, 56 The Street, Appledore, TN26 2AE** 219 - 228

Addition of a new shower room within a bedroom, including a new external soil stack on the north elevation and extractor fan.

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
09 April 2024

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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/2023/0715
Location	Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent
Grid Reference	E: 598374 N: 139263
Parish Council	Great Chart with Singleton
Ward	Weald Central
Application Description	Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road
Applicant	Hodson Developments Ltd
Agent	n/a
Site Area	1.14 hectares

Additional representations received post deferral at the December Meeting

(a) 21 'R' (b) CMO 'comment' (c) none

Introduction

1. This application was deferred by Members at the Planning Committee meeting on 13 December 2023 for the following reasons:
 - i. A site visit to be arranged to allow the Planning Committee to further consider the proximity of the proposed development to existing and planned homes and the retail facility at Stubbs Cross;
 - ii. Further justification to be sought from the applicant in terms of the proposed design approach in terms of its suitability related to the context of the site and the need to ensure that the proposed works could be operated in a manner that would not give rise to matters of odour and noise impacts that would harm the amenities of existing and future occupiers in the locality;

- iii. Concern as to the acceptability of the proposed landscaping scheme to fully screen the proposed development in the landscaping with the applicant invited to review the proposals and consider the provision of additional woodland planting;
 - iv. The matter of whether Environmental Impact Assessment applies to the proposed development to be further reviewed by Officers.
2. The report and update report presented to Planning Committee on 13 December 2023 are provided in **Annex A** and **Annex B** of this report.
 3. In response to items (ii) – (iv) above, the applicant has submitted the following new supporting information and amended and additional drawings:

Supporting Information

- Advice Note from Richard Harwood OBE KC dated 19th January 2024;
- Letter from Severn Trent Connect, 21 February 2024;
- Letter from Te-Tech, 11 March 2024;
- Corylus Ecology Addendum Letter, 13th March 2024;
- WwTW Discharge Assessment Technical Note from Water Environment, 19 March 2024;
- River Beult Monitoring Technical Notes for October, November, December 2023, January & February 2024, from Water Environment;
- Chilmington Green Foul Drainage Strategy Update Statement, March 2024;
- The Environmental Effects of Proposed Foul Drainage Strategy Update Statement, March 2024.

Amended and additional Drawings

- Te-Cyc Plant Elevations ref: CHIL-TET-XX-XX-DR-C-0005 P01.1A
- Te-Cyc Plant Plan ref: CHIL-TET-XX_XX-DR-C-0002 P01.5B
- Proposed Location for Monitoring Points Plan
- D0500_001_D_Landscape proposals

- D0500_002_D_Planting Schedule
 - D0500_004_D_Proposed Sections
 - D0500_005_B_Stubbcross Wood Extension
 - Sketch Visualisations
4. I set out below how the applicant has, via the submission of the above information, addressed the reasons for deferral (ii), (iii) & (iv).

Design approach in relation to the context of the site and in respect of odour and noise Impacts

5. The homes closest to the WwTP site are located approx. 250m to the south east, on the southern side of Tally Ho Road and the eastern side of Magpie Hall Road. The closest existing homes within the Chilmington Green development are located within The Hamlet, approx. 750m to the north. The nearest homes proposed within the Chilmington Green development would be located approx. 400m to the north and north-west. Homes are also proposed approx. 300 metres to the east as part of the Court Lodge development, currently the subject of a live planning application. These proximities are illustrated in **Figure 1** below.

Comparison to Ashford Waste Water Treatment Works

6. Members' highlighted that odour impacts have previously been experienced by residents living in proximity to the Ashford WwTP and that this issue had taken some time to resolve, with the treatment tanks now being enclosed with lids. Members raised concerns that the same odour impacts could be experienced by residents living in close proximity to the proposed Chilmington Green WwTP, given that the treatment tanks are intended to be open.
7. In response to Members' concerns, the applicant has advised that the existing Ashford WwTP is very different in terms of its age, scale, technology and the activities that take place on that site when compared to the proposed Chilmington Green WwTP. The processes at the Ashford WwTP remain largely unchanged since its original construction in 1966. Each stage of the treatment process is separated out and takes place on a different area of the site due to the scale and nature of the waste that enters the works. Ashford WwTP currently serves a population equivalent of circa 120,000. It deals with waste received from the Ashford sewer network, plus waste tankered in and industrial and trade waste.



Figure 1: Proximity of existing and proposed homes to WwTP site

8. In contrast, the proposed Chilmington Green WwTP would only receive domestic sewerage from a defined sewerage network – from houses at the Chilmington Green development and potentially, the neighbouring Hodson development proposal known as ‘The Gables’ on Mock Lane which has received a resolution to grant planning permission. This would entail servicing the needs generated from a population of circa 15,000. This defined network reduces the risk of the wastewater entering the proposed WwTP being of variable make up or becoming septic by the time it arrives, which the applicant identifies are both issues that can be a major cause of odour ‘spikes’.
9. The design of the proposed Chilmington Green WwTP is based on the latest technology. The entire treatment process would be contained within a single tank and the proposed WwTP would have three tanks in total. In the event that operational problems occur within any tank, it could be shut down whilst the other tanks remain in operation. The applicant contends that this would reduce the likelihood of odour arising even in the event that there was a temporary operational failure on site.
10. The Council’s Environment Protection team has reviewed the submissions and advises that the explanation provided by the applicant is considered to be reasonable and accurate.

Enclosing the Treatment Tanks

11. Members' requested that further consideration be given by the applicant to enclosing the three treatment tanks. In response, the applicant has contacted the manufacturer, Te-Tech, who advise that enclosing the tanks "*would compromise routine operation and maintenance*". Te-Tech state that "*operators are required to visually inspect the process, monitor instrumentation and access equipment. The inclusion of covers on the tank would restrict access and be problematic to the routine operation and maintenance activities*".
12. The applicant also maintains that if such operation and maintenance becomes more complicated and challenging due to covers then this could potentially affect the operation of the WwTP. The key to ensuring that minimal odour levels are generated is continued efficient operation. Measures that could complicate this could be counterproductive.
13. Te-Tech also explain that "*the process design is based on a successful and well established biological treatment process with over 1000 reference plants worldwide. It is standard practice that the process tanks are not covered*". Te-Tech state that they are "*unaware of any occasions where this has given rise to concerns or complaints in relation to odour*". Te-Tech refer to the Southern Water facility at Hawkhurst South and advise that "*there are no odour concerns on this plant which is comparable to Chilmington Green in terms of the process solution and scale*".
14. In addition, the applicant has advised that enclosing the tanks would increase their height by at least an extra metre, with any access gantries that would be required further increasing the height of the Plant.
15. It is, however, agreed by the applicant that the proposed sludge holding tank can be enclosed with a lid, as this would not cause any complications to the operation of the Plant. The proposed Plant Plan has therefore been updated accordingly, this is shown in **Figure 3** below.

Sludge Disposal

16. An additional query was raised at the December Planning Committee meeting about sludge disposal. The applicant has confirmed that sludge from the site would be taken to a wastewater treatment plant with a dedicated sludge treatment centre. This would be located outside the Stodmarsh catchment area. I recommend a planning condition to ensure the sludge is disposed of outside the Stodmarsh catchment.
17. The applicant has also provided further details of the regularity of anticipated sludge tanker movements. To deal with sewerage from the first circa 400

dwellings at Chilmington Green being treated by the Plant, it is anticipated that there would be one vehicle collection approximately every month. To deal with circa 800 dwellings this would require a collection twice a month.

Noise

18. As set out in paragraphs 249-255 of the December report to Planning Committee, the applicant's noise assessment confirms that, with the noise mitigation measures proposed (comprising of acoustic shrouds around the air blowers and the bund around the perimeter of the site), noise from the WwTP is not expected to result in noise disturbance to existing or future residents (based on the proximities described at paragraph 5 above). As I previously recommended in my report to December's Committee meeting, a planning condition could be attached to any grant of permission to require the submission of a post-completion acoustic assessment so that actual noise levels can be assessed and any additional mitigation, if necessary, installed to protect the amenity of existing and future nearby residents.

Landscape Scheme

The Bund

19. The applicant has revised their landscape proposals to provide an outer row of coniferous trees at the foot of the proposed bund on its northern and southern sides. The trees would be fast growing Leylandii Cypress. The height upon planting would be circa 5.0 metres to provide an instant screen.
20. Structural planting is still proposed on the bund behind the coniferous trees. Once the structural planting has reached sufficient maturity to provide an effective screen by itself, then the Leylandii Cypress would be removed. The removal of the Leylandii Cypress can be secured via condition.
21. The applicant has also revised the planting mix of the structural planting to include evergreen varieties and fast growing shrubs and trees, to address concerns raised by Members that the previously proposed structural planting mix would only provide screening for part of the year. The revised landscape details are shown in **Annex C** below.
22. The coniferous trees are not native and, given the planting would be within close proximity to ancient woodland (Stubbcross Wood) the species is especially important. The applicant's landscape architect has advised that there are no suitable native varieties of evergreen trees and shrubs that would grow quickly enough to provide the instant landscape screening that is requested by Members. The Council's arboricultural officer has reviewed the revised landscape plan and advised that as the non-native evergreens are

proposed as a temporary landscaping measure they would not have a long-term effect as they would not self-seed and they would provide good nesting opportunities for birds.

23. The height of the bund would remain as previously proposed (1.8m). The applicant has advised that the proposed 5.0m high evergreen screen would provide a larger screen than could be achieved through increasing the height of the bund. In addition, a more steeply sloped bund would make the growing environment for the landscaping more challenging and, in my view, would be likely to need an increased area for the bund to maintain a safe and appropriate gradient.

Stubbcross Wood Extension

24. The applicant now proposes to bring forward an early part of the Stubbcross Wood extension. This would provide woodland in-between Stubbs Cross and the Southern Water pumping station site / proposed WwTP site. This planting is not currently required to be provided until Phase 3 of the Chilmington Green development, currently envisaged to be delivered between 2031 and 2042. This planting extension to the Wood would include a mix of evergreen species and faster growing varieties. Specimen trees would be planted along the edge of Tally Ho Road and Chilmington Green Road. In addition, planting to the south would include poplars, which are fast growing trees. As part of the wider planting matures the applicant envisages that the poplars would be removed as part of the on-going management of the area. The implementation of this planting can be secured via condition as it would be located on land owned by the applicant within the blue line shown on the submitted site plan. The proposed woodland extension is shown in **Annex C** below.

Environmental Impact Assessment (EIA)

25. I have undertaken a further review of the information submitted with the application and requested the following additional information from the applicant in order to establish whether the project would (or would not) have 'significant environmental effects:
- i. Documentary evidence to demonstrate that the proposed development would have no significant environmental effects on the river Beult;
 - ii. Further details about the proposed outfall pipe and inlet pipe.
26. I also asked the applicant to provide a report setting out to what extent the environmental effects of the revised foul drainage strategy for the Chilmington Green development (to include a WwTP) differ from the environmental effects assessed in the Environment Statement (ES) and Addenda submitted with the

outline planning application for Chilmington Green. This is in order to establish whether an update to the Chilmington Green ES is required in accordance with Condition 15 of the outline planning permission for the Chilmington Green development, which states:

“Except where a variation does not have significantly different environmental effects from the effects of the proposals assessed in the Environmental Statement dated July 2012 (as updated in the Environmental Statement Addendum dated February 2013, the Environmental Statement Addendum dated September 2014, and the Environmental Statement Addendum dated February 2015) and such variation is first authorised in writing by the Local Planning Authority, the development shall conform to the proposals so assessed, and shall be carried out in accordance with the Reserved Matters approved by the local planning authority.”

Effects on the River Beult

27. To ensure that the WwTP would have no significant environmental effects on water quality in the river Beult, the discharge from the WwTP would need to meet water quality standards and targets set by the Environment Agency (EA). The applicant has previously submitted information from Te-Tech, the manufacturer of the Plant, which sets out the standards and parameters of discharge that the proposed WwTP can achieve. In addition, the applicant's consultants (Water Environment) has described how the WwTP has been designed to operate within the parameters acceptable to the EA. However, no evidence had been submitted to demonstrate that the EA standards and targets could be met in reality. This would depend on the results of the water flow and water quality monitoring that is required as part of an EA Permit application.
28. The applicant's consultants (Water Environment) are undertaking water flow and quality monitoring at five locations along the watercourse of the river Beult along which the WwTP is proposed to discharge. To date, five months of monitoring has been undertaken. The locations of the monitoring sites are shown in **Figure 2** below.

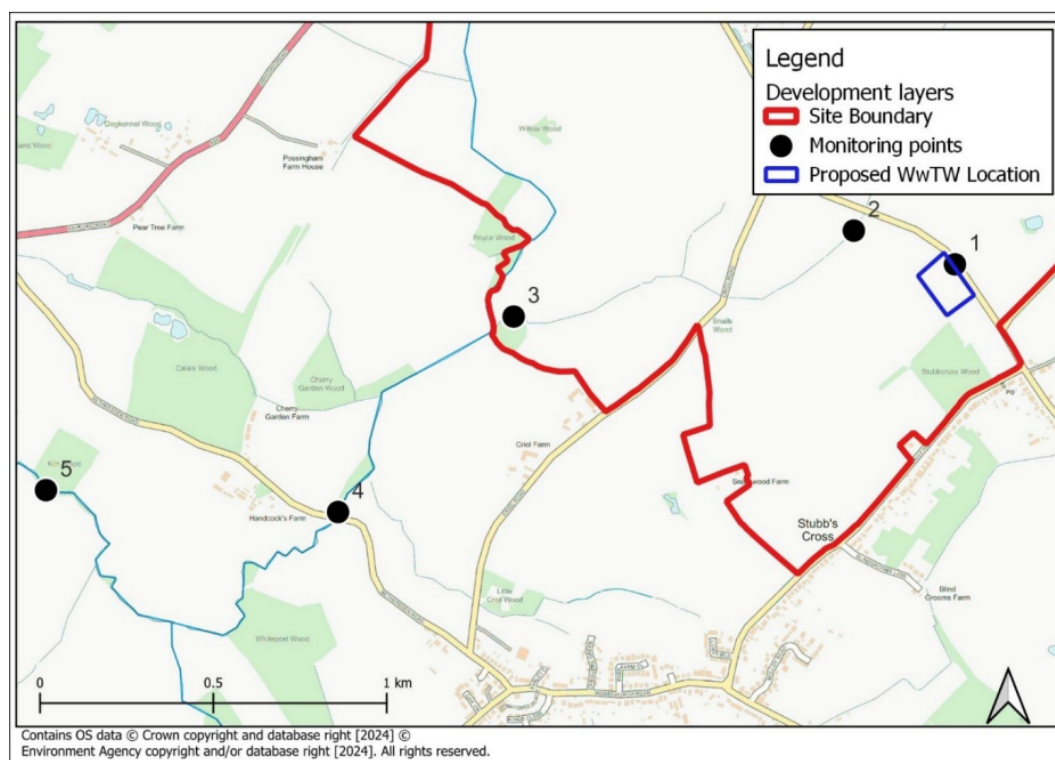


Figure 2: Water Quality & Flow Monitoring Locations

29. The monitoring will identify the existing water quality and flow within the watercourse and whether there are any notable abnormalities. If there is not enough water flowing within the watercourse then this could mean that the treated effluent would not be sufficiently diluted at its proposed point of discharge. In this scenario, the EA may require an alternative point of discharge further downstream. Additionally, if the water quality of the watercourse is already poor this could mean that the standards and parameters the proposed WwTP is currently designed to achieve would not be sufficient to ensure water quality is not effected. In this scenario, the EA may set more stringent permit levels.
30. The applicant has advised that the monitoring is testing for Biochemical Oxygen Demand (BOD); Total Suspended Solids (TSS); Alkalinity; Total Nitrogen; and Total Phosphorus (dissolved). The applicant has provided the following description of these compounds:
 31. *“BOD is an indicator of organic pollution in freshwater bodies correlated to microbiological contamination. High BOD concentrations reduce oxygen availability, degrade aquatic habitats and biodiversity.*
 32. *High levels of TSS can increase water temperatures and decrease dissolved oxygen levels leading to ecological degradation of aquatic environments.*

33. *An increase in excess nutrients such as phosphorus and nitrogen entering into water courses can cause algae to bloom to high levels in water. This can prevent oxygen entering the water, suffocating life beneath the surface.*
34. *The pH of a watercourse (i.e Alkalinity) is controlled by a combination of the geology, the plants in the river and human activity. Pollution can change the water's pH, which in turn, can harm the ecological make-up of the water course."*
35. With regard to water flow, the monitoring undertaken to date demonstrates that the proposed point of discharge (Identified at Site 2 in **Figure 2** above) experiences varied flow. The applicant's consultants' state that *"Site 2 has not been dry during any of the 8 monitoring visits. The minimum depth recorded (centre of channel) was approximately 10cm at site 2 with no measurable flow due to excess vegetation within the channel. The maximum depth and discharge at Site 2 recorded over the five-month period was 60 cm and 0.06 m³/s respectively"*.
36. The applicant's consultant also advises that the monitoring data produced to date has not identified any abnormal or unusual findings in respect of water quality. *"BOD across all four sites was found to be generally under the limit of detection (1 mg/l). Alkalinity was found to be highest at Site 2 and gradually decreased through sites. TSS varied across the sites and there was no clear pattern identified, however, it was generally found to be higher after rainfall. TN was found to be highest at Site 2 at an average of approximately 9 mg/l and gradually decreased from Site 2-5, with an average concentration at Site 5 of 2 mg/l. The same observation was made for TP, however, the concentrations ranged from a maximum of 130 µg/l at Site 2 and minimum of 50 µg/l at Site 5."*
37. Consequently, the applicant has advised that the proposed WwTP can treat wastewater flows to a level that would safeguard water quality based upon the five months of data already compiled. The applicant therefore currently envisages that they would apply for a surface water discharge permit. However, if seasonally dry periods are identified during the monitoring to be undertaken during the spring and summer months then a permit to discharge to groundwater could be sought, or the discharge point could be moved further downstream where there is acceptable flow all year round.
38. In addition, a letter from Severn Trent Connect, who would operate the Plant, advises that if more stringent levels of treatment are required by the EA than those currently proposed, there are commercially available process technologies which can be incorporated into the proposed Te-Tech design to meet these requirements.

39. With regard to the impact on the River Beult SSSI, the applicant has submitted a letter from Corylus Ecology which provides an update to their previous review of the potential effects of the proposed development on the SSSI. Corylus Ecology explain that since their previous advice was prepared the applicant has finalised their proposals for the WwTP. Based on the finalised proposals, Corylus Ecology consider that the ecological, chemical and physical characteristics of the receiving watercourse would be protected.

Outfall Pipe and Inlet Pipe

40. The applicant has advised that the precise location of the outfall will be determined through the EA's discharge permit process. However, the monitoring work described above has identified that a suitable point of discharge to a watercourse can be achieved approximately 280m to the north-west of the proposed WwTP site (Identified at Site 2 in **Figure 2** above).
41. The applicant has advised that the gravity fall on the outfall pipe would be 1:50. The pipe would be 150mm in diameter and a simple brick built headwall would be provided at the point of outfall. No other apparatus would be necessary at the point of outfall. Monitoring of the treated effluent would take place at the outlet to the WwTP.
42. With regard to the inlet pipe, the applicant refers to a previously submitted technical note by SLR Consulting Ltd which explains how flows would be pumped into the WwTP. This indicates that there are two potential options, both would utilise the existing IWNL operated pumping station located adjacent to the proposed WwTP. Option 1 would entail retaining the existing pump within the IWNL operated pumping station and increasing the size of the valve chamber to include for a second rising main. The existing rising main would continue to pump the agreed flows into the Southern Water network but all excess flows would be directed into the second rising main through the installation of an actuated valve. The actuate valve would be motorised, controlled via telemetry and switch flows to the new WwTP once the agreed daily limit into the Southern Water system has been met.
43. Option 2 would involve the enlargement of the existing wet well arrangement within the IWNL operated pumping station to enable a second pump and rising main to be installed, which would direct flows into the WwTP. Once the existing pump reaches the daily limit into the Southern Water system it would be shut down and excess flows would be directed into the WwTP to be treated prior to discharge into the watercourse. The Southern Water pumping would be reactivated the following day until it again reaches its daily limit..
44. The outfall and inlet pipes do not form part of this planning application. Instead these pipes would be constructed under the permitted development rights

afforded to Severn Trent Connect, the proposed operator of the WwTP as a statutory undertaker. However, for EIA purposes, the pipes form part of the 'project' and therefore their impact needs to be assessed. The location of the proposed WwTP, and the existing IWNL operated pumping station and Southern Water pumping station is shown in **Figure 3** below.

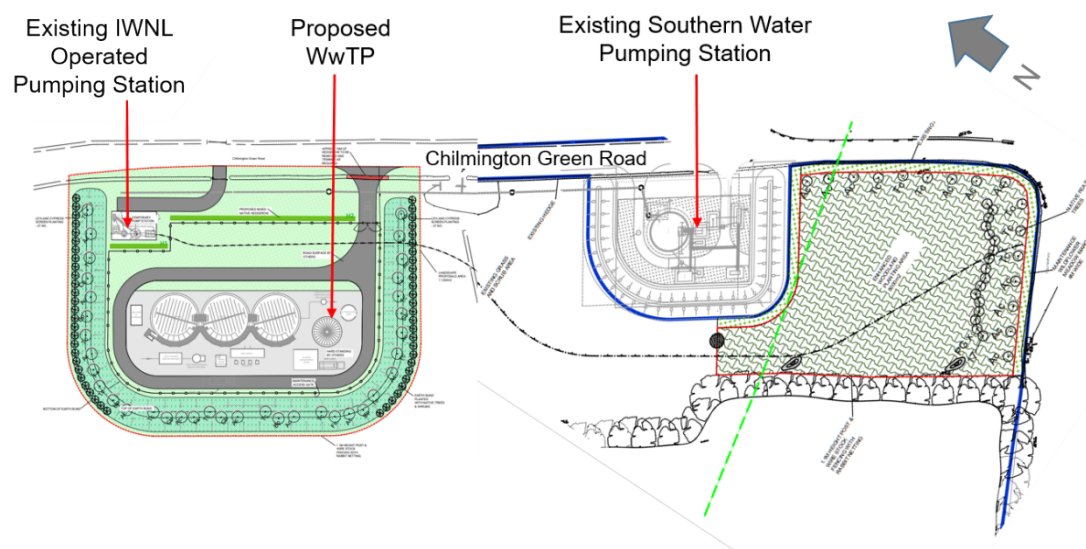


Figure 3: Location of existing pumping stations and proposed WwTP on Chilmington Green Road.

Assessment of Environmental Effects

45. As set out in my report to Planning Committee in December (paragraphs 25 - 29), the proposed development is Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Therefore, the Local Planning Authority (LPA) is required to “*determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required*” (ref: National Planning Practice Guidance (NPPG), paragraph: 017 reference ID: 4-017-20170728). The environmental effects are determined via a screening opinion.
46. The NPPG advises that when an LPA issues its screening opinion it must state the main reasons for the conclusion with reference to the relevant criteria listed in Schedule 3 of the 2017 Regulations. Where it is determined that a proposed development is not Environmental Impact Assessment development, then the LPA must state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment (ref: NPPG, paragraph: 018 reference ID: 4-018-20170728)

47. The criteria in Schedule 3 refer to the characteristics of the development; the location of the development; and the types and characteristics of the potential impacts. The NPPG advises that not all of the criteria will be relevant in every case and that each case should be considered on its own merits and in a balanced way. The fundamental test is whether, within the given location, a particular development and its specific impacts are likely to result in significant effects on the environment.
48. To assist the determination as to whether a development is likely to have significant environmental effects, the NPPG includes a set of indicative thresholds and criteria. These also provide an indication of the types of impact that are most likely to be significant for particular types of development. For a WwTP development, the indicative threshold/criteria and key issues to consider are:
- Threshold/criteria - site area of more than 10 hectares or capacity exceeds 100,000 population equivalent.
 - Key Issues - size, treatment process, pollution and nuisance potential, topography, proximity of dwellings and the potential impact of traffic movement.
49. My Screening Opinion relating to the proposed WwTP is provided in **Annex D** to this report. In summary, I conclude that, from the information submitted by the applicant, I have no reason to believe that the proposed development is likely to have significant effects on the environment such that it would require the submission of an Environmental Impact Assessment alongside other application drawings, plans and supporting documents. I conclude that all of the impacts can be sufficiently assessed from the information submitted with the application.

Implications for the Chilmington Green Wide Environment Statement

50. The Environmental Statement (ES) submitted with the outline planning application for the Chilmington Green development identified that the development would result in increased pressure on foul sewerage infrastructure. The ES identified that investment in the drainage infrastructure by Southern Water meant that there would be no off-site foul drainage capacity constraints associated with the development. The ES concluded that mitigation to reduce water demand from the development to reduce pressure on the foul sewerage infrastructure, alongside the Southern Water infrastructure works, would result in a direct, permanent, long term minor negative to negligible residual effect on local water demand as a result of the development.

51. The Southern Water sewerage network can no longer be utilised to serve the whole of the Chilmington Green development due to the requirement to achieve nutrient neutrality within the Stodmarsh Catchment. This involves the provision of a WwTP on site to treat waste water. The applicant identifies that the provision of a WwTP would not have an impact on the capacity of existing infrastructure.
52. The applicant has submitted a report setting out the extent of the potential environmental effects of the amended foul drainage strategy for the Chilmington Green development, involving the provision of a WwTP, when compared with the environmental effects of the original foul drainage strategy assessed in the ES submitted with the outline planning application for the development. The report assesses the impacts of transport and access; noise and vibration; local air quality ecology and nature conservation; landscape and visual effects; and flood risk, drainage and water resources. The report identifies that any differences that may arise are not considered to have significant environmental effects.
53. I have reviewed the applicant's report, and the information appended to it, and I have no reason to conclude that the proposed alteration to the foul drainage strategy for the Chilmington Green development would be likely to result in significantly different environmental effects that would require the submission of an updated Environmental Impact Assessment for the whole Chilmington Green development.
54. During the Planning Committee meeting in December, reference was made to the Court Of Appeal decision - Ashchurch Rural Parish Council v Tewkesbury Borough Council (also commonly known as the 'Bridge to Nowhere' case). Concerns were expressed to the Committee that the applicant's approach to the planning application submission amounted to 'salami slicing' in order to avoid the requirement to submit an Environmental Impact Assessment.
55. The Ashchurch Rural Parish Council v Tewkesbury Borough Council case involved a planning application for a road bridge over a railway. The bridge was proposed as part of a link road to serve an urban extension. Due to funding reasons, the planning application for the bridge was submitted separately and earlier than the planning application for the link road over it and the urban extension that it would serve. The planning permission was quashed, one of the reasons being that the Council had taken into account the beneficial effects of the development to be served by the bridge but had not taken into account the adverse effects of the development to be served by the bridge. It was considered perverse to take into account the benefits without the adverse effects too.

56. The wider Chilmington Green development has already been granted outline planning permission and, in so doing, its environmental effects have already been assessed. In terms of the approach required by the case law, the Screening Opinion considers the impact of both the WwTP that requires planning permission, the inlet pipe and the outfall pipe which is proposed to be constructed under permitted development and my conclusion is that the proposals would not result in significant environmental effects.

Relevance of Hillside Park Ltd v Snowdonia National Park Authority Supreme Court decision

57. A question was raised at the Planning Committee meeting in December as to whether this recent Supreme Court decision is relevant to the planning application for the WwTP. The issue raised by this decision concerns whether granting planning permission for the proposed WwTP would conflict with the wider Chilmington Green outline planning permission to such an extent that the Chilmington Green outline planning permission could no longer be built out further because it would be physically impossible to do so.
58. The Hillside Park Ltd v Snowdonia National Park Authority decision is not relevant to the application for the WwTP because the construction of the WwTP would not prevent the wider Chilmington Green development from being brought forward in the same form as originally envisaged. There is no case law that has stated that Hillside applies to outline permissions.
59. The WwTP would be constructed on agricultural land and not land identified for built development. The loss of the agricultural land, which is shown on the parameter plans for the Chilmington Green development as being brought forward as ecologically managed farmland, would not in my opinion be so significant (given the size of the WwTP site) to result in the ecological mitigation proposed within the Chilmington Green development being reduced to such an extent that the ecological impacts arising from the development would no longer be able to be acceptably mitigated. It would remain physically possible to bring forward the development in accordance and consistent with the outline planning permission for Chilmington Green.

Other Matters

60. The following additional matters relating to the proposed WwTP are addressed below:
- i. Operation and Maintenance
 - ii. Revised Site Plan

- iii. Environment Agency Permit
- iv. Chilmington Green Foul Drainage Strategy
- v. Temporary Pumping Station

Operation and Maintenance

61. The applicant had previously advised the Council that Independent Water Networks Ltd (IWNL), who currently operate the waste water network for the Chilmington Green development, would operate and maintain the proposed WwTP. Since the Planning Committee meeting in December, IWNL has advised that it has not agreed to operate or maintain the WwTP. Consequently, the applicant has advised that Severn Trent Connect (STC) would now operate and maintain the proposed WwTP. A letter from STC confirms the following;
- i. STC is an Ofwat-regulated water company appointed by the Secretary of State to provide wastewater and surface water management services in England and Wales.
 - ii. Tripartite Heads of Terms have been prepared setting out arrangements between STC, IWNL and Hodson Developments. This agreement will be finalised if planning permission is granted by the Council. The agreement includes the transfer of the sewerage licence from IWNL to STC to serve the Chilmington Green development, and the design, build and operation of the WwTP.
 - iii. STC would apply to the Environment Agency (EA) for the required permit having undertaken the necessary studies (including a water quality and quantity study).
 - iv. If the EA determine that more stringent levels of treatment are required than those currently envisaged in order for a permit to be granted, there are commercially available process technologies which can be incorporated into the existing Te-Tech design to meet any such EA requirements.
 - v. STC has reviewed the two options outlined in the SLR Technical Note for separating the foul flows to be routed either through Southern Water's pumping station or to the onsite WwTP. STC is satisfied that both options would operate effectively.
 - vi. Uninterrupted sewage flows arriving at the WwTP are not a requirement for effective sewage treatment.

62. Hodson has also confirmed that STC would become the sewerage service provider in respect of wastewater infrastructure for Chilmington Green and that IWNL would have no future role in the operation of the proposed WwTP or the existing IWNL operated pumping station near to the WwTP.

Revised Site Plan

63. Following notification that STC would now operate and maintain the proposed WwTP, the applicant has also confirmed that the proposal still remains the Te-Tech design. However, STC have advised that, in order to comply with their safety standards, a welfare / storage kiosk would be required on site to provide site operatives with shower facilities and a storage area. This structure would have a footprint of 3.0m x 7.0m and would be 3.0m high with a flat roof. It would be constructed from Glass Reinforced Plastic (GRP) with an external green finish to match the colour of the other structures on site. The structure would be located to the north of the three treatment tanks, within the loop road. An amended site plan and elevations have been submitted to include this structure, these are provided in **Figures 4, 5 & 6** below.
64. I consider that the addition of the welfare/storage kiosk, given its size, scale, appearance and footprint, would not have any additional landscape or visual impacts over and above those already identified and assessed in my previous report to the Planning Committee. I therefore consider the addition of this structure to be acceptable.

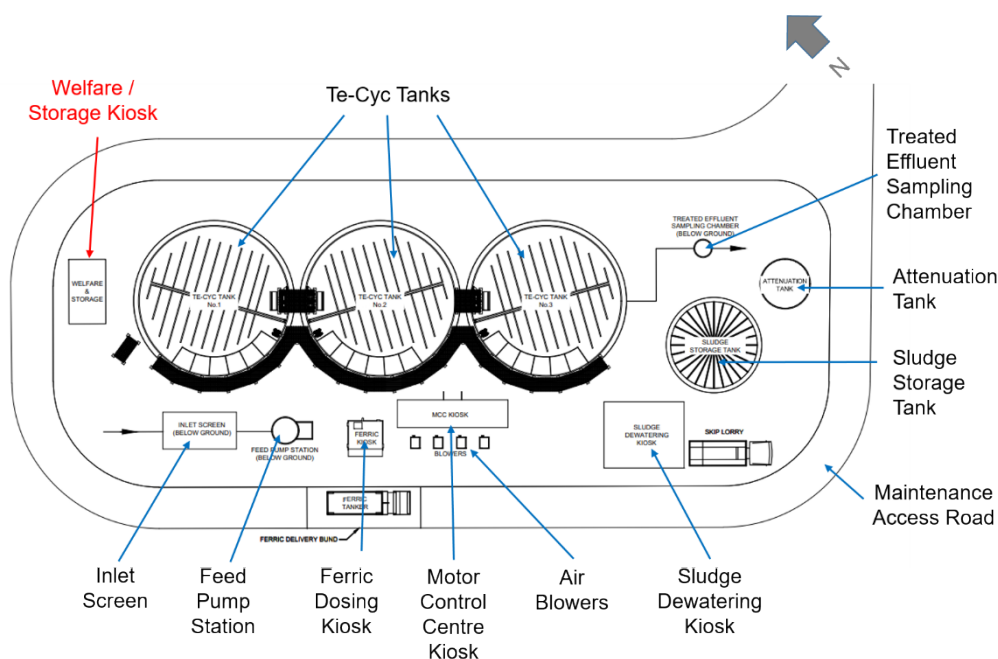


Figure 4: Proposed Site Plan

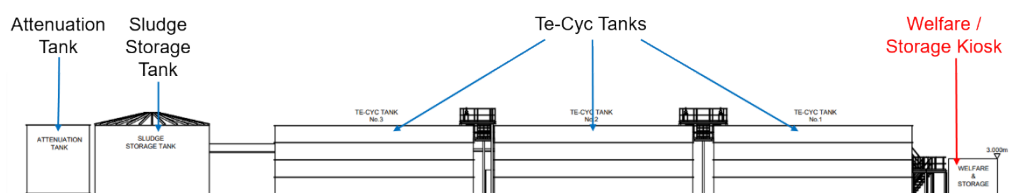


Figure 5: Proposed north-east elevation

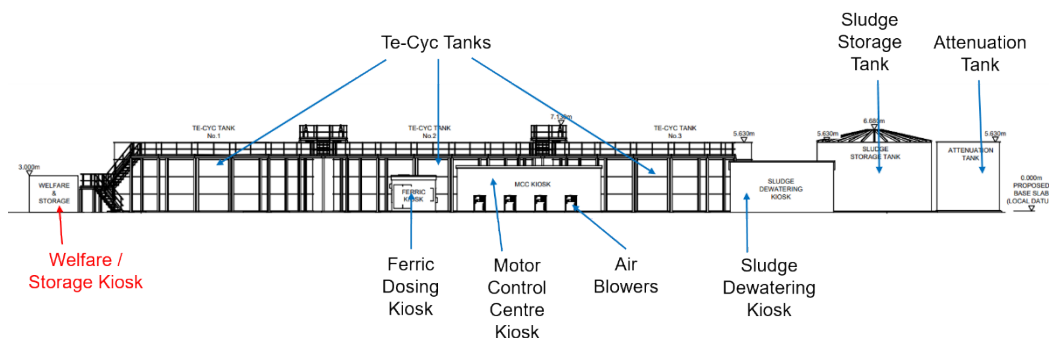


Figure 6: Proposed south-west elevation

Environment Agency Permit

65. During the December Planning Committee meeting a query was raised about whether the applicant had submitted an application to the Environment Agency (EA) for a Permit to discharge treated effluent into the river Beult. The applicant has advised that a permit application has not yet been submitted and that if planning permission has been obtained, then the application to the EA would be submitted by Severn Trent Connect, an OFWAT approved/regulated company.
66. I also provide below additional information in respect of the EA approach to Permitting.
67. The discharge of treated effluent from the WwTP would be governed by the Environmental Permitting (England and Wales) Regulations 2016. Once the EA grant a permit, they monitor compliance and enforce permit conditions, as necessary. If an operator has, is or is likely to contravene conditions attached to a Permit then the EA may suspend the permit, for example, if the EA considers that there is a risk of serious pollution, flooding; detrimental impact on drainage; or serious harm to the environment. It is an offence to fail to comply with or to contravene an environmental permit condition and/or fail to comply with the requirements of an EA enforcement notice or a prohibition notice or a

suspension notice. Ultimate sanctions for contravening any of the above would be a fine or imprisonment.

68. The EA 'Guidance for developments requiring planning permission and environmental permits' (October 2012) document provides useful guidance about the relationship between the Permit process and the Town and Country Planning Act planning application process. A grant of planning permission determines if a development is an acceptable use of the land. The EA Permitting regime determines if the intended operations can be managed on an ongoing basis to prevent or minimise pollution.
69. An application to the EA for a permit will include an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. It will consider operator competence and management systems and consideration can be given by the EA as to whether the operator has a poor record of compliance with regulatory requirements together with their financial competence.
70. The EA Guidance states that when deciding a planning application, LPAs should:
 - i. be confident that the development would not result in unacceptable risks from pollution when considering whether the development would be an appropriate use of land;
 - ii. not focus on controlling pollution where that can be controlled by other pollution regulations, such as through the Environmental Permitting Regulations;
 - iii. take advice from other consenting bodies, such as the Environment Agency in reaching its conclusion on the appropriateness of the proposed use of land.
71. As set out in paragraphs 48 & 49 of the report presented to Planning Committee in December, the EA raised no objection to the proposed WwTP. The EA advised that the discharge from the WwTP will require an environmental permit and that OFWAT guidance must be followed.
72. The EA also advised that the discharge from the WwTP will be to a tributary of the River Beult. The Beult is a SSSI with agreed Common Standards Monitoring Guidance (CSMG) targets for water quality. Permit limits will therefore be calculated to protect the Water Framework Directive (WFD) status of the Beult and will also consider achieving favourable condition status of the River Beult SSSI. CSMG targets will therefore be considered when calculating permit limits for discharges upstream of the River Beult SSSI. The applicant is advised to

contact the EA's National Permitting team. The EA note that there is no guarantee that a permit will be granted. The permitting team will make that assessment on the receipt of a permit application.

Further Representations received from the Community

73. Since the application was previously reported to the Committee in December, a further 21 objections have been received from residents who had previously objected to the application, including the 'Shadoxhurst Drainage Team'. The majority of the objections received reiterate concerns previously raised (refer to paragraphs 69 – 162 of the December report) and state that the amendments made and additional information submitted by the applicant do not address their concerns. I have summarised the new points raised below:

- The proposal is reliant on Southern Water, STC and IWNL working together. There is a lack of information from these parties about how this will work. The management and operation structure needs to be established. Who will be responsible for maintenance and/or when things go wrong?

Response: refer to paragraphs 61-62 above.

- The IWNL operated pumping station has a history of operational problems, it is not clear whether it has planning permission, and it is not compliant with industry standards.

Response: It is acknowledged that there has been on-going issues with the IWNL operated pumping station. These issues have been raised with the applicant and IWNL. I understand that the pumping station was constructed under the permitted development rights granted to the operator as a statutory undertaker.

- Concerns that the pipework to serve the WwTP has already been installed.

Response: the pipework to serve the wwTP has not yet been installed.

- Concerns about salami slicing the development to avoid the need to submit an EIA.

Response: refer to paragraphs 54-56 above.

- No consultation with local non-statutory bodies and interested parties involved in the protection of the river Beult.

Response: the correct statutory and non-statutory consultation has been undertaken for the application.

The approved Minutes of the December Planning Committee meeting lack detail.

Response: *The published minutes provide a correct record of the meeting as agreed by the Planning Committee at their meeting of 17 January 2024.*

- The LPA's screening opinion should be published.

Response: *refer to Annex D of this report.*

74. A representation (neither objecting nor supporting) has also been received from the Chilmington Management Organisation (CMO). The CMO is concerned about the impact that a stall on development at the Chilmington Green site would have on their residents, delaying further the provision of community infrastructure and extending the construction period. The CMO state that there is a clear need for a solution to the current nutrient neutrality situation which is stalling development. The CMO consider that a WwTP, on balance, is the best solution for the development. The CMO acknowledge that the prospect of a WwTP is not ideal for nearby residents, however, they feel that there can be proper checks and balances built into the planning application to ensure that this infrastructure is properly built and managed.

Human Rights Issues

75. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

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

Conclusion

77. Members' deferred making a decision at the Planning Committee meeting on 13 December 2023 because they considered that there was insufficient information for them to be able to make an informed decision.

78. The applicant has subsequently submitted additional information and proposed amendments to the scheme to address the concerns raised. I have undertaken a further assessment about whether an Environmental Impact assessment is required to support this application and have sought additional information from the applicant in respect of this.
79. I consider that the information provided in respect of odour impacts and the proposal to cover the sludge tank sufficiently address the concerns raised about odour impacts. In addition, the mitigation measures previously proposed would ensure that any noise impacts would be sufficiently addressed.
80. The amended landscape scheme to include conifer planting and to bring forward part of the Stubbcross woodland extension earlier than originally planned, would in my opinion further screen the visual impacts of the proposed development.
81. As demonstrated in the Screening Opinion that is attached in **Annex D**, I conclude that the environmental effects of the proposed development would not be so significant as to necessitate the submission of an Environmental Impact Assessment.
82. The principle of the construction of a WwTP on the application site is acceptable and in accordance with relevant national and local planning policies. I continue to consider that the proposed development is acceptable, subject to planning conditions (broad details of which are given in the Recommendation below).

Recommendation

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

Conditions

1. Standard implementation time condition.
2. Development carried out in accordance with the approved plans.
3. Construction and transport management plan.

4. Archaeological field evaluation and investigations.
5. Detailed ecological mitigation strategy.
6. Hedge/hedgerow protection.
7. Sustainable surface water drainage scheme.
8. A copy of the construction and adoption agreement signed between the landowner of the site and the sewerage undertaker for the construction of the outfall pipe to be provided to the Council prior to commencement of construction of the WwTP.
9. Detailed landscaping scheme, including details of early provision of all or part of the Stubbcross Wood extension.
10. Landscape management and maintenance scheme, including details of irrigation for the bund and removal of temporary conifer screen.
11. Measures to prevent discharge of surface water to the highway.
12. Details of all boundary fencing.
13. Delivery of site access.
14. Provision and maintenance of visibility splays.
15. Traffic Regulation Order for Chilmington Green Road.
16. Use of a bound surface for first 15 metres of the access road.
17. Installation of noise mitigation measures (earth bund & acoustic shroud).
18. Surface water drainage verification report.
19. Lighting design strategy & light levels.
20. Post completion odour assessment and the implementation of any additional acoustic attenuation measures deemed necessary.
21. Post completion acoustic assessment and the implementation of any additional acoustic attenuation measures deemed necessary.
22. Details of site decommissioning and reinstatement in the event that the WwTP is no longer required.

23. Reporting of Unexpected Contamination to the LPA.

24. Removal of sludge outside the catchment.

Notes to Applicant

1. Working with the Applicant.
2. Plans/Documents Approved by this decision
3. Highways

Working with the Applicant

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

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

In this instance:

- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

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

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

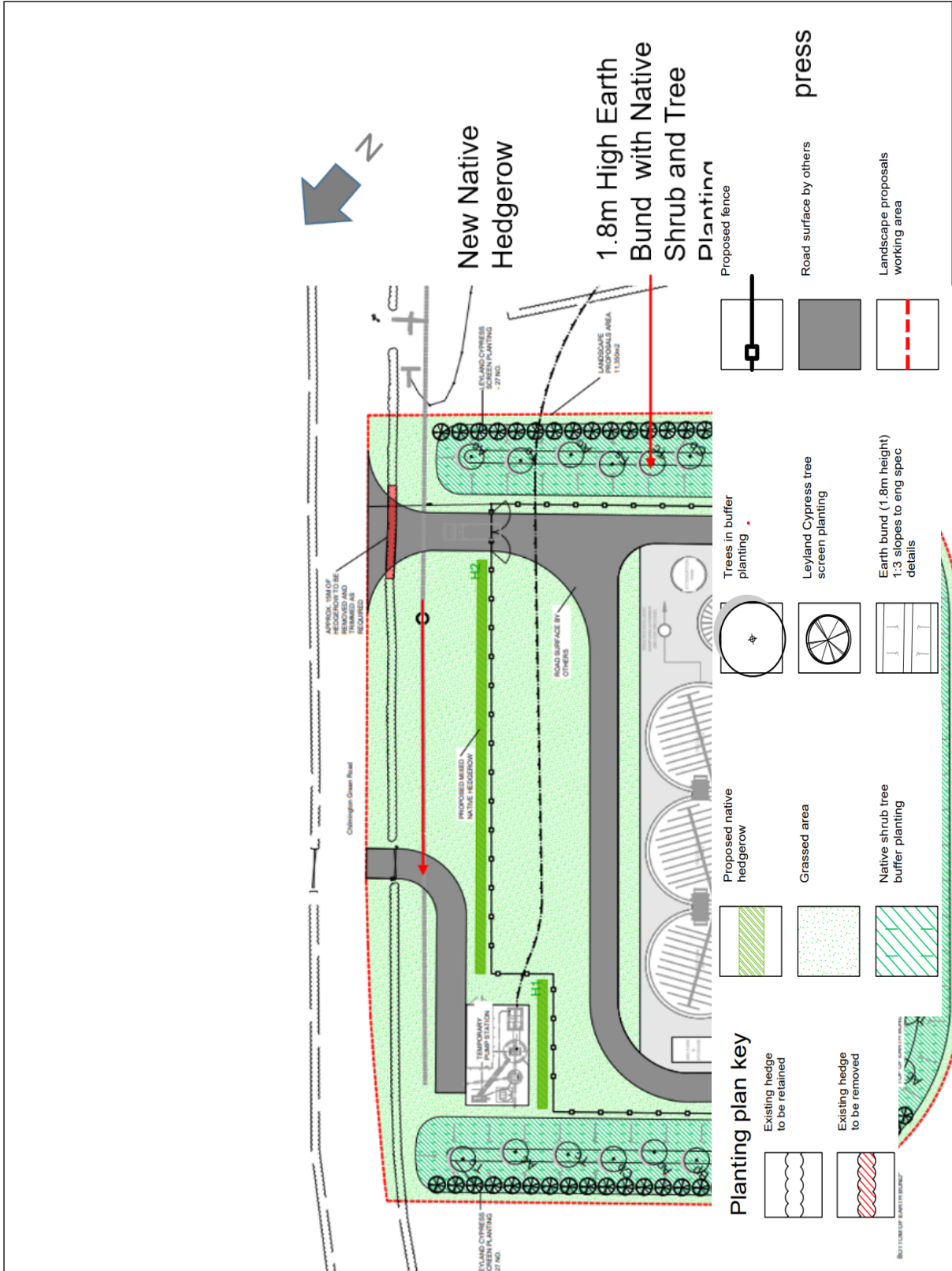
Contact Officer: Faye Tomlinson

Email: faye.tomlinson@ashford.gov.uk

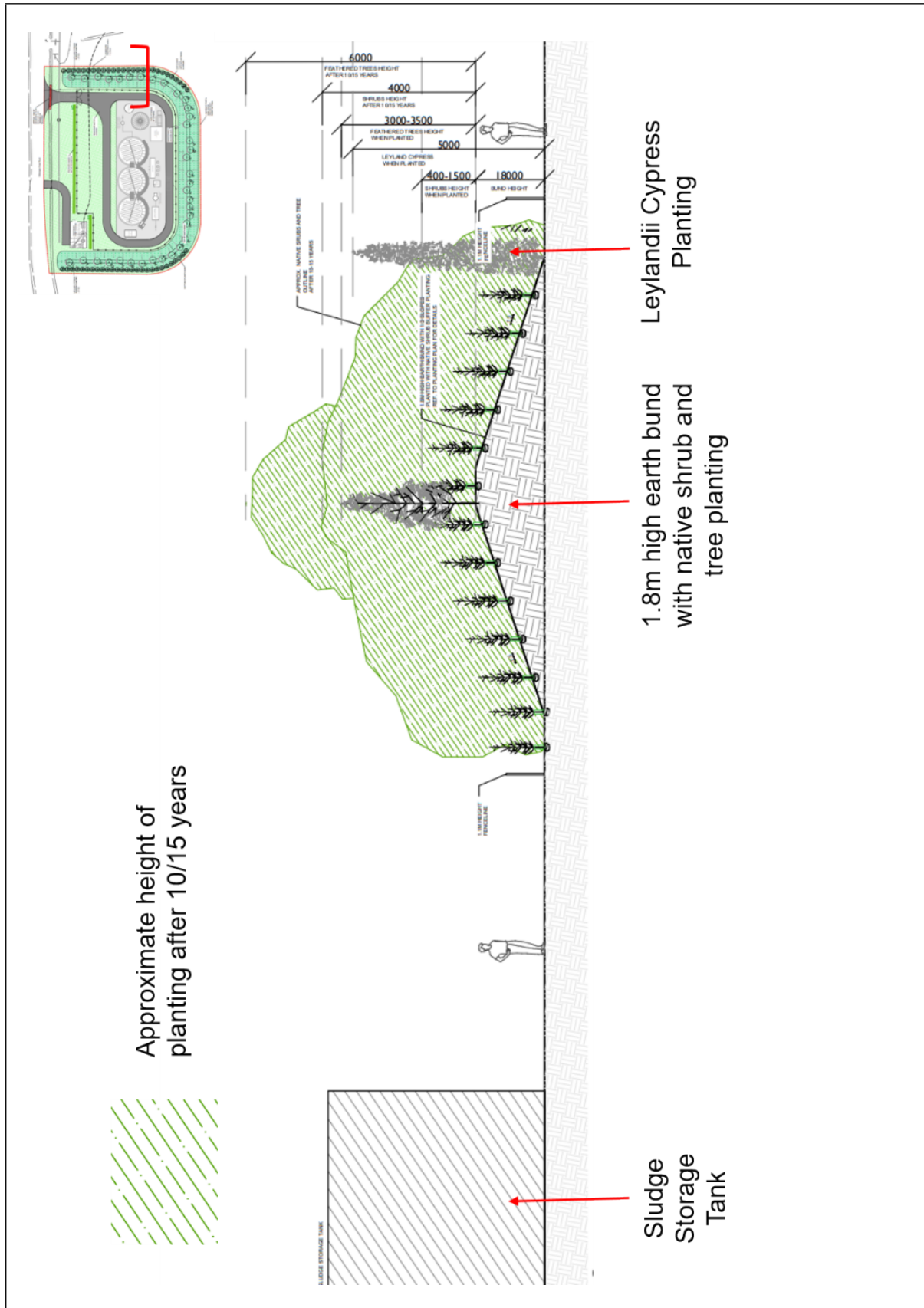
Telephone: (01233) 330275

Annex C – Amended Drawings

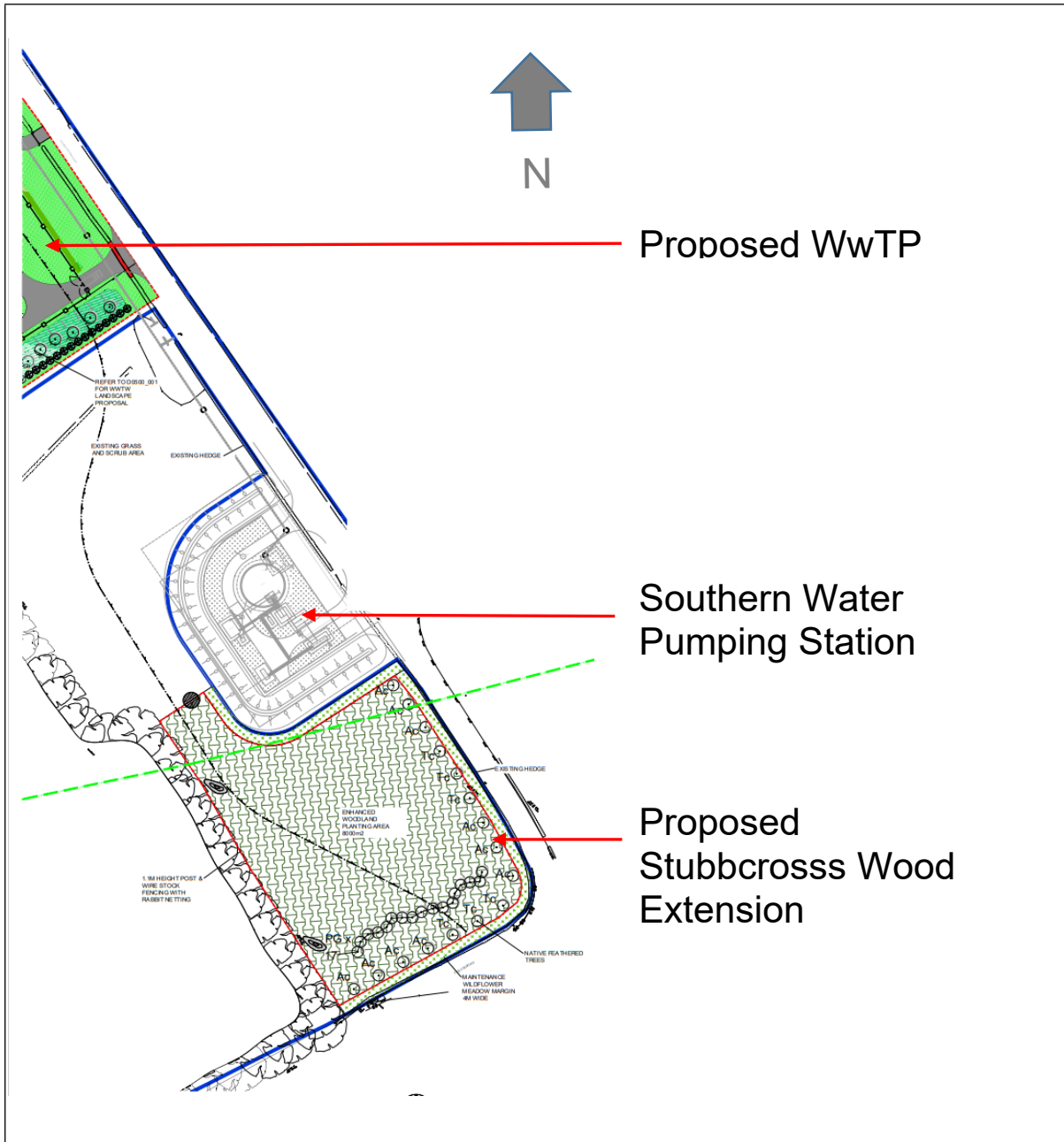
Amended Landscape Site Plan



Amended Site Section



Proposed Stubbcross Wood extension



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

Introduction

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

Site and Surroundings

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

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

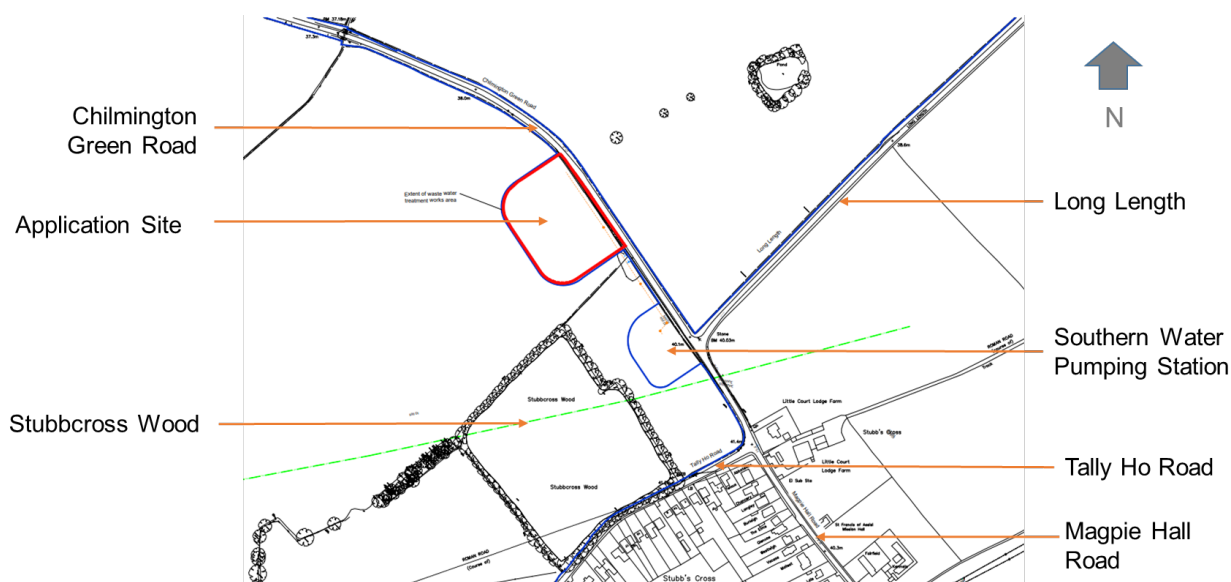


Figure 1: Site Location Plan

Proposal

Description of Proposed Development

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

j. Treated Effluent Sampling Chamber

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

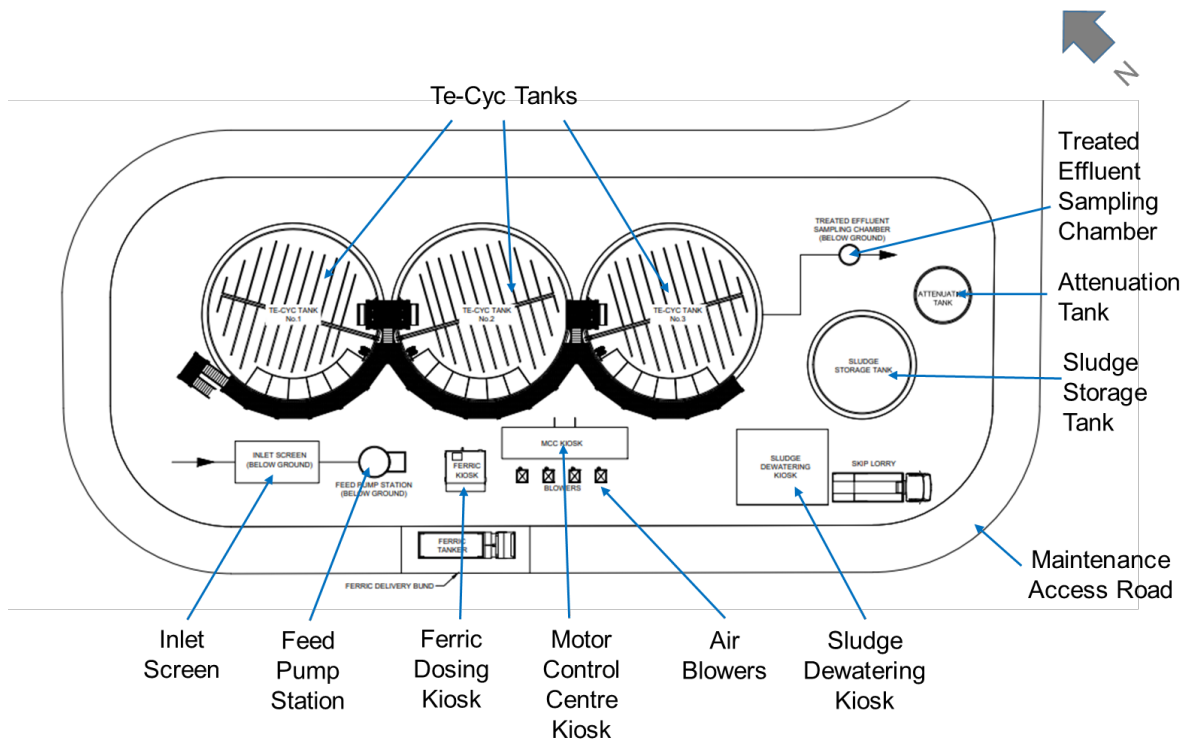


Figure 2: Proposed Site Compound Layout

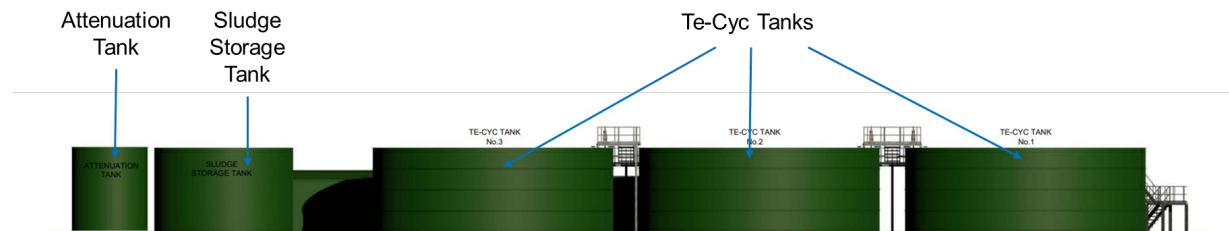


Figure 3: Proposed North East Elevation

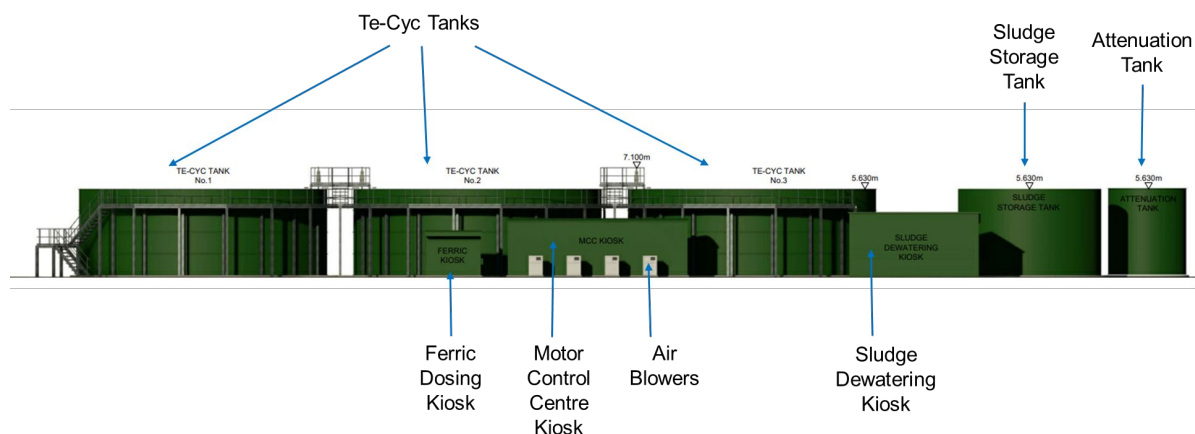


Figure 4: Proposed South West Elevation

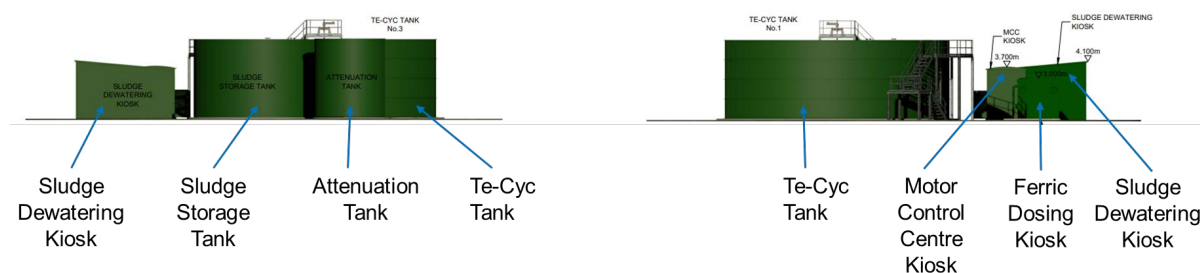


Figure 5: Proposed South East and North West Elevations

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

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

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

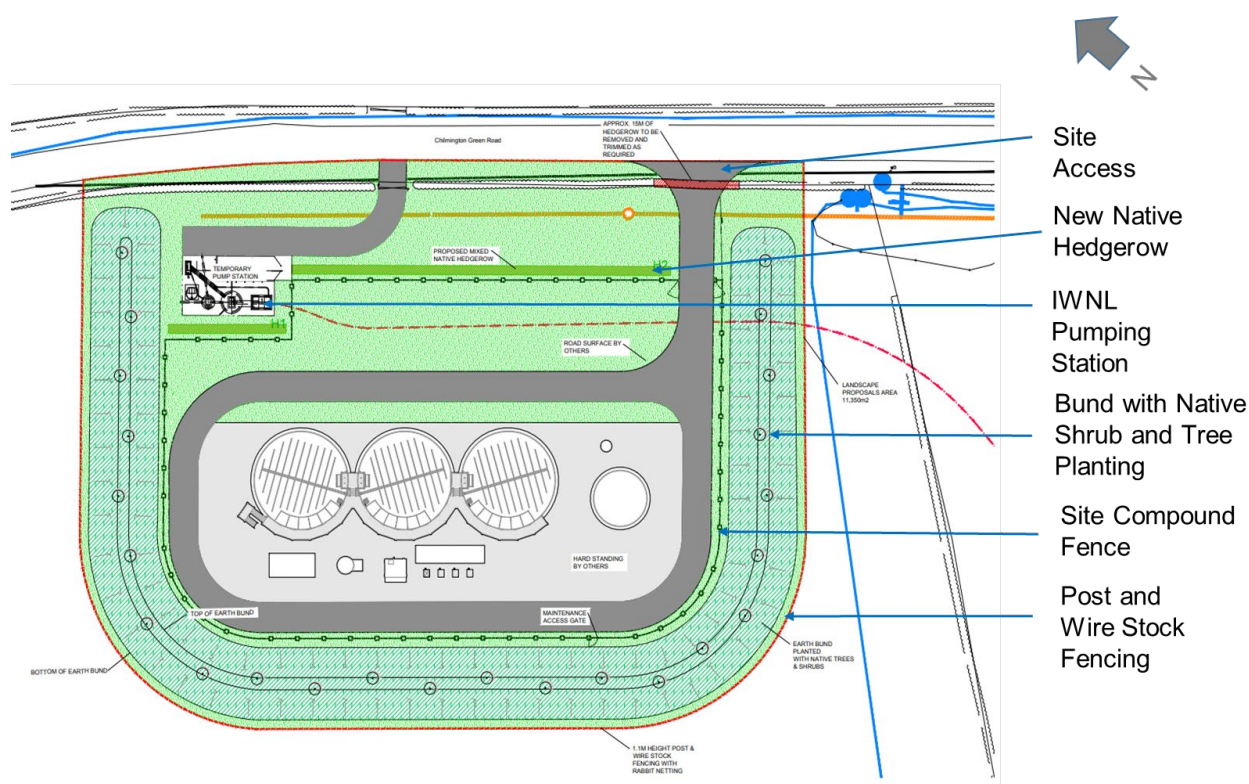


Figure 6: Proposed Site Layout Plan

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

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

Background to the Proposed Development

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

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

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

Environment Impact Assessment (EIA)

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

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

Chilmington Green Planning Context

Chilmington Green Area Action Plan (AAP) 2013

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

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

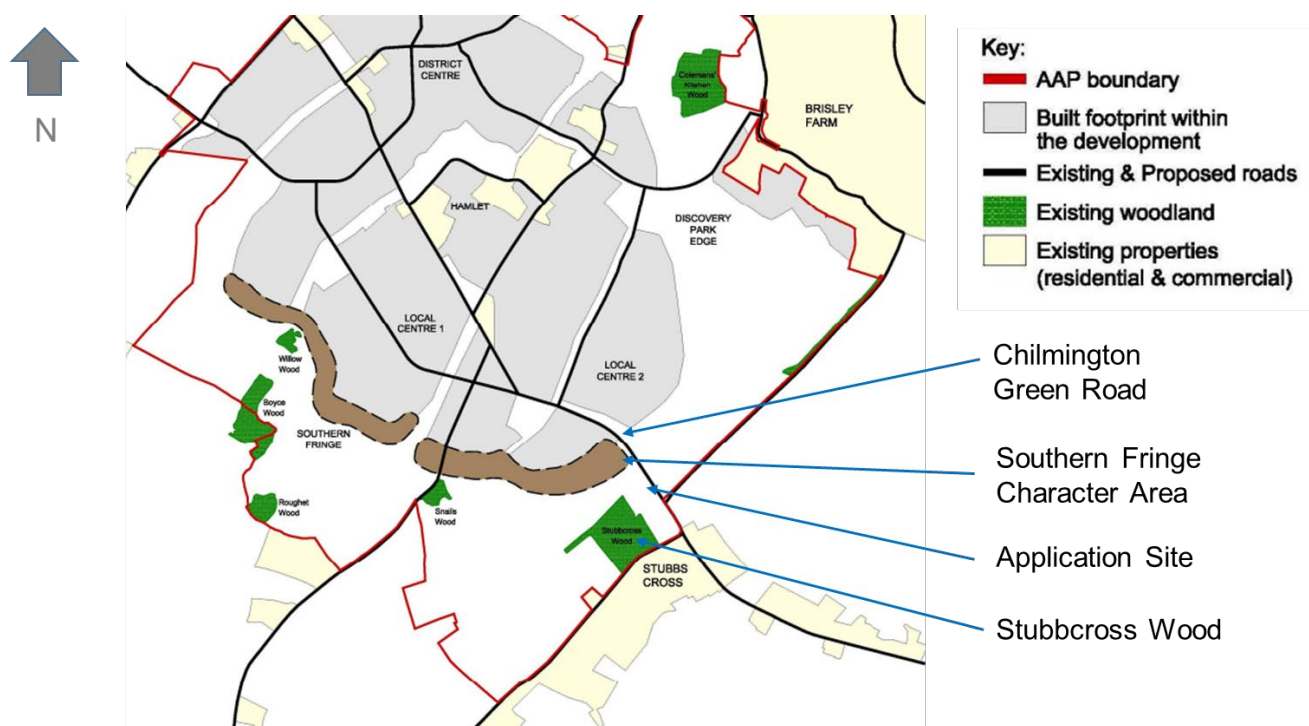


Figure 7: Location of Southern Fringe Character Area

Chilmington Green Design Code 2016

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

Development Specification and Parameter Plans

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

Planning History

37. The Chilmington Green site has an extensive planning history, the applications most relevant to the development proposed in this application are set out below.
38. 12/00400/AS – Outline planning permission granted on 6 January 2017 for a Comprehensive Mixed Use Development comprising:
 - up to 5,750 residential units, in a mix of sizes, types and tenures;
 - up to 10,000 m² (gross external floor space) of Class B1 use; up to 9,000 m² (gross external floorspace) of Class A1 to A5 uses;

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

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

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

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

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

Consultations

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

Parish Council's

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

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

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

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

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

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

National Consultees

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

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

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

Kent County Council (KCC)

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

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

Ashford Borough Council (ABC)

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

Other Consultees

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

Residents

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

Relationship with the Chilmington Green / SAGC Masterplan

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

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

Landscape and Visual Impacts

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

Water Quality

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

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

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

Habitat Regulations.

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

Flood Risk and Surface Water Drainage

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

Ecology and Biodiversity

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

Odour Impacts

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

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

Noise and Vibration

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

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

Ground Contamination

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

Highway Impacts

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

Operation / Management / Maintenance

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

the calculations in the nutrient neutrality assessment.

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

Nutrient Neutrality & Stodmarsh

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

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

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

Other Concerns

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

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

Non-material Matters

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

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

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

Matters relating to other Planning Permissions

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

Planning Policy

163. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Charing Neighbourhood Plan (2023), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

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

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

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

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

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

Supplementary Planning Guidance/Documents

Dark Skies SPD, 2014

Public Green Spaces & Water Environment SPD (2012)

Sustainable Design and Construction SPD, 2012

Landscape Character SPD, 2011

Sustainable Drainage SPD, 2010

Other Relevant Documents

Chilmington Green Design Code (2016)

Chilmington Green Quality Charter

Government Advice

National Planning Policy Framework (NPPF) 2023

National Planning Practice Guidance

National Design Guide 2021

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

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 12 - Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

Assessment

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

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

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

Principle of Development – Land Use

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

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

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

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

Landscape and Visual Impacts

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

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

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

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

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

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

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

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

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

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

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

Water Quality

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

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

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

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

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

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

Flood Risk and Surface Water Drainage

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

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

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

Ecology and Biodiversity

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

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

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

Odour Impacts

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

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

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

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

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

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

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

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

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

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

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

Figure 10 - Estimated odour emission rates from the WwTP



Figure 11 – Results of the dispersion model

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

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



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

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

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

Noise and Vibration

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

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

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

Ground Contamination

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

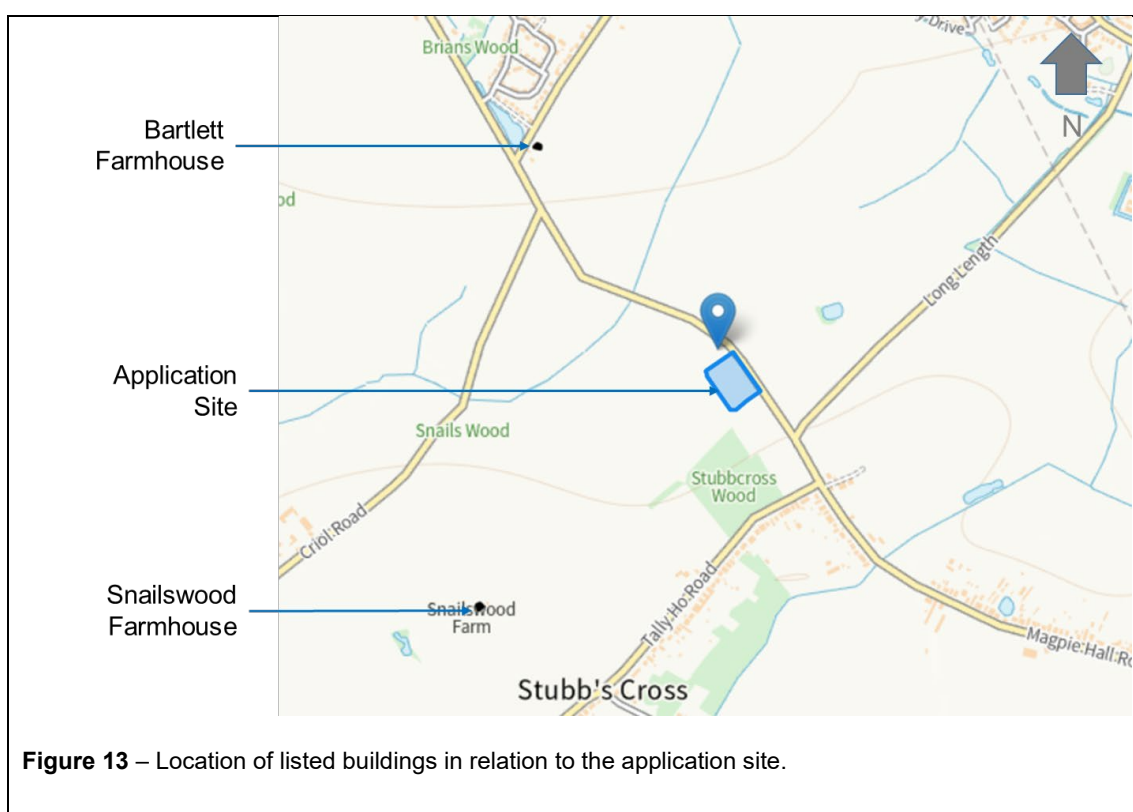
proposed to enable the filter drain to be shut off in a spillage event to prevent contamination entering into the surface water drainage system.

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

Heritage and Archaeology

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

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



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

Highway Impacts

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

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

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

Other Matters

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

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

Human Rights Issues

272. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

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

Conclusion

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

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

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

Recommendation

(A)

- i. Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018 with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit;**

(B) Permit, subject to conditions

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

15. Post completion acoustic assessment

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

17. Hedgerow protection

18. Lighting design strategy

19. Light levels

20. Reporting of Unexpected Contamination

Note to Applicant

1. Working with the Applicant

2. Highways

Working with the Applicant

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

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

In this instance:

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

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

Background Papers

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

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Planning Committee

Wednesday the 13th December 2023 at 6.30pm



Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

5. Requests for Deferral/Withdrawal

None

6. Schedule of Applications

- (a) **PA/2023/0715 - Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent** – Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road.

Paragraph 14 (Description of Proposed Development)

Additional information to include at the end of paragraph 14:-

The applicant has advised that *“the main part of the treatment works – the te-cyc process – consists of three tanks but can remain fully operational with only two tanks. Therefore, if there is a failure with one tank, the process will still be able to fully operate. In addition, an onsite generator will be installed with an autochangeover panel to ensure the plant will remain operational in the event of a power failure. Moreover, on-site plant will be connected to a system that will issue an alarm to the WwTP maintenance service team (who monitor the plant 24/7) who will then attend the site immediately”*. The applicant has advised that with these measures in place there would be no need to tanker waste.

Paragraphs 17 & 18 (Description of Proposed Development)

Following the publication of the committee report the applicant has sought to clarify that, the WwTP would be available, in principle, to serve limited developments beyond the Chilmington Green development area. The overarching Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) for Chilmington Green, referred to in paragraph 22 of the committee report, takes into account the development proposed in the Possingham Farm application (ref: 22/00517/AS) which is also reported on this Agenda, and The Gables application (ref: 18/01550/AS) which received a resolution to grant planning permission from planning committee in August 2020. The WwTP is proposed, in principle, to be able to deal with the waste water flows from these developments, in addition to Chilmington Green.

It is important, however, for Members to note that, as set out in paragraph 21 of the committee report, it is not appropriate for the assessment of the application for the WwTP to consider whether the proposed WwTP is suitable mitigation to secure nutrient neutrality for future housing development. This will be considered in the assessment of the applications for each housing proposal that comes forward, via an Appropriate Assessment (AA) in accordance with the Habitats Regulations.

Paragraphs 198 & 210 (Water Quality)

With regard to the reference, in the fifth sentence in paragraph 198, to the outfall pipe requiring planning permission. It is also possible that the outfall pipe could be permitted development under the Town and County Planning (General Permitted Development) England Order 2015, Schedule 2, Part 13 Class B, 'Water and Sewerage', which states that the following is permitted development:

“Class B – development by or on behalf of sewerage undertakers

Permitted development

B. Development by or on behalf of a sewerage undertaker consisting of—

(a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;”

If the developer signs an adoption agreement with a sewerage undertaker for the pipe, then the undertaker could construct the pipe under their permitted development rights. I therefore recommend the condition, referred to in paragraph 210, be amended to require that a construction and adoption agreement be signed between the landowner of the site and the sewerage undertaker for the construction of the outfall pipe prior to the commencement of construction and a copy of the agreement be provided to the Council.

Paragraph 279 (Conclusion)

The first sentence of this paragraph is deleted as the outstanding points in respect of flood risk and sustainable drainage were addressed prior to the publication of the committee report, as identified in paragraph 58. See updated paragraph 279 below.

~~There remain outstanding points that need to be addressed by the applicant in respect of flood risk and sustainable drainage. Subject to these issues being satisfactorily addressed. The applicant has satisfactorily addressed queries raised by the County Council in respect of flood risk and sustainable drainage. In conclusion, I therefore consider the proposed development to be acceptable, subject to the conditions, broad details of which are given below.~~

Conditions

The list of recommended conditions is updated to amend the condition relating to the outfall pipe and include conditions relating to SuDS and the installation of the bund and acoustic enclosures. The full list of conditions is provided below.

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Construction and transport management plan
4. Archaeological field evaluation and investigations
5. Detailed ecological mitigation strategy
6. Hedge/hedgerow protection
7. Sustainable surface water drainage scheme
8. A copy of the construction and adoption agreement signed between the landowner of the site and the sewerage undertaker for the construction of the outfall pipe to be provided to the Council prior to commencement of construction of the WwTP.
9. Landscaping scheme, including details of early provision of all or part of the Stubbcross wood extension.
10. Measures to prevent discharge of surface water to the highway
11. Details of all boundary fencing
12. Delivery of site access
13. Provision and maintenance of visibility splays
14. Traffic Regulation Order for Chilmington Green Road
15. Use of a bound surface for first 15 metres of the access road.
16. Installation of noise mitigation measures (earth bund & acoustic shroud)
17. Surface water drainage verification report
18. Lighting design strategy & light levels
19. Post completion odour assessment
20. Post completion acoustic assessment
21. Details of site decommissioning and reinstatement in the event that the WwTP is no longer required.
22. Reporting of Unexpected Contamination

Notes to Applicant

1. Working with the Applicant
2. Plans/Documents Approved by this decision
3. Highways

(b) 22/00571/AS - Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN26 1JR - Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access only (excluding internal circulation routes), with all other matters reserved.

Paragraph 45 (Bethersden Parish Council)

Bethersden Parish Council have submitted a plan titled 'Bethersden Parish Impact Diagram From New Proposed Extension To Chilmington For A Further 655 Homes' which they wish to refer to it in their speech at the Committee meeting. The plan is provided as **Appendix A** to this Update Report.

Paragraph 118 (Habitats Regulations Assessment)

Following the publication of the Committee Report, the applicant has sought to clarify that the waste water treatment plant (WwTP) proposed at Chilmington Green (ref: PA/2023/0715), which is also reported on this agenda, would be available, in principle, to serve the Possingham Farm development. The overarching Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) submitted by the applicant for Chilmington Green, takes into account the Possingham Farm development. If planning permission was granted for the Possingham Farm development, the applicant has advised that they intend for some of the capacity at the WwTP to be allocated to the Possingham Farm development. In addition, they would seek to bring forward the delivery of additional capacity at the WwTP, in the form of ponds/wetlands and the re-use of water on site, to enable the Chilmington Green and Possingham Farm developments to be brought forward concurrently.

The information provided by the applicant has provided some clarity about how the applicant intends to deal with nutrient neutrality for the Possingham Farm development. However, this does not address the recommended reason for refusal (reason no. 8) as there remains uncertainty about how nutrient neutrality would be secured for the development.

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

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

Additional planning condition

In response to KCC Ecological Advice Service request, a further condition be added requiring a habitat creation plan to be approved by the Local Planning Authority as follows

“ Prior to any ecological mitigation or habitat clearance works commencing a habitat creation plan must be submitted to the LPA for written approval. The plan must provide the following information:

- *Overview of habitats to be created*
- *Detailed methodology to create habitats*
- *Timings of works*
- *Maps showing the locations*
- *Management requirements to establish the habitats*

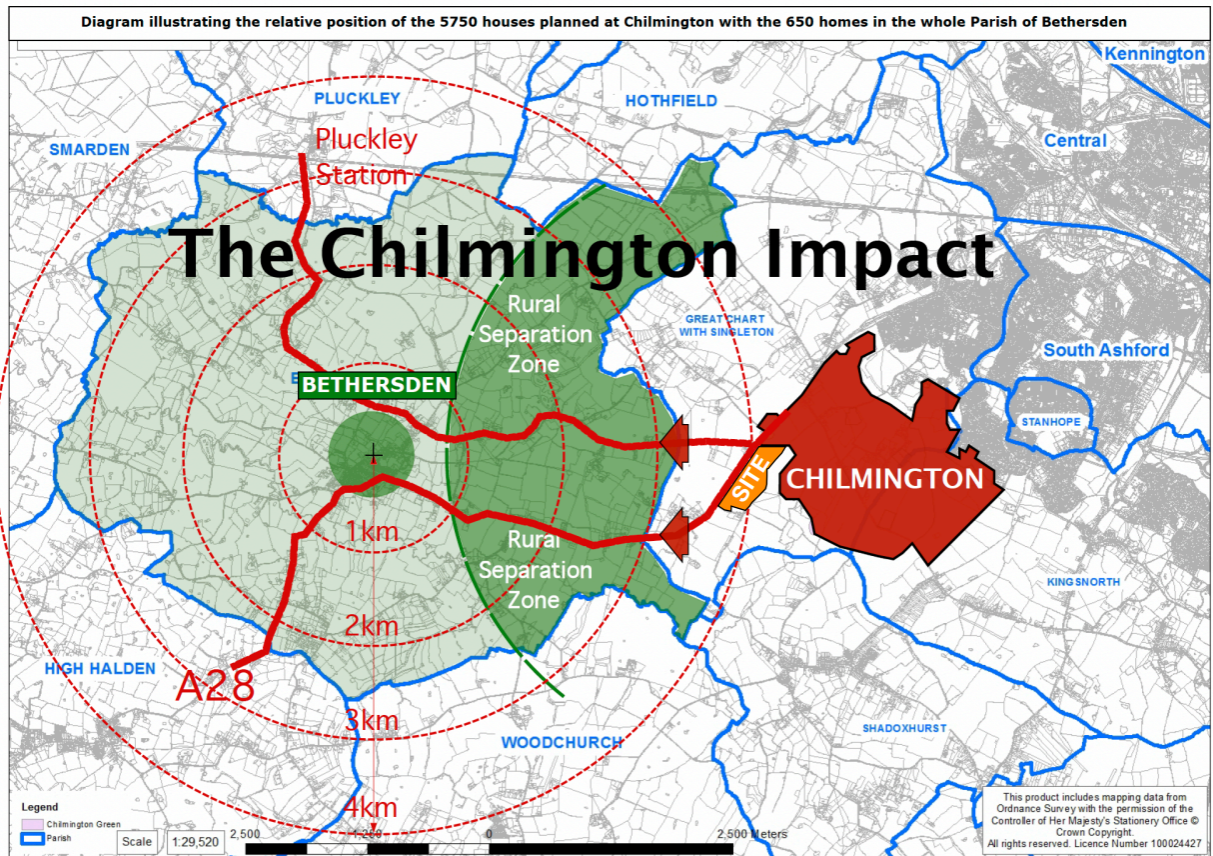
- *Interim on going management plan until the management plan required under C74 has been approved.*
- *Details of monitoring during establishment works.*
- *Details of how the habitats will be protected.*

The plan shall be implemented as approved.

Reason: *in the interest of ecology”.*

Appendix A

BETHERSDEN PARISH IMPACT DIAGRAM FROM NEW PROPOSED EXTENSION TO CHILMINGTON FOR A FURTHER 655 HOMES



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**ANNEX D - THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 SCREENING MATRIX**

1. CASE DETAILS			
Case Reference	PA/2023/0715	Brief description of the project / development	Construction of a Wastewater Treatment Plant (WwTP), associated landscaping, and proposed vehicular access from Chilmington Green Road ¹
Site Address	Chilmington Green, Land to west of Chilmington Green Road.		
LPA	Ashford	Applicant	Hodson Developments Ltd
2. EIA DETAILS			
Is the project Schedule 1 development according to Schedule 1 of the EIA Regulations?			No
If YES, which description of development (THEN GO TO Q4)			n/a
Is the project Schedule 2 development under the EIA Regulations?			Yes
If YES, under which description of development in Column 1 and Column 2?			11(c) Other Projects - Waste water treatment plants - development area exceeds 1,000 square metres.
Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?			No
If YES, which area?			n/a
Are the applicable thresholds/criteria in Column 2 exceeded/met?			Exceeded
If yes, which applicable threshold/criteria?			Site area is 1135sq/m plus the land area required for the outlet pipe.
3. LPA/SOS SCREENING			
Has the LPA or SoS issued a Screening Opinion (SO) or Screening Direction (SD)? (In the case of Enforcement appeals, has a Regulation 37 notice been issued)			No
If yes, is a copy of the SO/SD on the file?			n/a
If yes, is the SO/SD positive?			n/a
4. ENVIRONMENTAL STATEMENT			

¹ The development would require the construction of an inlet pipe into the WwTP and an outlet pipe from the WwTP to the discharge point in the river Beult. These pipes are not proposed as part of the current planning application (ref: PA/2023/0715) because the pipes would be constructed under the permitted development rights afforded to Severn Trent Connect, the Ofwat regulated water company, who would operate the WwTP. In addition, the exact routes of the pipes and the discharge point are not yet known. The inlet pipe would be located within the red line boundary of the planning application site, however, the outlet pipe would be located outside the red line boundary on land that the applicant owns. The applicant has advised that the point of discharge will be determined via the EA Permit application process. This Screening Opinion includes an assessment of the impacts of the inlet pipe and outlet pipe and all references to 'the Development' include the inlet and outlet pipes.

Has the appellant supplied an ES for the current or previous (if reserved matters or conditions) application?	No
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A Screening Criteria Question	B Response to the Screening Criteria Question in Column A (Yes/No and explanation of reasons)		C Is a Significant Effect Likely? Yes/No and explanation of reasons (nb if the answer in Column B is 'No', Column C is not applicable)	
	Briefly explain reasons and, if applicable and/or known, include name of feature(s) and proximity to site(s)			Is a significant effect likely, having regard particularly to the magnitude and spatial extent (including population size affected), nature, intensity and complexity, probability, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact? If the finding of no significant effect is reliant on specific features or measures of the project envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment these should be identified in bold
5. NATURAL RESOURCES				
5.1 Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?	Yes	<ul style="list-style-type: none"> An earth bund (1.8m high) is proposed around three sides of the WwTP maintenance access road. The bund is intended to help screen the WwTP structures from view. No details have been provided about what decommissioning of the Development would involve. 		No <ul style="list-style-type: none"> The surrounding land is relatively flat and therefore the bund would be visible from long views. However, given the scale of the bund, at 1.8m, its extent within the site, alongside its distance from nearby residential properties, the bund is unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA. Without any information from the applicant I can only envisage that decommissioning would involve the removal of all equipment and hard surfaces and/or removal of the earth bund. This would not alter the landscape

				over and above the change involved as part of the Development. Conditions could secure an appropriate decommissioning / site remediation scheme. For these reasons, decommissioning is unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
5.2 Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non-renewable or in short supply?	Yes	<ul style="list-style-type: none"> • Construction of the Development would involve the use of building materials (metal, concrete, tarmac, etc) and energy sources to power machinery. • The operation of the Development would involve the use of energy. 	No	The natural resources used during construction and operation of the Development would not be significant given the size and scale of the Development. The use of natural resources is therefore unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
5.3 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, e.g. forestry, agriculture, water/coastal, fisheries, minerals?	Yes	<ul style="list-style-type: none"> • The Development site is located within close proximity to an ancient woodland – Stubbcross Wood. • The Development site is currently agricultural land. • The treated waste water would be discharged into a tributary of the river Beult, which feeds into the river Beult SSSI. 	No	<ul style="list-style-type: none"> • The Development would have a localised visual impact. The setting of the ancient woodland would be altered. However, this impact is unlikely to be significant given the size and scale of the Development and the visual impacts would be mitigated through the provision of an earth bund and landscaping scheme. For these reasons I conclude that the Development is unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA. • The agricultural land classification survey submitted with the outline planning

				<p>application for the Chilmington Green development identified the site as being moderate quality agricultural land - Subgrade 3b. This is not the best and most versatile land. Given the size of the site, alongside the grading of the land, the Development would not result in the loss of a scarce land resource of significant size. Therefore, a significant effect is unlikely and an assessment of the effects via the submission of an EIA is not required.</p> <ul style="list-style-type: none">• The applicant has submitted information setting out the parameters and standards of treatment the WwTP is designed to achieve; the results of monitoring of the watercourse undertaken to establish the current water flow and water quality; and an assessment of the potential impact on the river Beult SSSI. Natural England and the Environment Agency have been consulted on the planning application and raised no objection. From the information submitted, alongside consideration of the scale of the Development, the location of the treated effluent discharge point currently envisaged by the applicant, and the advice from statutory consultees, I conclude that there is unlikely to be a significant effect on the SSSI and therefore an assessment of the effects via the submission of an EIA is not required
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6. WASTE				
6.1 Will the project produce solid wastes during construction or operation or decommissioning	Yes	<ul style="list-style-type: none"> During operation the WwTP treatment process would produce sludge. This would be stored on site in a tank and then removed from site via tanker to a WwTP with a sludge treatment centre. During decommissioning the materials the Development would be constructed from would need to be disposed of. 	No	The amount of sludge produced would not be significant. The storage tank would be 56 cubic metres in size and would be covered to minimise odour impacts. The tanker movements would initially involve monthly tanker visits, increasing to twice monthly and then weekly. The sludge is unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA, due to the quantity of sludge that would be produced and the frequency of the associated tanker movements.
7. POLLUTION AND NUISANCES				
7.1 Will the project release pollutants or any hazardous, toxic or noxious substances to air?	Yes	The sewerage treatment process would cause odours.	No	An odour assessment submitted by the applicant identifies that odours would be confined to the WwTP compound and subsequently would not impact nearby residents. Given the size and scale of the Development, the impact of odours on local amenity can be adequately assessed via the review of the odour report submitted. Any odour impacts are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
7.2 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There would be mechanical equipment installed on the site as part of the Development that would emit noise.	No	A noise assessment submitted by the applicant identifies that noise emitted by the mechanical equipment would potentially have an impact on residents if not mitigated. The

			<p>report recommends the provision of acoustic enclosures and a noise barrier. Given the size and scale of the development, and the form of the mitigation proposed, the impact of noise on local amenity can be adequately assessed via the review of the noise report submitted. Any noise impacts are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.</p>
<p>7.3 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<ul style="list-style-type: none"> • The treated waste water would be discharged into a tributary of the river Beult, either to surface water or ground. • It is possible that spillages could occur. 	<p>No</p> <ul style="list-style-type: none"> • The applicant has submitted information setting out the parameters and standards of treatment the WwTP is designed to achieve; the results of monitoring of the watercourse undertaken to establish the current water flow and water quality and an assessment of the potential impact on the river Beult SSSI. Natural England and the Environment Agency have been consulted on the planning application and raised no objection. From the information submitted, alongside consideration of the scale of the Development, the location of the treated effluent discharge point currently envisaged by the applicant, and the advice from statutory consultees, I conclude that there is unlikely to be a significant effect on the watercourse and therefore an assessment of the effects via the submission of an EIA is not required. • Low level bunds would be installed on site around relevant equipment to contain any

				<p>spillages with collection in sumps or storage tanks segregated from the general surface water drainage system. A chamber with control valve(s) downstream of the filter drain, would enable the filter drain to be shut off in a spillage event to prevent contamination entering into the surface water drainage system. Collected spillages would be removed from the site. The scale of the Development alongside the measures described above leads me to conclude that there is unlikely to be a significant effect in respect of spillages and therefore an assessment of the effects via the submission of an EIA is not required.</p> <ul style="list-style-type: none"> I note that the Development will require an environmental permit from the Environment Agency (EA) and that the EA will control pollution through the permitting process. The EA have raised no objection to the planning application.
<p>7.4 Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project?</p>	<p>Yes</p>	<p>The river Beult is currently in an unfavourable condition, in part due to water quality impacts and that Natural England has set targets for flow, ammonia, suspended solids, total phosphorus and siltation.</p>	<p>No</p>	<p>Refer to 7.3 above in respect of water quality.</p>
<p>8. POPULATION AND HUMAN HEALTH</p>				

8.1 Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?	No	There would be no risk of a major accident.	n/a	
8.2 Will the project present a risk to the population (having regard to population density) and their human health during construction, operation or decommissioning? (for example due to water contamination or air pollution)	Yes	<ul style="list-style-type: none"> Refer to 7.1 above in respect of air pollution. Refer to 7.3 above in respect of water contamination 	No	<ul style="list-style-type: none"> Refer to 7.1 above in respect of air pollution. Refer to 7.3 above in respect of water contamination
9. WATER RESOURCES				
9.1 Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk	Yes	<ul style="list-style-type: none"> Refer to 7.3 above in respect of water quality. The Development would be built on agricultural fields and treated effluent would be discharged into an existing watercourse therefore there is potential to increase flood risk due to the provision of impermeable surfaces and built structures and due to an increase volume of water entering the watercourse 	No	<ul style="list-style-type: none"> Refer to 7.3 above in respect of water quality. A surface water drainage system is proposed on the site to manage surface water and reduce the risk of flooding. In addition, the discharge from the Development is proposed to be limited to 3l/s. The County Council's Flood and Water Management team and the Environment Agency have reviewed the applicant's proposal and raised no objection. In light of the mitigation scheme proposed and the County Council's and EA's advice, I conclude that flood risk can be appropriately dealt with via the submission of a flood risk assessment and the potential flood risk

				effects are unlikely to be so significant to require an assessment of the effects via the submission of an EIA.
10. BIODIVERSITY (SPECIES AND HABITATS)				
10.1 Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local))).	Yes	<ul style="list-style-type: none"> • Stubbcross Ancient Woodland – refer to 5.3 above. • The river Beult SSSI – refer to 7.3 above. 	No	<ul style="list-style-type: none"> • Stubbcross Ancient Woodland – refer to 5.3 above. • The river Beult – refer to 7.3 above.
10.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project	Yes	The Development site is currently farmland bounded by hedgerows and therefore has the potential for ecological value.	No	The applicant has submitted an ecological impact assessment which identifies potential impacts on wildlife and ecology and recommends mitigation measures. The County Council's Ecology team have reviewed the application and raised no objection. Due to the size and scale of the Development and the findings of the assessment, I conclude that any impacts on ecology and wildlife are

				unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
11. LANDSCAPE AND VISUAL				
11.1 Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? ² Where designated indicate level of designation (international, national, regional or local).	No	There are no areas or features on or around the Development site that are protected for their landscape and scenic value, and/or any non-designated non-classified areas or features of high landscape or scenic value on or around the site.	n/a	
11.2 Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	No	The proposed Development would be visible locally from Chilmington Green Road and the western end of Tally Ho Road; from a small number of properties on Tally Ho Road and Magpie Hall Lane; and from PROW to the north and south. As the Chilmington Green development is built out the proposed Development would be visible from public open space within the Chilmington Green development and future housing parcels. However, the proposed Development would not be highly visible to many people from long distances.	n/a	

² See question 8.1 for consideration of impacts on heritage designations and receptors, including on views to, within and from designated areas

12. CULTURAL HERITAGE/ARCHAEOLOGY				
12.1 Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	Yes	<ul style="list-style-type: none"> The Development site is located in an area of archaeological potential. The route of a roman road, now a PROW, passes to the south of the Development site. There are features of archaeological interest within Chilmington Hamlet to the north. There are eight listed buildings within Chilmington Hamlet to the north. Snailswood Farmhouse, a listed building, is located in Shadoxhurst to the west. 	No	There is already a significant amount of information about the archaeology of the wider Chilmington Green development site to enable an assessment to be made about the effects of the proposed Development on archaeology. There are no listed buildings within or immediately adjacent to the Development site. The nearest listed building is at the Hamlet, circa 800m from the site. The effects on cultural heritage and archaeology can be appropriately assessed from the information already available. I conclude that any impacts are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
13. TRANSPORT AND ACCESS				
13.1 Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	Yes	There is a PROW to the south of the Development site which follows the route of an old roman road.	no	Given the size and scale of the Development and its distance from the PROW I conclude that any impacts are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
13.2 Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	<ul style="list-style-type: none"> The A28, circa 2km to the north of the Development site is susceptible to congestion at peak times. Chilmington Green Road adjacent to the Development site to the north is a busy 	no	There would be limited traffic movements associated with the Development. The Local Highway Authority have reviewed the application and raised no objection. Given the limited traffic movements I conclude that any

		road and is in a poor state of repair in places, although not congested.		impacts are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
14. LAND USE				
14.1 Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.	Yes	There are existing residential properties located close to the Development site.	No	Given the scale and size of the Development, its proximity to neighbouring residents, and the mitigation measures proposed, I conclude that any impacts are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA
14.2 Are there any plans for future land uses on or around the location which could be affected by the project?	Yes	There are new residential properties proposed to the north of the Development site as part of the Chilmington Green development and to the south east as part of the Court Lodge site allocation.	No	Given the scale and size of the Development, its proximity to future residential development, and the mitigation measures proposed, I conclude that any impacts are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
15. LAND STABILITY AND CLIMATE				
15.1 Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	No	The location is not susceptible to any of the environmental conditions listed.	n/a	

16. CUMULATIVE EFFECTS				
16.1 Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?	Yes	The Development site is located within Chilmington Green development site and the wider South Ashford Garden Community growth area.	no	The Development site is located within a housing growth area where the impacts of the wider proposed development at Chilmington Green have been assessed via the submission of ES as part of the Outline planning application for the Chilmington Green development. The proposed development at Court Lodge is being assessed via the submission of an ES. Any additional cumulative impacts that may result from the proposed WwTP Development are unlikely to result in effects so significant as to require an assessment of the effects via the submission of an EIA.
17. TRANSBOUNDARY EFFECTS				
17.1 Is the project likely to lead to transboundary effects? ³	No	The Development is not located close to the boundary with another national jurisdiction and would not have an impact on another jurisdiction.	n/a	

³ The Regulations require consideration of the transboundary nature of the impact. Due to the England's geographical location the vast majority of TCPA cases are unlikely to result in transboundary impacts.

18. CONCLUSIONS – ACCORDING TO EIA REGULATIONS SCHEDULE 3

The scale and effects of the Development would not be so significant as to be EIA development. Therefore the submission of an EIA is not required in order for the impacts of the proposed Development to be appropriately assessed via the information and documents already submitted as part of the planning application.

19. SCREENING DECISION

If a SO/SD has been provided do you agree with it?	n/a
Is it necessary to issue a SD?	No
Is an ES required?	No

20. ASSESSMENT (EIA REGS SCHEDULE 2 DEVELOPMENT)**OUTCOME**

Is likely to have significant effects on the environment	ES required	
Not likely to have significant effects on the environment	ES not required	
More information is required to inform direction	Request further info	

21. REASON FOR SCREENING

The development is Schedule 2 development - 11(c) Other Projects - waste-water treatment plants - development area exceeds 1,000 square metres.

NAME	Faye Tomlinson
DATE	20 November 2023 (updated 2 April 2024)

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Application Number	PA/2023/0277
Location	Hothfield Service Station, Maidstone Road, Hothfield, TN26 1AP
Grid Reference	Easting 596908, Northing 146630
Parish Council	Hothfield
Ward	Upper Weald
Application Description	Single-storey side extension to accommodate 'food to go' (Sui Generis).
Applicant	Motor Fuel Group
Agent	Julian Sutton
Site Area	0.3214 hectares

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Clair Bell.

Site and Surroundings

2. The application site comprises Hothfield Service Station on the A20 Maidstone Road. The site is located on the south side of Maidstone Road, near the junction with Ram Lane. The site lies approximately 370m south of the M20 motorway and approximately 1 kilometre from the centre of Hothfield, which is to the south. The site lies outside of the Hothfield village confines and is therefore considered to be in a rural setting.
3. The site comprises a petrol filling station forecourt with an overhead canopy in the centre of the site. The petrol filling station operates under the Esso fuel brand and provides 12 pumps. There is a single-storey sales building adjacent to the forecourt. To the north west of the site there is an area of open land which comprises trees and vegetation. This is outlined in blue within the Site Location Plan.

4. The site has two separate access points on Maidstone Road – one for entering and the other for exiting (adjacent to the entrance to Ram Lane). The boundary is demarked by a close boarded boundary fence and a brick wall to the rear of the site. The site is open to the front and comprises a grassed landscaping area. To the south and south-east are the residential properties of Chapel Row, four of which share a boundary with the site and the nearest dwelling (6 Chapel Row) is set approximately 40m from the site. There are further residential properties to the north-west of the site, on the opposite side of Ram Lane (70m). Opposite the site to the east, on the other side of Maidstone Road (A20), is a Premier Inn Hotel and The Woolpack Inn, which is a Grade II Listed Building.
5. The site lies within Charing Heath Farmlands Landscape Character Area where the overall guidelines are to conserve and improve the landscape. The site is also with an archaeological notification area where KCC should be notified of any major developments.

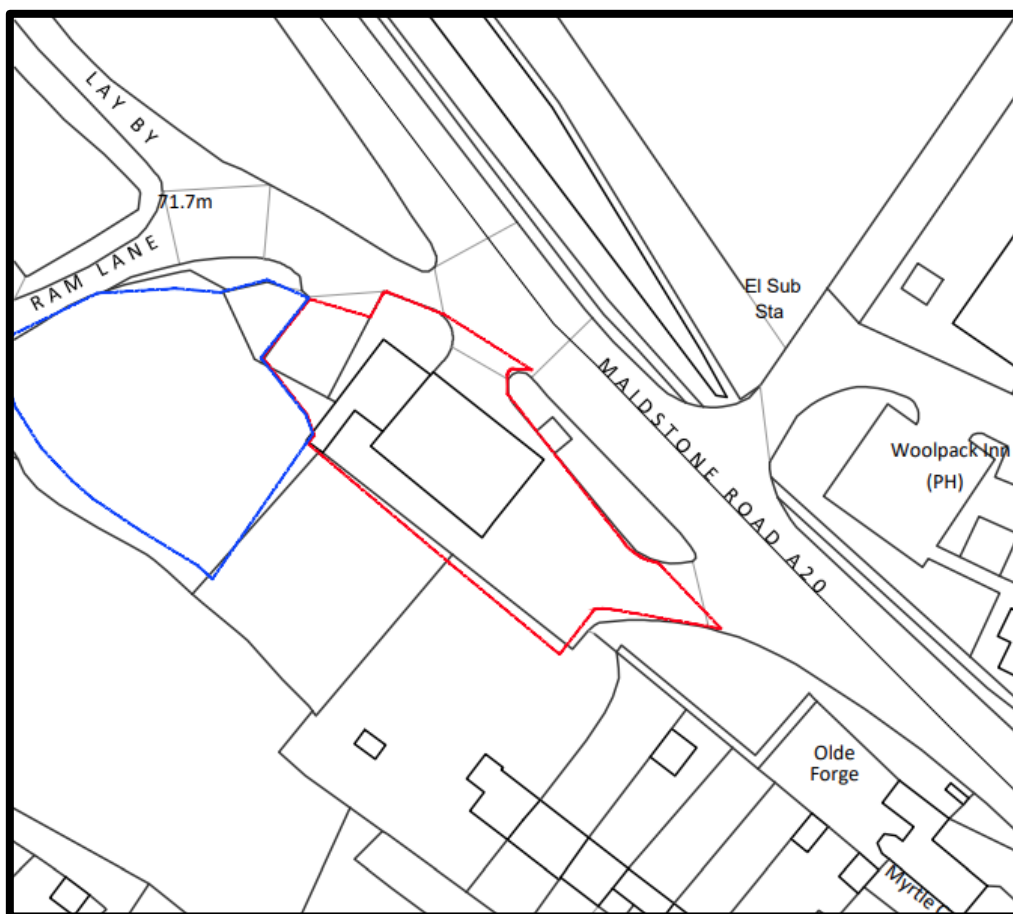


Figure 1 - Site Location Plan

Proposal

6. The application seeks planning permission for an extension to the existing sales building on the site of the existing bin store to allow the introduction of a 'food to go' service for motorists and surrounding residents. The proposed building would be single-storey and would comprise a flat roof design with a total floor area of 51 sqm. It would have masonry brick external walls and a glazed shopfront with an auto sliding door. Also proposed is the re-decoration (internally and externally) of the existing shopfront in Grey RAL 7016.
7. A new bin store would be located to the rear of the new sales building – this would be enclosed by boarded timber fencing and would be accessed by 2.4m high double metal framed gates externally.
8. Parking provision would amount to 2 customer parking spaces on the existing forecourt adjacent to the southern boundary and 3 staff and 1 customer parking space to the rear of the building.
9. The new 'Food to Go' (FTG) unit would require a maximum of 3 employees on site at any one time. The existing shop has a total of 6 employees with 1 on site at any one time, except when there is a retail delivery (2 retail deliveries per week) where an additional person is on site for a couple of hours. The FTG staff would assist with the delivery so a maximum of 4 employees would be on site at any one time.
10. The proposal has been amended during the course of the application to relocate the bin store to within an existing area of hardstanding.

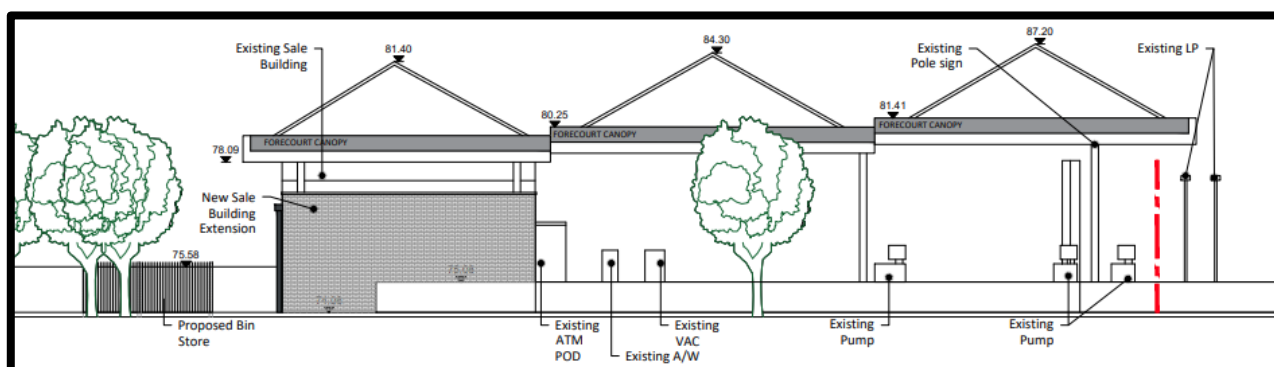


Figure 2 - Proposed Southwestern Elevation

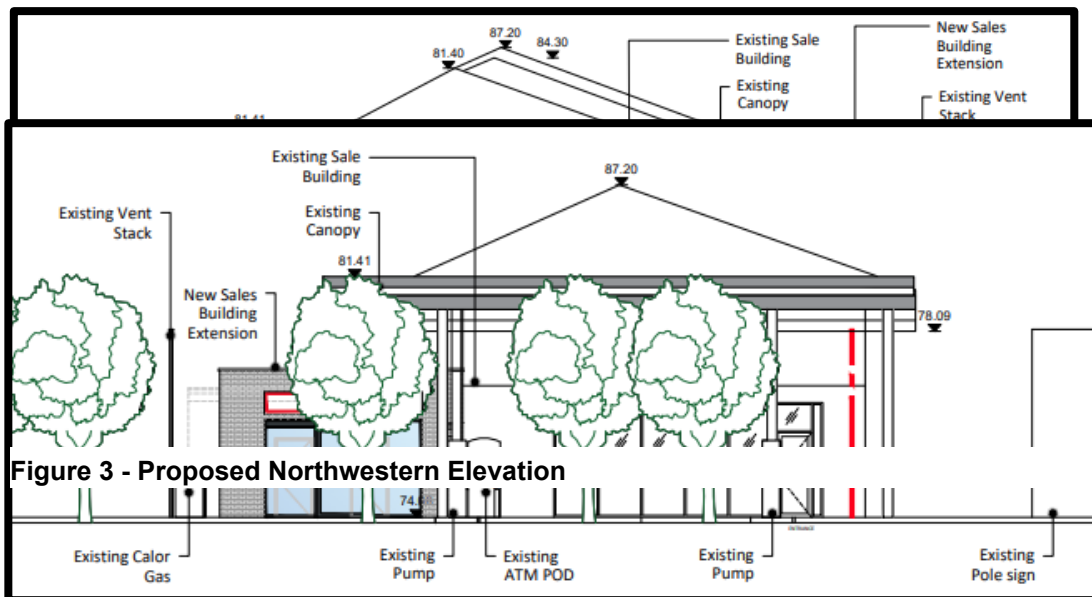


Figure 3 - Proposed Northwestern Elevation

Figure 4 - Proposed Southeastern Elevation

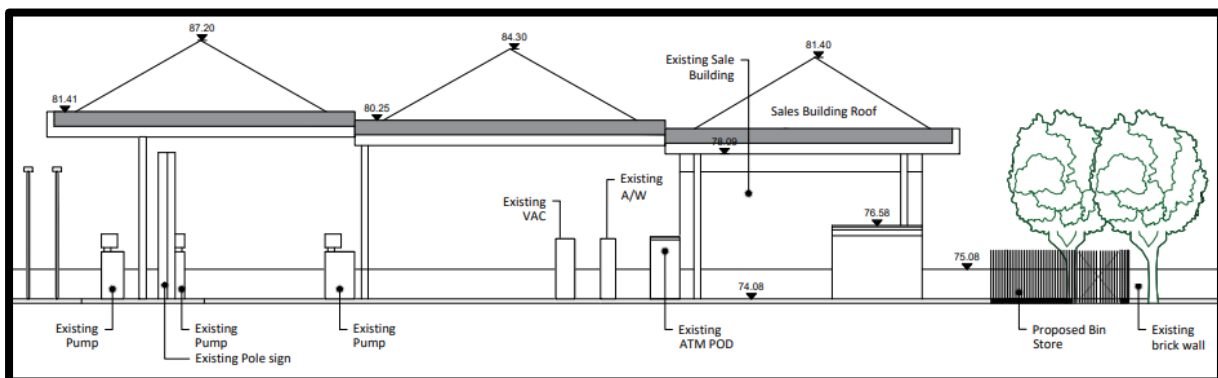


Figure 5 - Proposed Northeastern Elevation

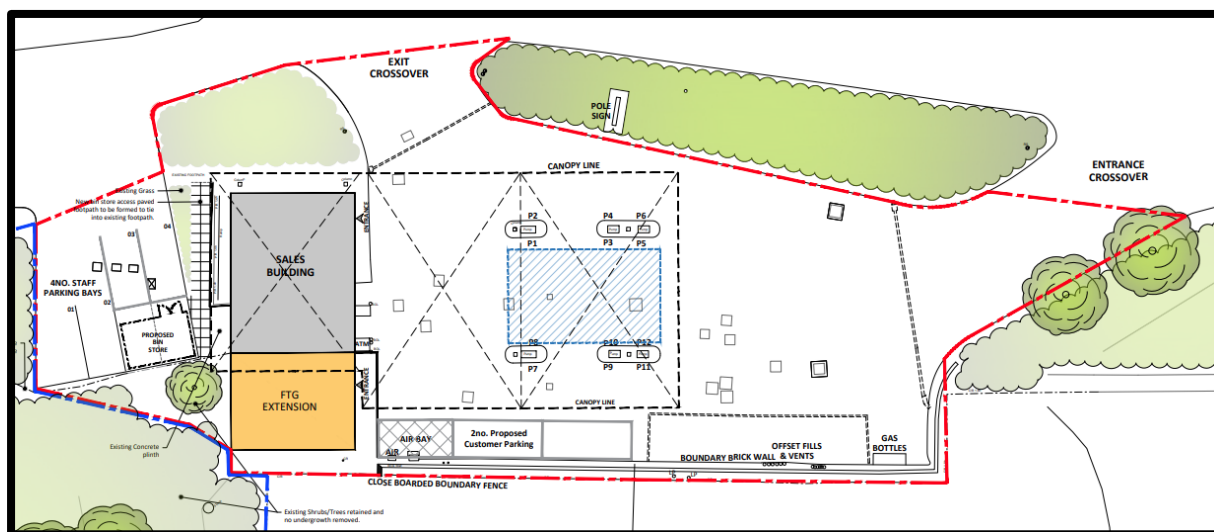


Figure 6 - Proposed Site Plan

Planning History

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

- 81/01057/AS was for the proposed redevelopment of the existing service station and was approved.
- 21/01532/AS proposed the installation of 2 no. self-service car wash bays and screens and was withdrawn following local objections.
- 21/01616/AS proposed the redevelopment of the existing petrol filling station comprising the demolition of the existing building and canopy and erection of a new sales building and canopy, along with provision of EV charging bays and associated plant. It also proposed erection of a new substation and a new GRP LV enclosure, 2 no. new jet wash bays, a new bin store, new boundary treatment and associated works. The application was withdrawn following local objections.

Consultations

12. The application has been subject to formal statutory and non-statutory consultation comprising a press notice and notification letters sent to the properties in the vicinity of the application site.

- Hothfield Parish Council - Objects to the application.

With 2 existing food outlet businesses on the opposite side of the main A20 within easy walking distance of the garage, the Parish Council question whether there is need for another outlet. The layout raises highway safety concerns. Traffic exiting the service station regularly cause dangerous, near-miss accidents and altercations with the road users from Ram Lane & the A20. Current positioning of garage infrastructure means that there is not a clear sight line at the boundary. The increase in traffic would worsen existing road safety issues. Safety concerns for pedestrians who have to walk across the exit of the garage when walking to Ram Lane or along the A20. Ram Lane poor road condition needs to be addressed. Insufficient parking allocated for the longer duration customers. The application does not address the additional business waste generated from the increased activity. Increased light and noise pollution is a cause for concern. Boundary trees offer screening but these may be removed. These trees also host wildlife and endangered species. Redevelopment of the site should pay particular attention to any possible impact it may have on nearby listed properties.

- KCC Highways

The development proposal does not meet the criteria to warrant involvement from the Highway Authority.

- KCC Ecological Advice Service

These comments were received prior to the application being amended so that no areas of the woodland will be affected by the proposal. Whilst they are no longer applicable to the current scheme, they have been retained in the report for consistency. Notwithstanding this, given that no areas of woodland would be affected, the additional information is no longer required.

The proposal will result in a loss of an area of woodland which has been identified within the ecological report as priority habitat. Impacts to habitats of principal importance, or 'priority habitats', which are listed under section 41 of the NERC Act (2006), are capable of being a "...material consideration in the... ..making of planning decisions" (Paragraph 84, Government Circular (ODPM 06/2005))._The ecological report was carried out in 2020 and since the survey was carried out the footprint of the proposal has reduced quite significantly. However, due to this limited information has been provided about the area of woodland proposed to be impacted by the works.

Please provide the following information, prior to determination, to enable us to fully consider the impact of the proposed development:

- *Size of the area of woodland to be lost and demonstrated on a plan.*
- *Photos of the area of woodland to be lost*

- *Confirmation from the applicant that they are willing to actively manage the area of retained woodland that is within their ownership.*

- Ashford Borough Council Environmental Protection

The applicant proposes to construct a single-storey side extension to the existing building to operate as a food premises. Depending on the final design, type of premises and positioning of the plant, there is the potential for odour from kitchen extract systems for hot food cooked on site and noise from the associated plant.

Conditions are recommended for:

- *Extraction/Treatment of Fumes/Odours*
- *Noise and Vibration of Plant*
- *Reporting of Unexpected Contamination*
- *External lighting*
- *Construction informative*

- Neighbours

6 representations were received. 5 are objecting and 1 is in support of the planning application. The following matters have been raised:

Objection

- Harmful impact on setting of listed buildings.
- Loss of trees and vegetation detrimental for wildlife.
- Impact on protected species (bats).
- Potential increase in noise.
- Additional light disturbance to neighbours and nocturnal wildlife.
- Increased litter.
- Dangerous road junctions in/out of the garage and also onto Ram Lane.
- Lack of onsite parking could lead to forecourt parking overflowing onto the A20.
- Extractor fans needed for cooking could be unacceptable for local residents.
- Discrepancies in application.
- Opening hours not mentioned.

13. Following the submission of amended plans (received on 20/02/2024), the application was again subject to formal statutory and non-statutory consultation, comprising a press notice and notification letters sent to the properties in the vicinity of the application site.

- Hothfield Parish Council – objects;
“Hothfield Parish Council considered the application at their recent meeting and it was felt that our comments from the original application

PA/2023/0277 were still very much valid and our objections which detailed areas including the layout of the site. The access onto Ram Lane and the A20 and light and noise pollution in the area and other concerns were not addressed in this application. Also the fact that the application did not include any details of types of food to be provided or indeed hours that the food would be available was also of concern to our residents. With this in mind Hothfield Parish Council would continue to hold their position of objecting to the application”.

- KCC Highways – re-consultation not required – no further information required.
- KCC Ecology – re-consultation not required – no further information required.
- Ashford Borough Council Environmental Protection –
The applicant proposes to construct a single-storey side extension to the existing building to operate as a food premises. Depending on the final design, type of premises and positioning of the plant, there is the potential for odour from kitchen extract systems for hot food cooked on site and noise from the associated plant.

Conditions are recommended for:

- *Extraction/Treatment of Fumes/Odours,*
 - *Noise and Vibration of Plant,*
 - *Reporting of Unexpected Contamination,*
 - *External Lighting,*
 - *Construction Informative.*
 - Neighbours
- 4 representations were received, all of which raised objection. The following matters were raised;
- Potential impact on the setting of the listed building sited on the adjacent side of Ram Lane,
 - Potential light pollution,
 - Potential impact on protected species (nesting bats),
 - Potential increase in traffic,
 - Potential increase in litter,
 - Potential insufficient parking,
 - Insufficient information regarding opening hours,
 - Potential harm to highway and pedestrian safety.

Planning Policy

14. 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).
15. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Examination stage in the plan making process.
 - (ii) Pluckley Neighbourhood Plan Review currently at Examination stage in the plan making process.
 - (iii) Aldington & Bonnington Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
16. 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
 - ENV1 Biodiversity
 - ENV3a Landscape character design
 - ENV4 Light pollution and promoting dark skies
 - ENV9 Sustainable drainage

- ENV15 Archaeology
- EMP3 Extensions to employment premises in the rural area
- TRA3b Parking standards for non-residential development
- TRA7 The Road Network and Development

17. 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

- (iv) Landscape Character Assessment SPD 2011
- (v) Sustainable Drainage SPD 2010
- (vi) Dark Skies SPD 2014

Government Advice

- (vii) National Planning Policy Framework (NPPF) 2023
- (viii) Planning Practice Guidance
- (ix) National Design Guide 2021

18. 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:-

Paragraph 7 of Chapter 2 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states the 3 overarching objectives are 1) building a strong, responsive and

competitive economy, 2) to support strong, vibrant and healthy communities and 3) to protect and enhance our natural, built and historic environment

Paragraph 88(a) of Chapter 6 states that decisions should enable “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.”

Assessment

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

- Principle of Development
- Character and Appearance
- Impact on Residential Amenity
- Impact on Highways
- Impact on Ecology and Trees

Principle of development

20. 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.
21. Government guidance in the National Planning Policy Framework (NPPF) supports the sustainable growth and expansion of business and enterprise in rural areas. Local Plan Policies relating to enterprises in the countryside are in line with government guidance. As such, in principle, the Council encourages and supports proposals for rural employment opportunities, subject to meeting the criteria of the development plan policies, which are up to date and NPPF compliant, and as such hold full weight in the planning decision process.
22. The proposal is for a new building to be attached to the existing building to provide a food takeaway where any consumption of that food would be undertaken off the premises. No internal seating is proposed. The proposed unit would operate as ‘food to go’ and it is understood that it would be run by Greggs. This would operate in a similar fashion to the existing service station shop where people would be able to buy sandwiches and drink to go. It is relevant to note that the proposed unit would not be linked to the existing shop and would have a separate entrance/exit. Notwithstanding this, given the limited footprint of the extension and the proposed nature of the use, it is considered to be ancillary to the existing use.

23. The unit would therefore be classed as an extension to an employment premises in the countryside and it falls to be considered under policy EMP3 of the local plan, which sets out the criteria that would be acceptable. The proposal is therefore acceptable in principle subject to the relevant criteria, which are:
- a) The development can be integrated sensitively into its context, respecting the character of the landscape, existing historic and or architecturally important buildings and sites of biodiversity value;
 - b) The proposal does not involve an extension to a previously converted building where that building has character that would be seriously affected;
 - c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
 - d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.

Criteria a), c) and d) are discussed in the sections below. Criteria b) is not considered relevant to this proposal.

Visual amenity

24. The proposed building would be sited on an area of existing area of hardstanding within the site that is currently used for outside storage and also indoor storage within a small building attached to the main building. The proposed extension would be set in line and adjacent to the existing building. It would be considerably lower in height than the adjacent building, with the general form and scale of the proposed building not being prominent in the setting. Whilst there would be views from public vantage points, and from the highway, these would not be visually intrusive or harmful, nor would the extension have a harmful impact on the street scene.
25. The bin store is also considered to be acceptable as it would be located on an existing area of hardstanding to the rear of the building. The enclosure would amount to an area of fencing within the existing parking area and is therefore considered acceptable.
26. Members will note that, following initial concerns, the applicant has confirmed that the waste would be managed by a private company, with weekly collections. To support this, the applicant has also provided a Refuse Management Plan, which provides additional information on the proposed waste storage and collection details.

27. Overall, the proposed development is considered well sited and designed and would not detract from the character and appearance of the street scene or the wider surroundings. It would therefore accord with policy EMP3 criteria a) and paragraph 135 of the NPPF.

Residential Amenity

28. The nearest dwellings are a terraced row of six dwellings to the southeast. Objections have been received due to concerns over increased noise from the extended building, additional light disturbance, extractor fan disturbance and hours of business.
29. Given the siting and scale of the proposed extension and the relationship to the nearby residential properties, it is considered that there would be no unacceptable harm to the amenities of the adjacent occupiers in terms of overshadowing, loss of outlook or loss of privacy.
30. In terms of noise and activity, the proposal is for an extension of the existing shop unit, and the additional building is not considered to pose any undue additional harmful impacts in terms of activity/noise. The site already attracts vehicles and customers to the site, and it is not anticipated that the proposed takeaway food extension would significantly increase the number of vehicles visiting the site. Furthermore, whilst it is noted that the site is currently open 24-hours a day, the applicant has confirmed that the takeaway food extension would be open between the hours of 05:00-19:00 only. As such, it is considered reasonable that a condition could be imposed to secure these opening hours.
31. In relation to external lighting, no additional external lighting is proposed under the current scheme. Notwithstanding this, a condition would be imposed on any grant of permission to ensure that any additional external lighting shall be first approved in writing, in the interests of preserving the neighbour's residential amenities.
32. Similarly, any extractor fans and cooking plant/equipment would be conditioned, thus requiring the submission of appropriate details to ensure that their position and noise output are properly assessed and that there would be no adverse impacts to the nearest residential properties.
33. In light of the above, it is considered that, subject to appropriately worded conditions, the proposal would comply with policy EMP3 criteria c) in terms of the impact on the amenities of the neighbouring residential occupiers.

Highway Safety

34. The neighbour and parish council comments about the existing access/exit being unsafe are noted, however the development is not proposing any new or altered access arrangements, with the food-to-go unit proposed to utilise the existing access.
35. Furthermore, it is of significance that it is considered that a development of this scale would not generate traffic that would be prejudicial to the highway safety of users of the highway, with it anticipated that customers to the proposed premises would be customers who already attend the existing site. It is relevant to note that KCC Highways were consulted on this application and have raised no objection.
36. In terms of parking, there would be no loss of any parking provision, with an additional 2no. customer parking spaces proposed to the south of the site, and 4no. staff parking bays located to the west of the site. Furthermore, it is noteworthy that the majority of customers would park at one of the existing 12 pumps when filling up their vehicle, as with the existing situation.
37. In light of the justification outlined above, it is considered that the additional parking provision would ensure that adequate parking is retained throughout the site to accommodate additional staff and customers. Overall, the parking provision for the site is therefore considered to be acceptable and complies with policy EMP3 criteria d).

Trees and Landscaping

38. No trees or vegetation are shown to be removed on the submitted plans, and the applicant has separately confirmed this. No other landscaping is proposed and the existing landscaping throughout the site would remain unaffected. Therefore, the proposal is considered acceptable in terms of the impact on the trees.

Ecology

39. Given the scale of physical works on an area of existing hardstanding, the development would not result in the loss of habitats of protected species. Conditions will be added for ecological enhancements and a lighting design strategy will also be conditioned to ensure any impacts from external lighting are minimised on the adjacent woodland habitat. This is in accordance with local plan policy ENV1. As such, it is considered that the proposal would not cause harm to the local ecology.

Drainage

40. There are no water drainage or flooding problems associated with the site. The moderate scale of the proposed building on an existing area of hardstanding is considered not to pose a risk of significantly increasing the water run-off from the site. This is in accordance with local plan policy ENV9.

Human Rights Issues

41. 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

42. 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

43. Having regard for the merits of this case, it is considered that the extension at the site for a 'food to go' outlet would provide an ancillary benefit to the customers of the site and the community. The proposal would not cause harm to the character and appearance of the area. It would cause no harm to the residential amenity of the neighbouring occupants or the highway safety and is considered acceptable in all other material respects.

Recommendation

Permit

Subject to the following Conditions and Notes:

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

1. 3-year standard condition
2. Approved Plans
3. Submission of Material Samples
4. Construction Management Plan
5. Provision and Retention of Permanent Parking Spaces
6. Reporting of Unexpected Contamination
7. Extraction/Treatment of Fumes/Odours
8. Noise and Vibration of Plant
9. Scheme of Biodiversity Enhancements
10. Lighting Design Strategy
11. Hours of Operation

Informatives/Notes to Applicant

1. Working with the Applicant
2. Construction informative

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2023/0277AS)

Contact Officer: Rebecca Potter
Email: rebecca.potter@ashford.gov.uk
Telephone: (01233) 330243

Application Number	PA/2023/2108
Location	Land Between Primrose Cottage & 1 Buffalo Cottages, Bethersden Road, Smarden , Ashford, TN27 8QX
Parish Council	Smarden
Ward	Weald North
Application Description	Erection of two detached two-storey dwellings with new vehicular access from Bethersden Road, associated parking area, and landscaping.
Applicant	Mr and Mrs Hoyle
Site Area	0.24 ha

Introduction

1. This application is reported to the Planning Committee because it has been called in by the ward member, Cllr Kayleigh Brunger-Randall.

Site and Surroundings

2. The application site is located to the east of Bethersden Road in the parish of Smarden. Falling some 860m outside of the built-up confines of the village of Smarden, the site is in the countryside and the Haffenden Quarter Farmlands Landscape Character Area.
3. The site is a roughly rectangular-shaped field with planted boundaries. There is an existing field access off Bethersden Road which is fenced off and overgrown. To the north is a detached dwelling, known as Primrose Cottage, and to the south, is 1 Buffalo Cottages, a semi-detached dwelling. The extensive rear gardens of 1 and 2 Featherstone Cottages wrap around the rear of the site.
4. There are two Oak trees in the southern corner of the site adjacent to the boundary with 1 Buffalo Cottages. These are subject to a TPO, No 9 of 2019.

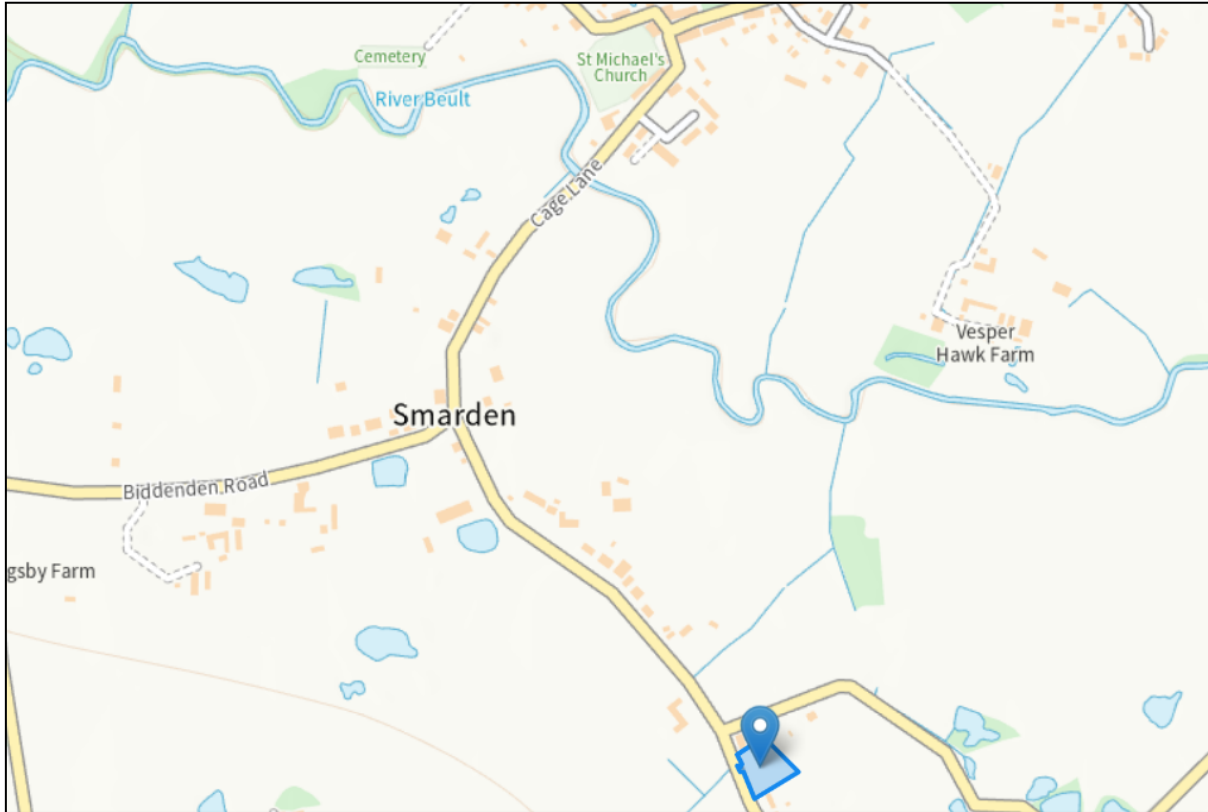


Figure 1: Site location

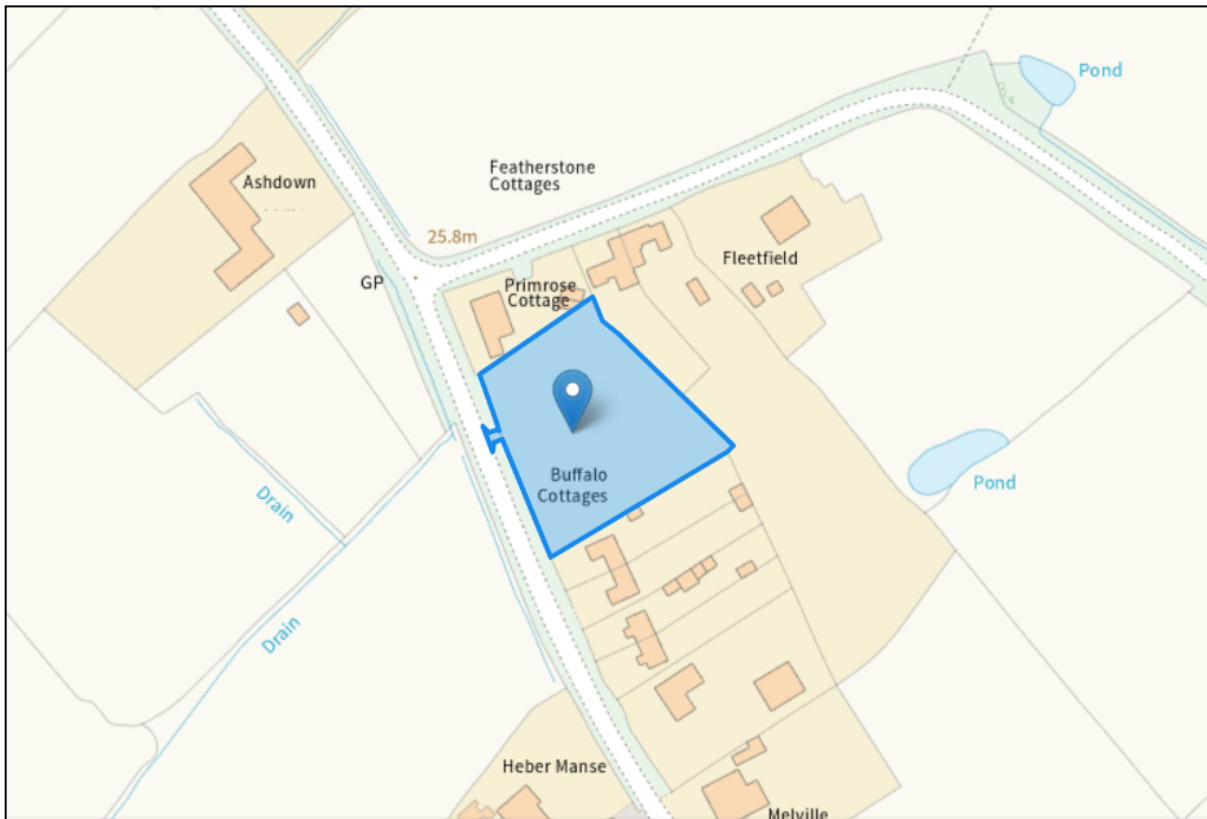


Figure 2: Site location (homed in)

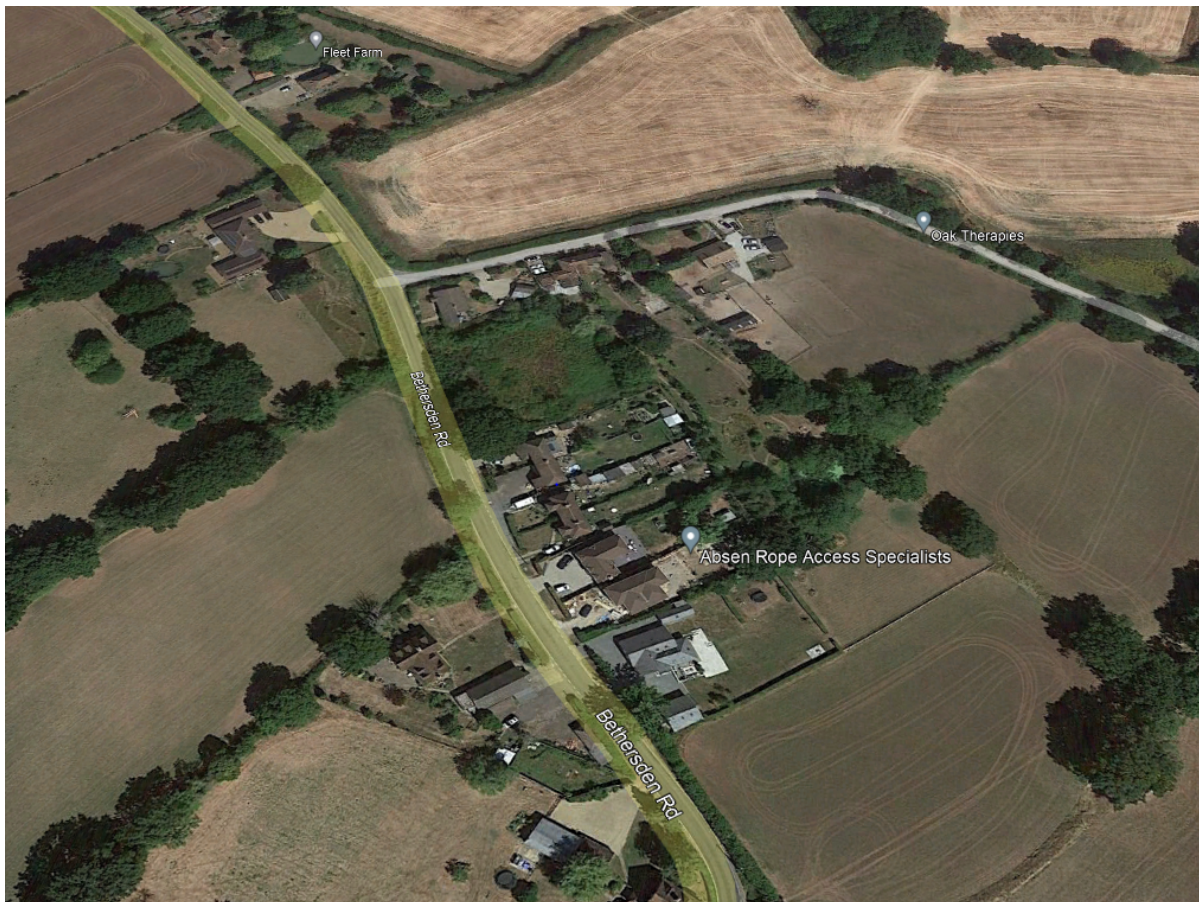


Figure 3: Aerial photograph

Figure 4: Photo of protected Oak tree (right of photo) with 1 Buffalo Cottages to right of photo



Proposal

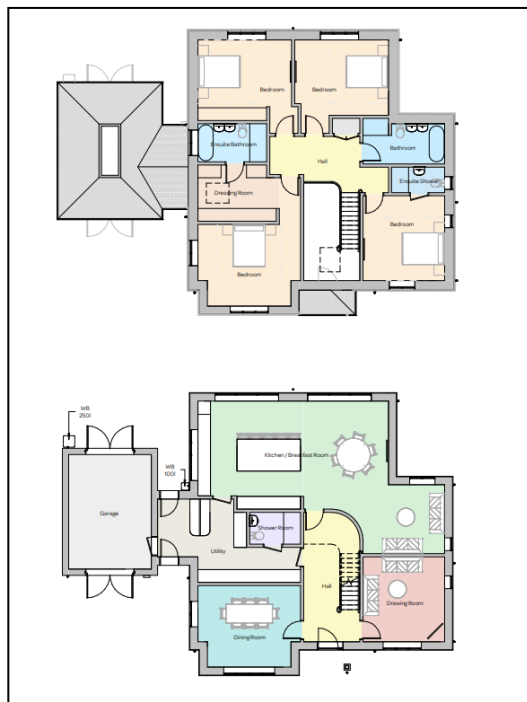
5. This application is for the erection of 2 detached dwellings with new vehicular access off Bethersden Road. It is explained in the Design and Access Statement that the applicants are existing residents who have a vested interest in the village and have been looking for an opportunity to self-build.
6. The dwellings would be large, detached units with garages to the side, orientated so they front Bethersden Road and enclose good-sized private gardens to the rear. Plot 1, to the north adjoining Primrose Cottage, would sit more forward on the plot than plot 2, which has been set back to move it further from the protected Oak trees. A significant amount of the hedgerow with Bethersden would be removed to create the new vehicular access and visibility splays.
7. The dwellings would be of a traditional form and design. A varied palette of materials is proposed including clay tile hanging, brickwork and timber cladding with clay tiles to the roof. It is proposed that each unit would have triple-glazed aluminium windows/doors and PVs would be provided on rear south-facing roof slopes.
8. Each dwelling would be provided with a garden office/shed with 'bio-diverse' roof. Two new ponds are proposed one at the end of each garden. Each unit would be provided with 1 electric vehicle charging point and a water butt.



Figure 5: Proposed block plan



Figure 6: Plot 1 – elevations and floor plans



Ashford Borough Council - Report of the Head of Planning and Development
 Planning Committee 17th April 2024

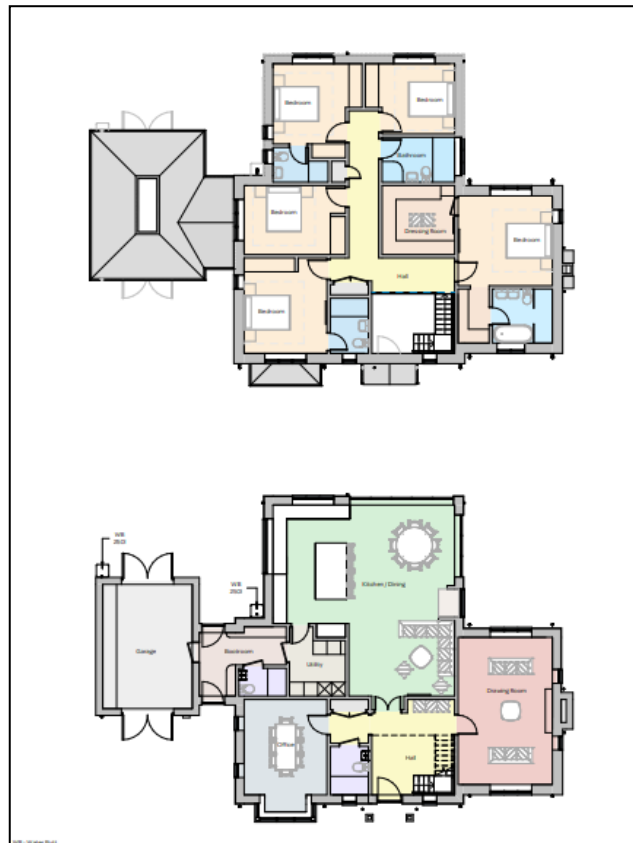


Figure 7: Plot 2 Elevations and floor plans

Planning History

The following is relevant relating to the application; -

88/00058/AS – outline application for three detached dwellings together with double garage – REFUSE

Consultations

Ward Member(s): Cllr Kayleigh Brunger-Randall has not commented on the application but has asked for it to be called in to Planning Committee.

Smarden Parish Council: No objection.

KCC Highways and Transportation: Following the submission of amended plans that show suitable visibility splays no objections are raised.

KCC Ecological Advice Service: Sufficient ecological information has been submitted. No objection subject to conditions.

KCC Archaeology: No objection subject to a condition to secure further archaeological investigation.

ABC Environmental Protection Team: No objection subject to conditions.

Shenley Farms (Aviation) Ltd: Whilst not wishing to inhibit the development, the attention of the planning committee and the applicant is drawn to the fact that the proposed development is very close to the Aerodrome and within the area covered by the safeguarding map. Certain noises connected with the aviation activity will be apparent.

Neighbours: A total of 27 representations have been received; 25 in support of the proposal and 2 raising objections.

Support comments:

- Beautifully designed, energy-efficient homes with eco-friendly specifications for both house and garden.
- The provision of 2 homes is in keeping with the surrounding area.
- Another developer would seek to provide many more homes on the site which would not be in keeping.
- The homes would be for a local family, allowing the family to stay in the village continuing to support local facilities.

Objections:

- The height, scale, and massing of the houses are entirely out of keeping with Primrose Cottage.
- Too close to the boundary with Primrose Cottage.
- Loss of privacy in garden of Primrose Cottage

- Urbanisation of countryside.
- The proposal will cause noise and light pollution to adjoining residents;
- Adverse impact on existing wildlife.
- Clearance of the site of vegetation has resulted in greater surface water run-off to surrounding gardens which would be exacerbated by this development.

Planning Policy

9. 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),
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 - (viii) the Charing Neighbourhood Plan (adopted July 2023)
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10. 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 Regulation 16 stage in the plan making process.
11. 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
- HOU15 – Private external open space

TRA3a – Parking standards for residential development

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

ENV1 – Biodiversity

ENV3a – Landscape character and design

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV15 - Archaeology

ENV9 – Sustainable drainage

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

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011(now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Village Design Statements

Smarden Village Design Statement

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) 2023

13. 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: -

Para 83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Para 84. Planning policies and decisions should avoid the development of isolated homes in the countryside.

14. 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
- Impact on Trees and Hedgerows
- Ecology
- Archaeology
- Five year housing land supply

Principle of development

16. This proposal falls to be assessed against Policy HOU5 which applies to windfall housing sites outside the built settlement confines. It is a permissive policy and seeks to grant development outside the built confines but in a sustainable location with no significant ecological or landscape impacts. The policy aligns with the aim of the NPPF to 'avoid isolated development in the countryside'. It is therefore considered to be broadly consistent with the Framework.
17. An extract from the Ashford Local Plan 2030 showing Policy HOU5 is provided below:

Policy HOU5 - Residential Windfall Development in the Countryside

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.

**Existing Kingsnorth village*

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,**

Continued...

- 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.*

Policy HOU10 will also be applied to relevant garden land applications.

18. The nearest settlement to the application site is Smarden, which has limited facilities and services. The centre of the village is at a distance of approximately 1000m from the site.
19. The site abuts Bethersden Road, a single-track lane without any footpaths or streetlights. Some 520m from the site, Bethersden Road connects with Cage Lane, a wider lane with a substandard footpath to one side. Shortly after The Thatched House, the footway disappears and is replaced by an even narrower footpath on the other side of Cage Lane. As the road narrows at the bridge at the entrance to the village there is no footpath at all.
20. Therefore, by virtue of the lack of convenience of walking and cycling routes and significant travel distances, the occupants of the dwellings would be

heavily reliant on the private car for their day-to-day facilities and services. In conclusion, the proposed dwellings would not lie in a sustainable location and would not meet any of the exceptions listed within the policy HOU5.

21. As a site that is not located in a sustainable location, the second part of Policy HOU5 comes into play. This is more restrictive, only allowing development if it meets one of a defined number of criteria. These are:
 - 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.
22. It has not been demonstrated how the proposal meets any of the criteria listed above and justifies an exception to Policy HOU5 and paragraph 84 of the NPPF. It should be noted that there is no exception in this policy for local connections to the area or self-build.
23. The development is therefore unacceptable in principle.

Design, Character and Appearance

24. Policy SP6 requires development to be of a high-quality design. Policy HOU5 as it relates to design and layout requires new development to be of a high-quality design that i) sits sympathetically within the wider landscape, ii) preserves or enhances the setting of the nearest settlement, iii) includes an appropriately sized and designed landscape buffer to the open countryside, iv) is consistent with local character and built form, including scale, bulk and the materials used. Policy ENV3a requires new development proposals to have particular regard to landscape characteristics.
25. Whilst the site is not in a sustainable location (as described in the section above), it is not isolated in as much as there are existing dwellings on either side of the site and sporadic elsewhere along Bethersden Road. Primrose Cottage to the north of the site is a small C20th bungalow, built of brick with a

concrete tile roof. It is situated on a large corner plot with trees/hedgerows to boundaries. The existing development to the south of the application site comprises a mix of 1950s semi-detached properties and other more recent developments in brick/tile hanging and render. Despite this development, the character of this part of Bethersden Road remains distinctly rural assisted by the application site itself that presents a green boundary onto the lane. The development of the site would therefore have a domesticating effect on the character of this part of Bethersden Road. This would be exacerbated by the need to remove a significant part of the roadside hedgerow to create the new vehicular access and provide the necessary visibility splays. I therefore consider the development to have an unacceptable adverse impact on this rural character and is an additional reason for refusal.

26. However, notwithstanding the above objection I do not object to the design of the units in their own right, albeit this is not the right location. The form, design and detailing of the buildings are not unattractive, using an appropriate materials palette for a rural location such as this. In this respect, I agree with many of the comments that have been made by third parties.

Residential Amenity and Standards

27. The site shares boundaries with Primrose Cottage to the north and 1 Buffalow Cottage to the south. It is considered that given the size of the site and its relationship with neighbouring properties, the proposed two dwellings could be provided on the site without causing unacceptable residential amenity harm to the neighbours.

Parking Provision and Highway Safety

28. KCC originally raised concerns about visibility at the new access off Bethersden Road. Following the submission of amended plans, KCC is now satisfied that suitable visibility splays can be provided out of the site access and that adequate parking and turning are provided on-site.
29. The site is considered to fall within a rural location. Policy TRA3(a) would apply in this instance. The policy requires the provision of 3 off-street parking spaces per dwelling. The plans show adequate parking for the parking of cars. No objections are raised on highway safety grounds.

Trees and Hedgerows

30. In the southern corner of the site, there are two Oak trees – 20m and 17m in height; both are protected by Tree Preservation Orders (TPO).
31. To help create a more acceptable relationship, the developer has set back unit 2 on the plot so that it is further back from the protected trees. However,

there would still be an incursion of the dwelling into the root protection area (RPA) of T1 which is not considered justified given the generous size of the plots. Added to this, it is also considered that the road may be an RPA constraint in that it is likely that the surface roots have favoured colonisation away from the road. There is therefore a likelihood that more of the footprint of the dwelling is within the RPA if this is the case. It is therefore considered that the proposed development would be harmful to the protected Oak T1 by virtue of this incursion.

32. In addition, officers have concerns that the protected trees (T1 and T2) due to their position and height (20m and 17m respectively) will cause significant shading to Plot 2. This will lead to pressure from future occupiers to seek a reduction in the size and/or crown spread to the detriment of the protected trees and the visual amenity of the locality. It is also noted that the crown spreads as plotted in the arboricultural report, do not seem to accord with the photographed extent on the ground.

33. In view of the above, I consider that the proposed development would be harmful to the protected Oak tree (T1) due to incursion of Unit 2 into the RPA of this tree and that the over-shading of Plot 2 by both trees (T1 and T2) would result in an unacceptable relationship calling for their reduction. Furthermore, the loss of hedgerow adjoining Bethersden Road to create the new vehicular access/visibility splays would be harmful to the rural character of this part of the lane.

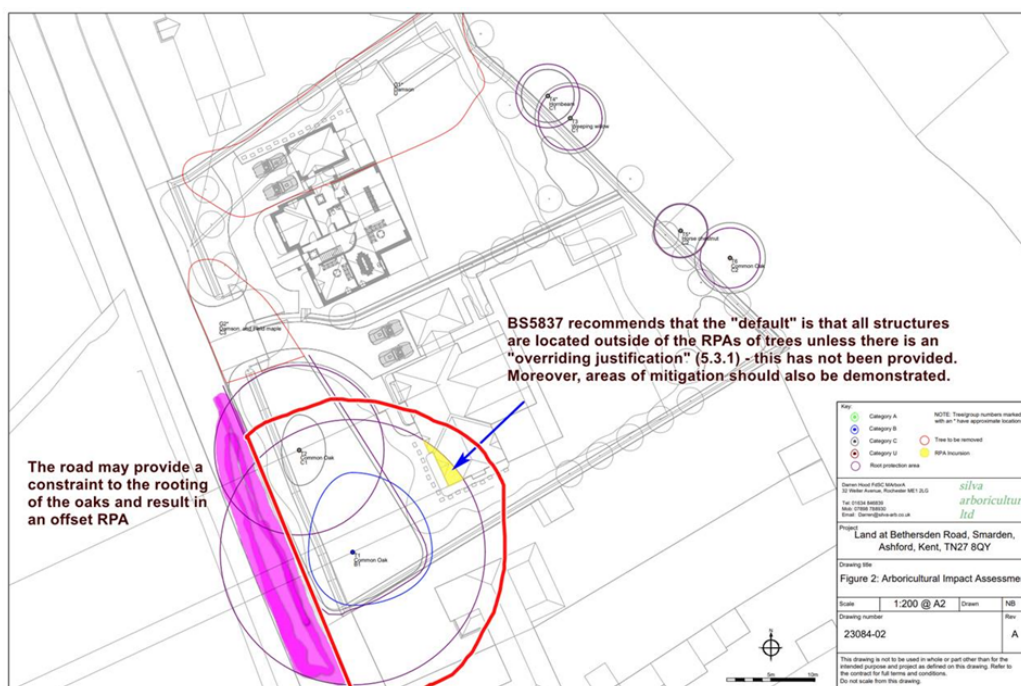


Figure 8: Incursion into RPA

Ecology

34. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles, and great crested newts could be expected. The application site is in a rural location. The site is surrounded by mature trees/hedges. The surrounding area contains established trees and hedgerows which could provide habitat for protected species.
35. KCC Ecological Advice Service has commented on the application. It is satisfied that due to the habitats on site comprising of predominantly young scrub and tall ruderal vegetation, which are of low ecological value, then sufficient information has been provided to help them assess this application favourably subject to a number of conditions being secured as set out below.

Great Crested Newts (GCN)

36. The applicants have submitted a Preliminary Ecological Appraisal (PEA) Report with their application that shows that whilst there are no ponds on the site, the land is within an area of Kent where there is a high concentration of ponds, with approximately 11 ponds within a 250-meter radius of the site. As there is suitable terrestrial habitat on site, there is potential that GCN could be present within the site.
37. The applicant has submitted an Impact Assessment and Conservation Payment Certificate confirming that the proposal has been accepted on the District Level Licensing (DLL) scheme and therefore it is accepted that no further surveys or a detailed mitigation strategy is required as part of this application. A pre-start condition is recommended should planning permission be granted to ensure that the payment has been made to Natural England and the license issued.

Precautionary Measures

38. *Reptiles* - It is considered unlikely that species of reptiles are using the site due to the site mostly consisting of scrub and general lack of connectivity to other areas of suitable habitat. However, as there is a small area of suitable open vegetation that is suitable for reptiles, precautionary mitigation measures have been provided (PEA, Section 5.6). KCC are satisfied that these measures are appropriate to ensure that there will be no detrimental impact to reptiles if they are present.
39. *Breeding birds* - It is possible that breeding birds may be using the vegetation on site. KCC advise that the precautionary measures set out in the PEA

(section 5.7) are included in a construction and environmental management (CEMP) and secured via a condition should planning permission be granted.

Lighting

40. KCC has commented that if bats are present foraging/commuting within the area, then there is a risk that any lighting may have a negative impact. To mitigate any potential impact on bats, it is recommended that an appropriate condition is attached to any planning permission to secure a sensitive lighting design.

Landscaping & Ecological Enhancements

41. A landscape scheme has been submitted with this proposal that includes voluntary ecological enhancements contained in 'Wild Zones' for wildflowers and ponds, Garden Office/ Shed with a bio-diverse roof plus mixed species native hedge and new tree planting. KCC has commented that these are suitable habitats and will likely contribute to a measurable net gain on-site. Due to the large size of the proposed gardens, I am satisfied that there are suitable landscaping and biodiversity opportunities on site.
42. An establishment and management of the planting and creation of the ponds on site has not been included in a plan. It is advised that this needs to be added to the enhancement plan and can be secured as part of a condition. KCC is satisfied that the plans also provide suitable biodiversity enhancements. This can be secured by condition should the planning application be approved. It should be noted that this application is not subject to the mandatory 10% Biodiversity Net Gain (BNG) as the application was submitted prior to 2nd April.

Archaeology

43. The County Archaeologist has commented that the proposed development lies south of Buffalo, a C19th or earlier small holding identifiable on the 1st Ed OS map. Remains associated with agrarian activity and occupation of Buffalo may survive on site. In view of the archaeological potential, it is recommended that a condition is imposed on any planning permission to secure further archaeological field evaluation and investigation prior to the commencement of any development.

Five year housing land supply

44. At this time the Council cannot currently demonstrate a 5-year supply of housing land. 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 Page 14 of 17 PA/2023/1374 APP/E2205/W/21/3284479), the Inspector suggested that the Council is only able to demonstrate a 5YHLS position of 3.5 years. The Council therefore accept that the figure of 3.5 years is relevant, and therefore material to the determination of planning applications and appeals. 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.

45. As the Council is unable to demonstrate a five-year housing land supply, paragraph 11 (d) of the National Planning Policy Framework 2023 (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." Whilst the development has benefits in terms of providing two new homes which the applicant has suggested are for families with a local connection and the associated socio-economic benefits both during and after construction this would bring, 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 Smarden for day to day services.
45. 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.

Human Rights Issues

46. 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

47. 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

48. 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 within a rural area. It would also have a domesticating effect on the rural character of this part of Bethersden Road, exacerbated by the removal of a significant section of roadside hedge that would be harmful to the rural character of this part of the lane. 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 Boroughs housing supply deficit in the balance in reaching this conclusion.
49. Furthermore, the proposed development would have a negative impact on two protected trees. Therefore, notwithstanding the local support for this application largely as it has been suggested by the applicant the units would be for local families this does not take away from the harm it would cause. Therefore, for the reasons identified above, I consider that the development is contrary to local and national planning policies and recommend it is refused.

Recommendation

Refuse

on the following grounds:

1. The proposed development, if permitted, would result in the creation of two dwelling houses in a remote rural location outside of any defined urban or village confines, for which no overriding justification has been provided to override normal restraint policies. The proposal would constitute unsustainable unjustified residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car contrary to policies SP1, SP2 and HOU5 of the Ashford Local Plan (2030) and paragraphs 83 and 84 of the National Planning Policy Framework (2023).

2. The proposed development would introduce an overtly domestic form of development to a rural location, removing much of the roadside hedgerow to create the new vehicular access and necessary visibility splays. This would significantly and demonstrably harm the rural character and appearance of this part of Bethersden Road and the wider landscape contrary to policy ENV3a of the Ashford Local Plan (2030) and the Landscape Character SPD, 2011.
3. The proposed development would have an unacceptable impact on the protected Oak tree T1 without justification being provided for the incursion of the dwelling into its root protection area (RPA). Furthermore, given the proximity of the development to high protected trees, the development as proposed would result in calls for the reduction of these trees.

Note to Applicant

1. Working with the Applicant

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

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

In this instance,

the applicant/agent was updated of any issues after the initial site visit,

the applicant/agent was informed how the development did not accord with the development plan, and that no material considerations are apparent to outweigh these matters,

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

Background Papers

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

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Application Number	21/01862/AS
Location	Land at the Street and North of Court Lodge, The Street, Brabourne, Kent
Parish Council	Brabourne
Ward	Bircholt
Application Description Applicant	Conversion and change of use of the ground floor to distillery use (Sui Generis) The Wineburner LLP Martello Lodge Undercliff Sandgate, Folkestone, Kent, CT20 3AT
Agent	Ian Bull Consultancy Ltd 1 Mountbatten Way Brabourne Ashford, Kent, TN25 6PZ
Site Area	0.2ha

Supplementary Report

Introduction

1. The Planning Committee considered the above planning application on the 17th August 2022 and decided that the application should be granted, on the terms recorded in the minutes of the meeting (copy at Annex 2) for the change of use of the ground floor of an agricultural building to distillery use (sui generis) at the building known as 'The Magnum Building'. In reaching its decision, the Planning Committee considered the officer's report and the associated update report (copy at Annex 1).
2. There has been a material delay in officers implementing the decision of the Planning Committee, due to the application for permission to apply for a Judicial Review of the Committee's resolution to grant permission to the High Court of Justice. The application for Judicial Review was refused on two occasions by the High Court and a subsequent application to the Court of Appeal was again refused on 14 August 2023.
3. As required by the Court of Appeal's judgement in *R. (Kides) v. South Cambridgeshire DC* (2002) and subsequent caselaw, most recently the High Court's decision in *Hayle TC v. Cornwall Council* (2023), the Local Planning Authority must have regard to all material considerations up to the time of granting planning permission. I have therefore considered, in this report, all material changes in circumstances and material considerations that have

arisen since the previous decision of the Planning Committee referred to above.

4. In line with the caselaw, if there have been any changes in material considerations or circumstances since the Committee's previous decision which I consider would be realistically capable of causing it to reach a different decision now, then the decision should be referred back to the Committee. In case of doubt, the Court indicated that I should err on the side of caution and refer the application back to the Committee.
5. This application is therefore returned to the Planning Committee to establish if members consider if there has been a change in material considerations or circumstances since the previous resolution to grant that would lead the Committee to reach a different conclusion.

Legal Challenge History

6. A local resident, Mr. Jonathan Armstrong (the Claimant) submitted an application to the High Court of Justice for permission to apply for a Judicial Review of the previous resolution to grant on the following grounds:

Ground 1: Those in opposition to the application were wrong-footed at the start of the committee meeting on 17 August 2022 by being told the application only affected the ground floor of the building and that the Council did not properly deal with the questions raised by Rural Planning (*the Council's agricultural planning advisors*) which included:

- a) Whether the building was necessary for agricultural purposes and should have been authorised at all.
- b) Whether agricultural use had ceased and;
- c) Whether this application, by reducing the space available to store machinery, would lead to or should be interpreted as an application for further building for that purpose.

Ground 2: The Planning Committee was misled by the officer's report by the absence of information relating to the three points raised by Rural Planning (summarised above). In particular, the report did not address the question of what would happen to the machinery for whose storage the building had originally been authorised and whether an application for some further building should be anticipated and that the officer focused on the existence of a small quantity of evidence showing that the building had been put to lawful agricultural use.

7. The above grounds of challenge were first dismissed 'on paper' as unarguable by Her Honour Judge Karen Walden-Smith in the High Court in

November 2022, and the Claimant was ordered to pay some of the Council's legal costs. Following an oral hearing in February 2023, at which the Council was represented by Counsel instructed by Legal Services, Mr Justice Bourne concluded in his published Judgment that "*neither ground has a realistic prospect of success, and permission to seek judicial review is refused*" for the following reasons:

Ground 1: There was no arguable unfairness in relation to the clarification of the scope of the application, since upon reading the application carefully it would have been clear that the application only related to the ground floor of the building, as per the plans. Then the Officer's report was published 1 week before the committee meeting on the 17th August 2022 and made this perfectly clear. with Mr Justice Bourne concluding "*it therefore should not be assumed that anyone was wrong-footed when the scope of the application was clarified at the start of the meeting*"... "*and created no need for any further consultation*".

Ground 2: It is not arguable that the absence of any further amplification of the comment made by Rural Planning meant that the report misled the Planning Committee about a material matter. Moreover, the Judge concluded that in any event "*it is highly likely that the outcome for the Claimant would not been substantially different if the Officer's report had fully set out the concerns of Rural Planning*".

8. The Claimant subsequently appealed this decision to the Court of Appeal on the following grounds:

Ground 1: Mr Justice Bourne erred in considering that the change in the description of the application to change of use of the ground floor (as opposed to change of use of the building) did amount to clarification only. The underlying concern was that during the consultation exercise everyone was "*shooting at the wrong target*".

Ground 2: That Mr Justice Bourne was wrong to conclude that the officer's report provided a sufficient summary of the point made by Rural Planning and that questions should have been answered on whether if the building was not now required to store agricultural machinery, had it been required in the first place and, if not, could enforcement be taken and if storage of the machinery was necessary, was the application to be regarded as a new building?

9. The Court of Appeal concluded that Mr Justice Bourne was "*entitled to conclude that "the report dealt adequately with the points raised"*" and that "*there was no question of the report misleading members on this issue*". Furthermore, "*there is no realistic prospect of either ground 1 or 2 succeeding*"

on appeal. There is no other compelling reason for allowing an appeal to continue. Accordingly, permission to appeal is refused”.

Material Considerations Since the Resolution to Grant

10. The conclusions by the High Court and Court of Appeal are clear in that all legal grounds to quash the Committee’s resolution put forward by the Claimant have been dismissed. It therefore follows that the totality of the information provided in the previous reports, and provided orally to the Committee meeting, adequately dealt with the matters and did not mislead the Committee. The Committee was therefore correct to afford weight to the content of the reports and advice at the meeting and the officers’ recommendations in making its decision. Attention must now be given to whether there have been any material changes since the resolution to grant on the 17th August 2022 which would potentially alter the decision.
11. The proposal remains the same as that previously presented to Committee Members with no amendments submitted.
12. In November 2023, the AONBs in England were re-named by the Government to ‘National Landscapes’ to raise the profile of these areas. The Kent Downs AONB, which this application site is within, is now referred to as Kent Downs National Landscape. Whilst the naming has been updated, the technical designation remains the same in terms of the policy, legislation and guidance which applies. Therefore, this change, although relevant to note, does not form a material change to the previous assessment on the impact of the proposal on the surrounding landscape.
13. In terms of national and local policy, the statutory development plan and supplementary planning document policies applicable to this application remain unchanged. The NPPF was updated in December 2023 however, the primary effect of the changes to the NPPF related to housing land supply. I would note that none of these have a material impact upon the consideration of this application.
14. Since the Committee resolution, Brabourne Parish Council have been in contact with the LPA and have raised concerns regarding the potential impact of the scheme on the character of the National Landscape (formerly AONB), including the light spill from the existing roof lights (roof windows) and elevation windows in the application building. In addition, they have asked whether the question of sustainability should have been considered in the previous officer assessment and why Ashford Local Plan policy EMP5 is not applied.

15. Following concerns about the building as constructed (pursuant to permitted development rights) an enforcement case was opened. This related to concerns over additional fenestration and an external staircase on the western elevation. This enforcement case has since been closed following an investigation, as the alterations were considered not to have any detrimental visual or amenity impact and it was concluded that it was not expedient to pursue any enforcement action.
16. In addition, a second enforcement case was opened regarding the roof lights in the application building after a suggestion these were not in accordance with the submitted permitted development proposal. This enforcement case has since been closed following an investigation, as the submitted plans included with the Prior Notification application, included the text "S.A.B Grade Roof Lights". The scope of requirements to be submitted with an application as to whether prior approval is required (as was the case for this proposal) are very limited and it was considered in this case that those limited requirements were met. In reaching this conclusion and in consideration of the building as constructed it is my view that there has been no breach of planning control and the roof lights and the building as constructed are considered to be lawful.

Impact on the character of the locality:

17. The previous Committee reports in Annex 1 of this supplementary report highlighted that the proposal would utilise part of the existing building on site and that there would be no physical changes to it. I also consider it important to note that the limited scale and intensity of the proposed change of use of the ground floor level within the existing building, would not in my opinion create any significant adverse impact on the character of the surrounding locality compared with the existing authorised use of the ground floor for machinery storage. The previous officer report also recommended a planning condition to ensure that there would be no uncontrolled external storage within the application site boundary which could potentially impact the character of the area. Condition 7 of the previous report stated:

No external storage shall occur on site unless a scheme has been submitted to and approved in writing by the Local Planning Authority. The storage shall then be carried out in accordance with the approved details.

Reason: In order to protect the visual amenities of the locality.

18. As referenced in the previous officer report, the improvements to the access and parking area for the site, would not result in any significant adverse visual harm in the locality.

19. With regard to the lighting at the site, it should be noted that the existing building, approved in 2019 (19/01436/AS) via a Prior Notification application had no conditions/restrictions attached to the approved use for the storage of machinery. Therefore, internal and/or external lights can currently be operated at any time of the day or night, irrespective of this change of use application.
20. This application, by contrast, is seeking to change the use of the ground floor of the building and, as it is a full planning application rather than a Prior Notification, can have conditions attached to an approval to control lighting and times of use for the proposed distillery use. The applicant has applied for the hours of opening to be 9 am to 5 pm, with condition 8 of the previous officer report / Committee resolution controlling the use of the ground floor of the building in accordance with this principle, as follows:

There shall be no servicing of the building, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the application site before 9.00am; or after 17.00 hours Mondays to Fridays: and none on Saturdays or at any time on Sundays or Bank or public holidays.

Reason: To protect the residential amenity of the locality.

21. Considering the Parish Council's concerns regarding external light spill, and to complement condition 8, it is now proposed to include an additional condition to restrict the distillery use to only operate between the hours of 9 am to 5 pm Monday to Friday inclusive only, as per the hours applied for by the applicant.
22. The distillery use of the ground floor part of the building could therefore not operate after 5 pm and it would be assumed that all lighting in association with this use would also be switched off while the distillery was not in use, i.e. past 5 pm. There would be a small gap during the winter months of roughly an hour when sunset is earlier than 5 pm but this is not considered to be so significant that it would have a detrimental impact upon the surrounding National Landscape (formerly known as AONB) or nearby neighbouring residents.
23. In order to ensure that there would not be any light spill from the roof lights of the building, I would recommend that an additional condition should be applied to any permission, which would secure the addition and details of automatic black-out blinds to the roof light windows of the building. Such blinds would need to coordinate with sunset and sunrise times to ensure there would not be any light spill from the roof lights.
24. All external lighting within the application site is already covered as per condition 6 of the previous officer report:

No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

25. In terms of light spillage, in conclusion if this application were permitted and implemented by the applicant, it would actually result in a betterment to the unrestricted situation which currently exists through the application of the suggested conditions to help and control the use of lighting in and outside part of the building.
26. Overall, subject to the imposition of the conditions I have suggested, I do not consider that the proposal would detrimentally impact the character of the locality.

Policy EMP4 of the Local Plan:

27. Paragraphs 36 to 48 of the original officer report (see attached Annex 1) explains the previous assessment as to why EMP4 of the Local Plan was the appropriate policy. This assessment remains valid and policy EMP4, for the conversion of rural buildings, is still considered to be the appropriate policy to assess the scheme against, as opposed to EMP5 which is for the assessment of employment development on new sites in the countryside. This is a lawful building and therefore policy EMP4 for conversion is correctly applied. As previously highlighted the principle of the development is therefore acceptable.

Other Issues

28. I would highlight that issues relating to residential amenity and highway safety are satisfactorily addressed in the previous officer report in Annex 1. No other new issues have been raised.

Human Rights Issues

29. 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

30. 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

31. Pursuant to the requirement in law, established in *Kides*, I have assessed all those changes in material considerations that have arisen since the previous Committee resolution and set out my recommendations above.
32. It is considered that there have not been any significant material changes since August 2022 which would warrant a change to the recommendation previously proposed, and subject to the proposed additional conditions referred to in this report and taking account of all the policies and representations discussed in the previous officer report, the application is recommended for approval subject to conditions.

Recommendation

Permit

Subject to all Conditions and Notes listed in the Minutes of the Meeting of 17 August 2022, with the addition of conditions recommended in paragraphs 21 and 23 of this report restricting the times of operational use and (if members consider appropriate) seeking details regarding automatic blinds to the existing roof lights of the building.

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

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: Louise Bolognini
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Annex 1 – Committee Report dated 17 August 2022

Application Number	21/01862/AS
Location	Land at the Street and North of Court Lodge, The Street, Brabourne, Kent
Parish Council	Brabourne
Ward	Bircholt
Application Description	Conversion and change of use to distillery (Sui Generis)
Applicant	The Wineburner LLP Martello Lodge Undercliff Sandgate, Folkestone, Kent, CT20 3AT
Agent	Ian Bull Consultancy Ltd 1 Mountbatten Way Brabourne Ashford, Kent, TN25 6PZ
Site Area	0.2ha

Introduction

1. This application is reported to the Planning Committee at the request of Ward Member, Councillor William Howard.

Site and Surroundings and Constraints

2. The application site is positioned at the edge of Brabourne village at the foot of an escarpment of the Kent Downs Area of outstanding natural beauty. It is within the AONB and the LCA of the Kent Downs in a sub area known as the Stowting sub area and the Postling Scarp and Vale Landscape Character Area of the Kent Downs LCA. The key characteristics of the area are listed as predominantly agricultural use, small historic spring line villages and vernacular buildings constructed in red brick, tile, ragstone and flint.
3. The current building, although large and utilitarian, reflects the AONB characteristics of the immediate area.
4. To the north of the building extends the Kent Downs AONB which is also an area of potential archaeological interest.

5. The application building is to the north of The Street and within a large field currently set out as a vineyard. It was constructed as an agricultural machinery storage building under a Prior Approval in 2019 and replaced a former building which was deteriorating. This building is isolated and very visible from the local roads, and footpaths (Namely AE303 and AE229 and the North Downs National Trail to the north of the site).
6. The application building sits to the north of the Street and also to the north of another partly constructed building frame to the west of the road upon entering the farm which was to have been used for Viticulture Educational purposes in partnership with Hadlow College. This arrangement has fallen through and the use of the building is yet to be established although its lawful use is educational, as restricted by condition 10 of that permission. Pre commencement conditions have recently been approved and construction is proceeding in accordance with the approved plans.
7. The application building comprises 0.2 ha of The Penstock Farm Estate stretching to 482 ha of which 309 ha are combinable crops on arable farming land, with an established vineyard making up 12.95ha of the estate with a further 5 acres of vines being planted.

Site Constraints

8. The Brabourne Conservation Area boundary starts directly opposite the farm on the south western side of The Street and it extends further to the south west. Within the Conservation Area are several listed buildings opposite the barn, known as 1 & 2 Hill View, Court Lodge Barn and further to the east of the farm entrance are Church Farm House and Croquet Lodge. The farm sits outside the Conservation Area.
9. Directly adjacent to the farm entrance, on its eastern side is another listed building, known as Court Lodge and this is used as a holiday let. The area surrounding Court Lodge is also of possible archaeological interest.
10. To the north of the application site and within the wider AONB is a large area of archaeological interest which is currently in agricultural and vineyard usage.

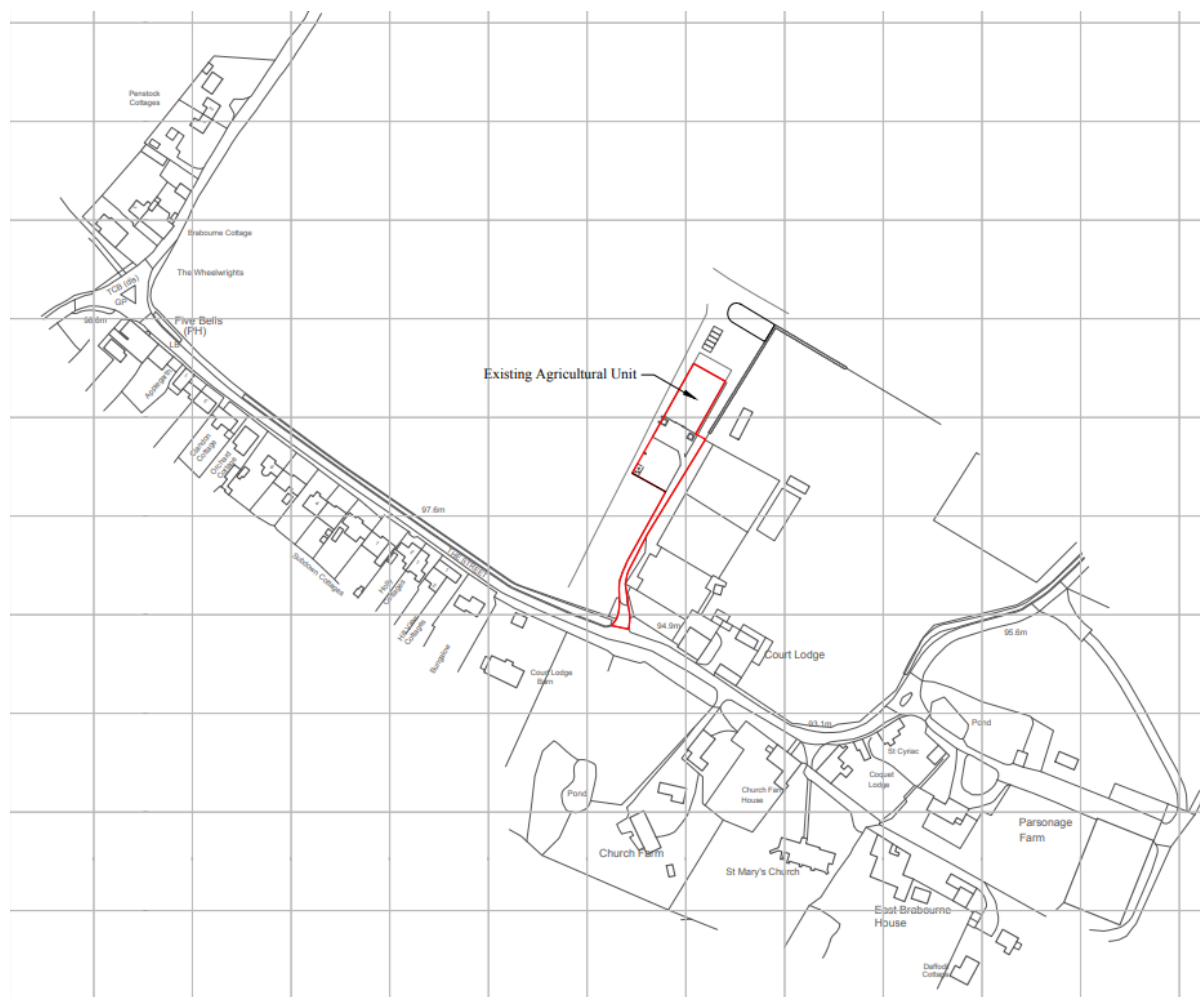


Fig.1: Location Plan

The Proposal

11. Planning permission is sought for the conversion and change of use of the ground floor of the agricultural storage building, (approx. 550sqm), known as the Magnum building, to use as a craft distillery as a fledgling business venture, utilising produce from the farm for its production. The grain and the pomace (pulpy residue) produced from squashed grapes, following juice extraction for the winemaking would be produced by the wider farm thereby avoiding transportation off site.
12. The micro-distillery would be set up through leasing the ground floor of the building to the Wineburner LLP with the mezzanine floor being in continued use for Vineyard staff facilities and storage together with the Covered Apron, alongside routine vineyard operations.
13. The applicant's statement explains the proposed operations.

14. The micro-distillery would create fruit spirits and grain whisky at a rate of approximately 1 barrel per day. This would require 400kg of grain mashed with water to produce 200l of fermentable liquid. After about a week of fermentation, the liquid is distilled and goes into a cask for maturation over 3-10 years. The grain store is about 600m away from the distillery, (on Penstock Farm), and cask maturation is all on site. The spent grain is then used as animal feed.
15. The intention was to create some synergy between the vineyard and the distillery, which would be mutually beneficial as well as creating local tourist interest by making Penstock Estate vineyard an attractive addition to the portfolio of vineyards in Kent. The grain and grapes would be produced at Penstock Farm with some additional fruit from nearby farmers and vineyards. The main produce would be whisky with the fruit and grape skins delivering smaller productions in a smaller market.
16. The operation represents a new style of craft whisky production in the UK and is based on specialist production techniques currently used in the rural Armagnac distilleries in France and which rely on locally grown fruits, grapes and pomace being turned into spirits, concepts which are relatively new to England. The proposal uses energy from sustainable sources and processes which minimise waste and utilise local produce and energy thereby seeking to preserve and maintain the arboreal and arable history of the County.
17. Additionally the applicants, a father and son partnership, would, in time, offer local training opportunities and careers by way of apprenticeships for about 5 young people to master the skills and experience necessary for certification through the Institute of Brewers and Distillers. Initially, there will be only one full time employee with a part time assistant. They have recently been certified as Spirits Educators through the Wines and Spirits Education Trust.
18. The building is of sufficient design and construction to accommodate the distillery without having to build anything further with the mezzanine floor and covered apron continuing to be adequate for vineyard operations which are centred on Penstock Hall Farm.
19. The application would offer parking for up to 5 staff and offer internal bike storage. Access would be controlled by electric gate, set back from the road with infra red CCTV to avoid the need for security lighting. No bar is planned for the distillery and foot traffic would be minimal due to the remote location. Local interest has been shown in premium gin and liqueur ranges for the local market.
20. Noise and odour are not anticipated to represent a problem due to the small scale of the operation.

Consultations

26. The following consultation responses have been received:

Ward Member: Councillor William Howard of Bircholt Ward, has referred this application to Committee due to the level of public interest in the application.

Brabourne Parish Council – object to the application due to the complex history of the wider site and its activities and claim the building the subject of the application is unlawful and should be removed. They go on to quote policy EMP5 of the Local plan and question the need for a distillery to operate in a rural location. They express extreme concern about the effects on the residential amenities of neighbours and suggest non compliance with the NPPF.

KCC Highways and Transportation: – state that the application does not meet the criteria for their involvement.

Environment Agency – suggest the imposition of various conditions relating to land

KCC PROW – There must be no encroachment onto PROW AE303 which was diverted in 2018 and maintains a width of 2.5m and which passes immediately adjacent to the site entrance. No furniture should be erected on it or disturbance or deposits or hedging planted on it without consent of the Highway Authority. Confirmed by NPPF Para 98 Open Space and Recreation.

Rural Planning – questioned the legal status of the application building for agricultural use and raises questions about the future of the possible development on the wider farm and vineyard.

Environmental Protection – No objections or comment on the application

Kent Downs AONB – raise concerns about maintaining the landscape and scenic beauty of the AONB as required by NPPF para 176 and Policies SD2, SD3, SD8, FL5, FL7, VC4 and AEU 14 of the Kent Downs Management Plan and stress that had the building been the subject of a planning application for the now proposed use, an objection would have been raised as inappropriate scale and bulk development in the AONB and further raise concerns about the future need for more harmful development in the AONB.

Neighbours

27. 63 Representations were received from the 85 consultation letters that were issued. 5 letters of support and 55 objections were received on the grounds of:-

- Light pollution from the existing farming operations.
- Surface Water Drainage especially in relation to the proposed biodigester
- Concerns about large lorries entering the site.
- Highway safety and sightlines.
- Proposed increase in traffic on narrow country lanes
- Confusion about the wider use of the agricultural holding and the buildings on the site and the viticulture building.
- Unsuitability of an industrial use in a hamlet.
- Move away from agricultural purposes.
- Decrease in green space
- Greater environmental impact in terms of lighting, noise and traffic
- No justification for rural location
- Concerns about the aspirations of the distiller for growth

Planning Policy

28. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

29. 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

EMP4 – Conversions of Rural Buildings to non- residential uses.

EMP5 – New Employment Premises in the Countryside

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3b – Parking Standards for Non Residential Development

TRA6 – Provision for Cycling

TRA7 – The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ABC Local Plan Policy **EMP5** states that proposals for employment development on new sites in the countryside will not be permitted unless the following criteria can be met:-

- a) It is essential to be located in the countryside;
- b) Development can be integrated sensitively into its context respecting the character of any important existing buildings, the landscape setting and sites of biodiversity value;
- c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
- d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.

Policy **EMP4** – Conversions of Rural buildings to non- residential uses states:-

Proposals to convert rural buildings to employment, non- residential tourism, leisure or community-related uses will be permitted subject to meeting all of the following criteria:-

- a) The building does not require complete or substantial reconstruction;
- b) The building is of a permanent and substantial construction;
- c) The building is to be converted in a way that preserves its integrity and character;
- d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that it serves; and,
- e) the scale and character of the proposed use would not result in any significant adverse impacts on the character of any settlement or buildings, the surrounding landscape, its biodiversity value of the amenities. of local residents

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

Government Advice

National Planning Policy Framework (NPPF) 2021

31. 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:-
2. Achieving sustainable development.
 4. Decision-making
 5. Building a strong competitive economy
 11. Making effective use of land
 12. Achieving well-designed places
 13. Conserving and enhancing the natural environment.

Paragraph 81 requires that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 84 is particularly relevant. It states that;

“ Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside;

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

Para. 176 suggests that great weight should be given to conserving and enhancing landscape and scenic beauty in... AONBs. The scale and extent of development should be limited while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Assessment

Principle of Development

32. The principle of the change of use falls to be considered under the Employment and Local Economy policies of the Ashford Local plan 2030, mainly EMP4 and EMP5. and weighed against Policies ENV3a and b which seek to restrict development in the AONBs to only that which is in the public interest.
33. Officers have discussed the status of the building and which policy is the most relevant and the Legal status of the building has been raised as a concern in the representations.
34. There has been a question as to its usage since it was granted permission under Permitted Development for agricultural machinery storage since 2019. However, the evidence suggests that it has been used in accordance with the consent granted in 2019 and a practical stance has been adopted and the use is considered lawful. It has not been built entirely in accordance with the originally approved plans but the alterations are included in this application and are considered acceptable in retrospect and no action is considered necessary to correct the differences.

Design and Appearance

35. The building on this site already exists and physical changes to it are not being proposed. Therefore its location, size, design and appropriateness are not for consideration as part of this application. These are acceptable under the original notification for its construction and this is a change of use so that matters of design and location are not considered here.

Principle of the use

36. Therefore, as an existing and lawful building it falls to be considered under policy EMP4 as a conversion of a rural building rather than under EMP5, as new employment premises in the countryside which refers to new sites. It is not a new site or a new building and it exists as a result of an existing rural enterprise, albeit a diversification of that business and as such it would fall within the remit of EMP4.
37. Policy EMP 4 goes onto to state that conversions will be permitted subject to
- a) The building does not require complete or substantial reconstruction;
 - b) The building of a permanent and substantial construction;
 - c) The building is to be converted in a way that preserves its integrity and character;
 - d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural network that serves it; and:-
 - e) The scale and nature of the proposed use would not result in any significant adverse impacts on the character of any settlement or buildings, the surrounding landscape, its biodiversity value or the amenities of local residents.
38. Whilst there remain certain questions surrounding the future uses of other buildings on the wider Penstock farm, these are outside the application site boundary of this building and also outside the control and remit of the applicants for the distillery. It is therefore contended that this application should be considered on its own, individual merits.
39. The applicant has outlined in detail the nature of his intended business operation and the activities that it is anticipated will result in the short term.
40. The proposed change of use therefore complies with the requirements of policy EMP 4.
41. The relevant part of Policy EMP5 which has raised questions in representations, should it have been part of the primary consideration, is whether it is essential that the use be located in the countryside, which can be addressed here although not directly a policy requirement . Whilst it is not essential that a distillery use is located the countryside, there are sustainability

- issues with this development which clearly make it desirable for this rural re-use of an existing building which meets the conversion requirements. The distillery use would retain and use products and waste from the farming operation and reduce the need for extra transportation elsewhere and off site, and the consequent import of alternatives to the support the distillery operation thereby negating the need for wasteful transportation and utilising local products at source.
42. The building could also be used for other farming operations and result in a greater intensity of use and require larger and more frequent traffic movements which would fall outside planning controls as lawful agricultural uses. The concept is one of sustainability and local terroir for the spirits and the winemaking on this farm and the use of an innovative concept in the UK, to achieve environmentally sustainable produce.
 43. In addressing Para 8 of the NPPF which suggests the 3 objectives of sustainability should include economic, social and environmental objectives, the following should also form part of the strategic considerations of this application:-
 44. Economic objective – is to help build a strong, responsive and competitive economy which supports growth. This application seeks to diversify the farm activities and establish new opportunities for growth which can then be passed onto the next generation by way of training. It would enable an otherwise underused building to be brought back into a viable use and help to support the tourism sector of the local economy by being of possible interest to those visitors staying in the various holiday let accommodations locally with locally produced wine and spirits.
 45. Social objective – the proposed operation would offer training and employment opportunities for local young people and local entrepreneurs and maintain a diverse population. It would also help support agricultural enterprises and secure jobs in that sector.
 46. Environmental objectives – The building and associated informal parking area, silos and sewage package treatment plant, already exist and this proposal would seek to secure and enhance the biodiversity and maintain the arboreal interest in the AONB with measures to reduce carbon and water consumption and light pollution with the use of technologically sound, albeit innovative industrial practices.
 47. The planning balance is therefore in favour of supporting this proposal with the imposition of relevant planning conditions to ensure these stated principles are adhered to and no additional harm results.

48. The suggested conditions will therefore apply only to this building and the operations associated with the distillery and not the wider Penstock Farm operation which fall under different ownership and management and outside the boundary of this planning application.

Residential Amenity

49. There is no indication from the consultees that residential amenity would be harmed by way of lighting, noise, traffic frequency or odour as it is small scale operation working between normal business hours.

Highways and parking

50. The transport statement outlines the anticipated vehicular movements and their projected timings and vehicle sizes. There is no evidence to suggest that the traffic will cause harm to the local road network. Parking and turning space is provided on site with electric vehicle charging points conditioned.

Visual amenities

51. Other than the regularisation of the building alterations undertaken, and the improvement of the parking arrangements there is little in terms of built form which will significantly, visually alter or harm the existing situation.
52. On that basis there is no impact on local **heritage** assets.

Human Rights Issues

53. 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) and the wider public interest.

Conclusion

54. Taking account of all the policies and representations discussed above the application causes insufficient planning harm to justify a recommendation to refuse permission and therefore approval subject to conditions is recommended.

Recommendation

APPROVE subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

3. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

4. The Magnum building shall only be used for sui generis, distillation purposes and no other alternative industrial purpose.

Reason. In the interests of the Local amenities of the area and the protection of the AONB.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Class A of Part 8, of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout

plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

7. No external storage shall occur on site unless a scheme has been submitted to and approved in writing by the Local Planning Authority. The storage shall then be carried out in accordance with the approved details.

Reason: In order to protect the visual amenities of the locality

8. There shall be no servicing of the building, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the application site before 9.00am; or after 17.00 hours Mondays to Fridays: and none on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To protect the residential amenity of the locality

9. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

10. The application states that foul drainage will connect to the existing package treatment plant, however, no further details are provided. Clarification is required on the discharge volumes and methods to assess whether a permit is required.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

11. The use of the building shall not commence until the water and the residue from the distillation process has been adequately managed and disposed of in accordance with details to be submitted to and agreed by the Local Planning authority.

Reason: to ensure the surface water and residues do not compromise the local drainage system in an unacceptable way or cause water pollution or cause detriment to the local wildlife, thereby compromising biodiversity in line with paragraph 170 of the NPPF.

12. The use shall not begin until details of the bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to commencement of the operation development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

13. The proposed parking area shall be surfaced in permeable materials in accordance with the details submitted in Block plan PL0(03) and that area shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety and to ensure efficient and sustainable natural drainage.

14. Prior to the first occupation of the Magnum building at least one electric vehicle charging point shall be installed. The charging points may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

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,

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Any foul system discharging to ground in this area may require an environmental permit, unless it is discharging via a BS drainage field and meets the General binding rules for small scale sewage discharges.

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

If a permit is required the applicant should submit sufficient information to the EA to show that a permit could be achieved for this design of foul drainage in this locality. Discharges are not normally allowed in an SPZ1 or direct to groundwater in areas of shallow water tables. The information required to submit a permit application is on the .gov website under Environmental Permits, discharges to ground.

<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b6-new-bespoke-water-discharge-activity-and-groundwater-point-source-activity>

Foul system discharges to ground in areas where there is a high water table will always be precluded and in these areas alternative arrangements for discharges to any available watercourses may be considered, if proposals meet the general binding rules. Where this is not possible an environmental permit may be required or foul arrangements will have to involve modern sealed cess pits, with tankering away of effluents on a regular basis.

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 22/01862/AS

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Relevant section of the update report for the 17th August 2022 Planning Committee

(a) 21/01862/AS – Land at the Street and North of Court Lodge, The Street, Brabourne, Kent – Conversion and change of use to distillery (Sui Generis)

Information has been received about the new road signage limiting the lorry sizes along Canterbury road to those with a width no greater than 2.0m.

Additional representations have been received which highlight matters relating to the historic situation concerning the Magnum building and its perceived inadequacies which are not directly relevant to consideration of this planning application which is for a change of use of an existing building.

Para 8 requires clarification that the holiday let arrangements do not concern the main dwelling and relate only to one outbuilding on the site.

Para 29 should include reference to Policy ENV3b - Landscape Character and Design in the AONBs.

Revised schedule of conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

3. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

4. The ground floor of the Magnum building shall only be used for sui generis,

distillation purposes and no other alternative industrial purpose.

Reason: In the interests of the Local amenities of the area and the protection of the AONB.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out under Part 7, of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

7. No external storage shall occur on site unless a scheme has been submitted to and approved in writing by the Local Planning Authority. The storage shall then be carried out in accordance with the approved details.

Reason: In order to protect the visual amenities of the locality.

8. There shall be no servicing of the building, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the application site before 9.00am; or after 17.00 hours Mondays to Fridays: and none on Saturdays or at any time on Sundays or Bank or Public Holidays.

Reason: To protect the residential amenity of the locality.

9. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

10. No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

11. The use of the building shall not commence before the installation of arrangements to manage and dispose of the water and the residue from the distillation process in accordance with details to be submitted to and agreed by the Local Planning authority. Those arrangements shall thereafter be retained in operation for the duration of the use hereby approved.

Reason: to ensure the surface water and residues do not compromise the local drainage system in an unacceptable way or cause water pollution or cause detriment to the local wildlife, thereby compromising biodiversity in line with paragraph 170 of the NPPF.

12. The use shall not begin until details of the bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to commencement of the use and shall thereafter be retained and available for use.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

13. Before the use commences the proposed parking area shall be surfaced in permeable materials in accordance with the details submitted in Block plan PL0(03) and that area shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety and to ensure efficient and sustainable natural drainage.

14. Prior to the first occupation of the ground floor of the Magnum building at least one electric vehicle charging point shall be installed. The charging points may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

Annex 2 – Minutes of Committee Meeting dated 17 August 2022

Application Number	21/01862/AS
Location	Land at the Street and North of Court Lodge, The Street, Brabourne, Kent
Parish Council	Brabourne
Ward	Bircholt
Application Description	Conversion and change of use to distillery on ground floor (Sui Generis)
Applicant	The Wineburner LLP Martello Lodge Undercliff Sandgate, Folkestone, Kent, CT20 3AT
Agent	Ian Bull Consultancy Ltd 1 Mountbatten Way Brabourne Ashford, Kent, TN25 6PZ
Site Area	0.2ha

The Consultant Planning Officer gave a presentation, which included photographs and site plans, internal layouts, an outline of the proposed operation, and the perceived access issues. She referred the Committee to the Update Report, and added that, in very recent correspondence, the applicant and the agent had agreed to change the description of the application to refer specifically to the distillery being on the ground floor of the building. There was a further amendment to Condition 4, to delete 'and no other alternative industrial purpose' from the text. There was a further amendment to Condition 10, to add to it wording to the effect that once agreed, the arrangements shall be operated in accordance with the strategy and in perpetuity. On the Update Report itself, she also advised of an error in referring to paragraph 8, which should have referred to paragraph 9 instead. She thanked objectors, particularly Mr Armstrong, for his recent interesting submissions since the Agenda was published. She emphasised that the mezzanine level of the building, and the apron, would remain in farm use, as the application was for change of use of the ground floor of the building, for the proposed distillery.

In accordance with Procedure Rule 9.3, Mr Jonathan Armstrong, resident, was in attendance and delivered a speech in objection to the application.

In accordance with Procedure Rule 9.3, Mr Sebastian Barnick, applicant, was in attendance and delivered a speech in support of the application.

In accordance with Procedure Rule 9.3, Cllr William Harbottle, Chairman of Brabourne Parish Council, was in attendance and delivered a speech in objection to the application.

Resolved:

APPROVE subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

3. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

4. The ground floor of the Magnum building shall only be used for sui generis, distillation purposes.

Reason. In the interests of the Local amenities of the area and the protection of the AONB.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out

under Part 7 of Schedule 2 of that Order (or any Order revoking and reenacting that Order), without prior approval of the Local Planning Authority.

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

6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

7. No external storage shall occur on site unless a scheme has been submitted to and approved in writing by the Local Planning Authority. The storage shall then be carried out in accordance with the approved details.

Reason: In order to protect the visual amenities of the locality.

8. There shall be no servicing of the building, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the application site before 9.00am; or after 17.00 hours Mondays to Fridays; and none on Saturdays or at any time on Sundays or Bank or public holidays.

Reason: To protect the residential amenity of the locality

9. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

10. No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority. The use shall not commence until the arrangements so approved have been installed, and those arrangements shall thereafter be retained in operation and maintained for the duration of the use hereby approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

11. The use of the building shall not commence before the installation of arrangements to manage and dispose of the water and the residue from the distillation process in accordance with details to be submitted to and agreed by the Local Planning authority. Those arrangements shall thereafter be retained in operation for the duration of the use hereby approved.

Reason: to ensure the surface water and residues do not compromise the local drainage system in an unacceptable way or cause water pollution or cause detriment to the local wildlife, thereby compromising biodiversity in line with paragraph 170 of the NPPF.

12. The use shall not begin until details of the bicycle storage facilities showing a covered and secure space have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to commencement of the use and shall thereafter be retained and available for use.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety

13. Before the use commences the proposed parking area shall be surfaced in permeable materials in accordance with the details submitted in Block plan PL0(03) and that area shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety and to ensure efficient and sustainable natural drainage.

14. Prior to the first occupation of the ground floor of the Magnum building at least one electric vehicle charging point shall be installed. The charging points may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a

domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

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,

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Any foul system discharging to ground in this area may require an environmental permit, unless it is discharging via a BS drainage field and meets the General binding rules for small scale sewage discharges.

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

If a permit is required the applicant should submit sufficient information to the EA to show that a permit could be achieved for this design of foul drainage in this locality. Discharges are not normally allowed in an SPZ1 or direct to groundwater in areas of shallow water tables. The information required to submit a permit application is on the .gov website under Environmental Permits, discharges to ground.

<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b6-new-bespoke-water-discharge-activity-and-groundwater-point-source-activity>

Foul system discharges to ground in areas where there is a high water table will always be precluded and in these areas alternative arrangements for discharges to any available watercourses may be considered, if

proposals meet the general binding rules. Where this is not possible an environmental permit may be required or foul arrangements will have to involve modern sealed cess pits, with tankering away of effluents on a regular basis.

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Application Number	PA/2024/0116
Location	2 Craythorne, Tenterden, TN30 6SD
Grid Reference	88953 / 33873
Parish Council	Tenterden Town Council
Ward	Tenterden North
Application Description	First floor extension to create two storey dwelling
Applicant	Mr R Overton
Agent	Mr D Harman
Site Area	0.03 ha

Introduction

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

Site and Surroundings

2. The application site comprises of a two bedroom detached bungalow at the southernmost end of the cul-de-sac known as "Craythorne" within a residential area of Tenterden. It is not within any designated areas. The dwelling has been extended to provide a modest, single storey rear extension. Parking is available on the driveway for two vehicles.
3. The land levels within Craythorne slope upwards slightly from south to north. The prevailing character of the street scene is one of a mix of property styles and sizes. The properties to the north of the site are bungalows, and the properties on the eastern side of Craythorne are two storey semi-detached dwellings. To the south of the site there are two-storey mews houses which form a gated development at the end of the cul-de-sac (granted permission in 2006), and the dwellings to the rear (west) of the site (fronting Beacon Oak Road) are also two storey detached properties. Properties in Craythorne and in the immediate locality also have a mix of finishings. Of note are a number of more modern detached chalet style dwellings in the northern most part of Craythorne, which have varying external material finishes including upvc style weatherboarding.

4. There is a vehicle access lane to the rear of the application site which not only serves some of the properties on Craythorne but also the Beacon Oak Road sites and is host to the various garages and outbuildings that serve those individual properties.
5. It is of note that the neighbour at No 6 Craythorne benefits from a large rear dormer window which faces towards the west. No 4 Craythorne also benefits from a single storey side extension.



Figure 1 Site Location Plan & Rear Access

Proposal

6. Full planning permission is sought for the addition of a first floor extension with a fully hipped roof to the property to create a two storey dwelling.
7. As originally submitted, the proposed plans showed four bedrooms. Following officers' concerns over the potential for over-development of the plot and the lack of available external space to support a four bedroom property, amended plans were submitted reducing the proposals to a three bedroom property.



Figure 2 Existing Elevations



Figure 3 Proposed Elevations

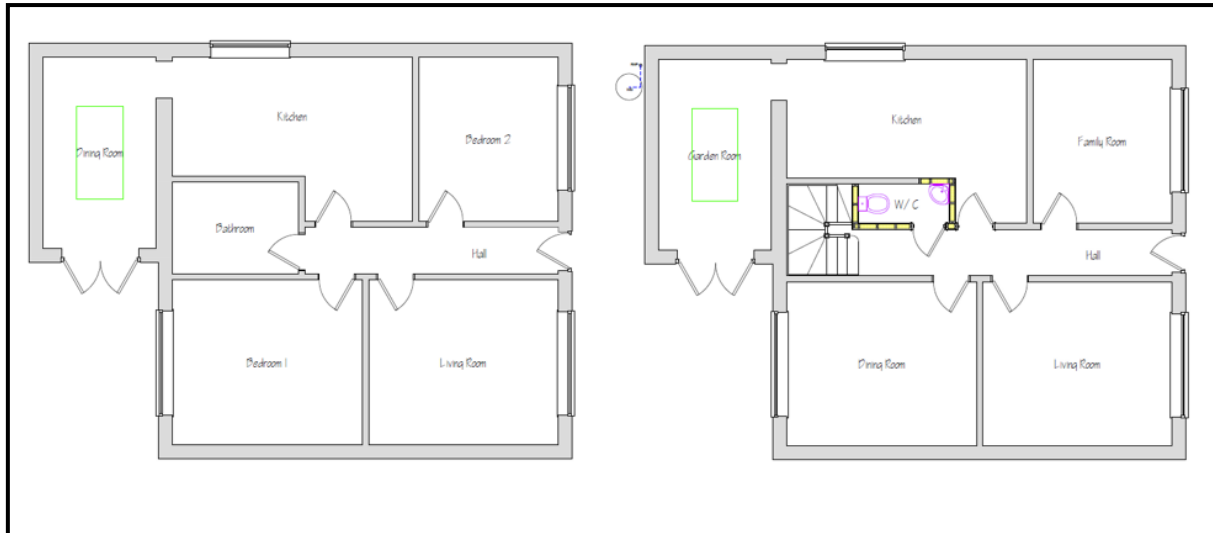


Figure 4 Existing (left) and Proposed (right) Ground Floor Plans

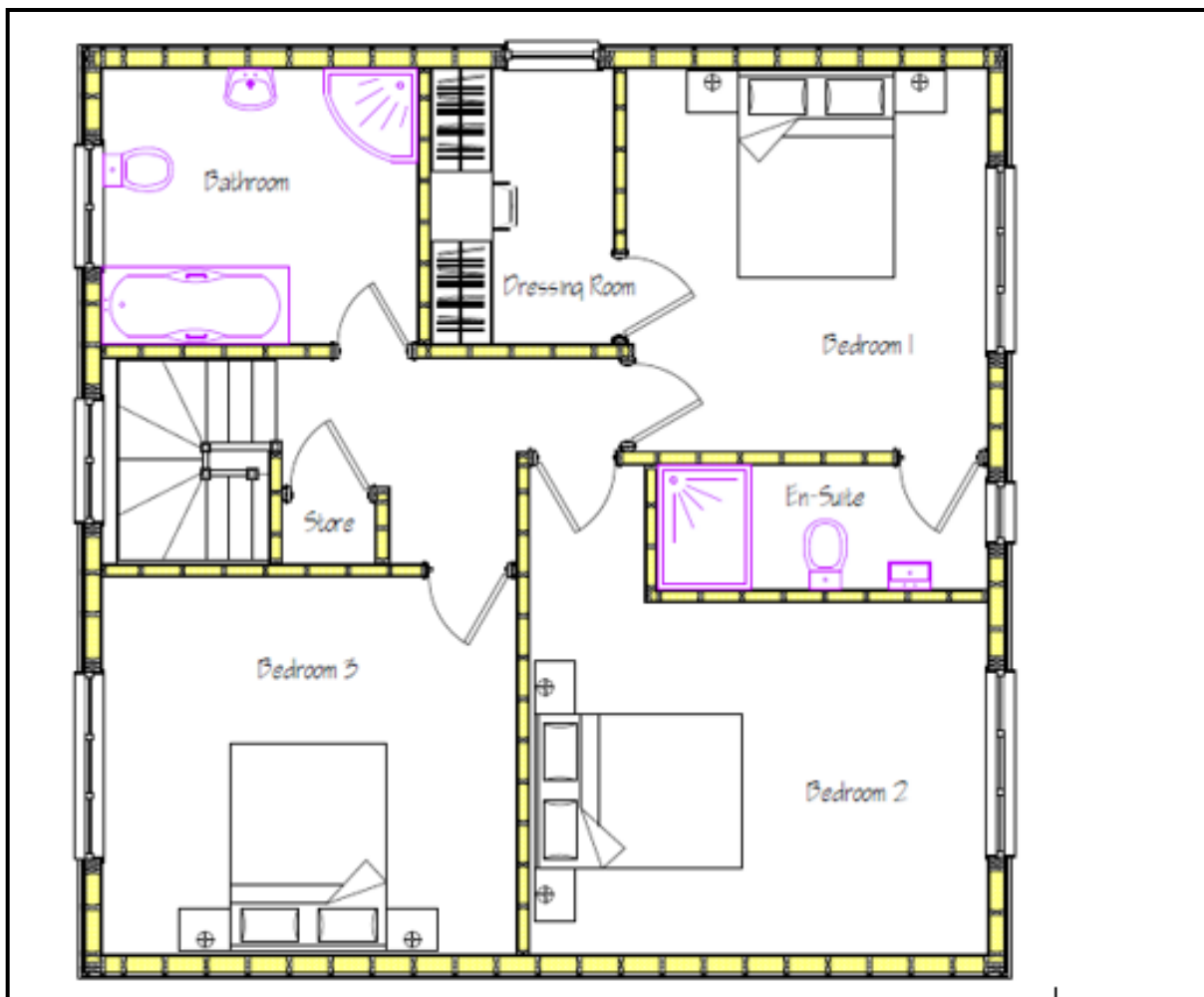


Figure 5 Proposed First Floor Plan

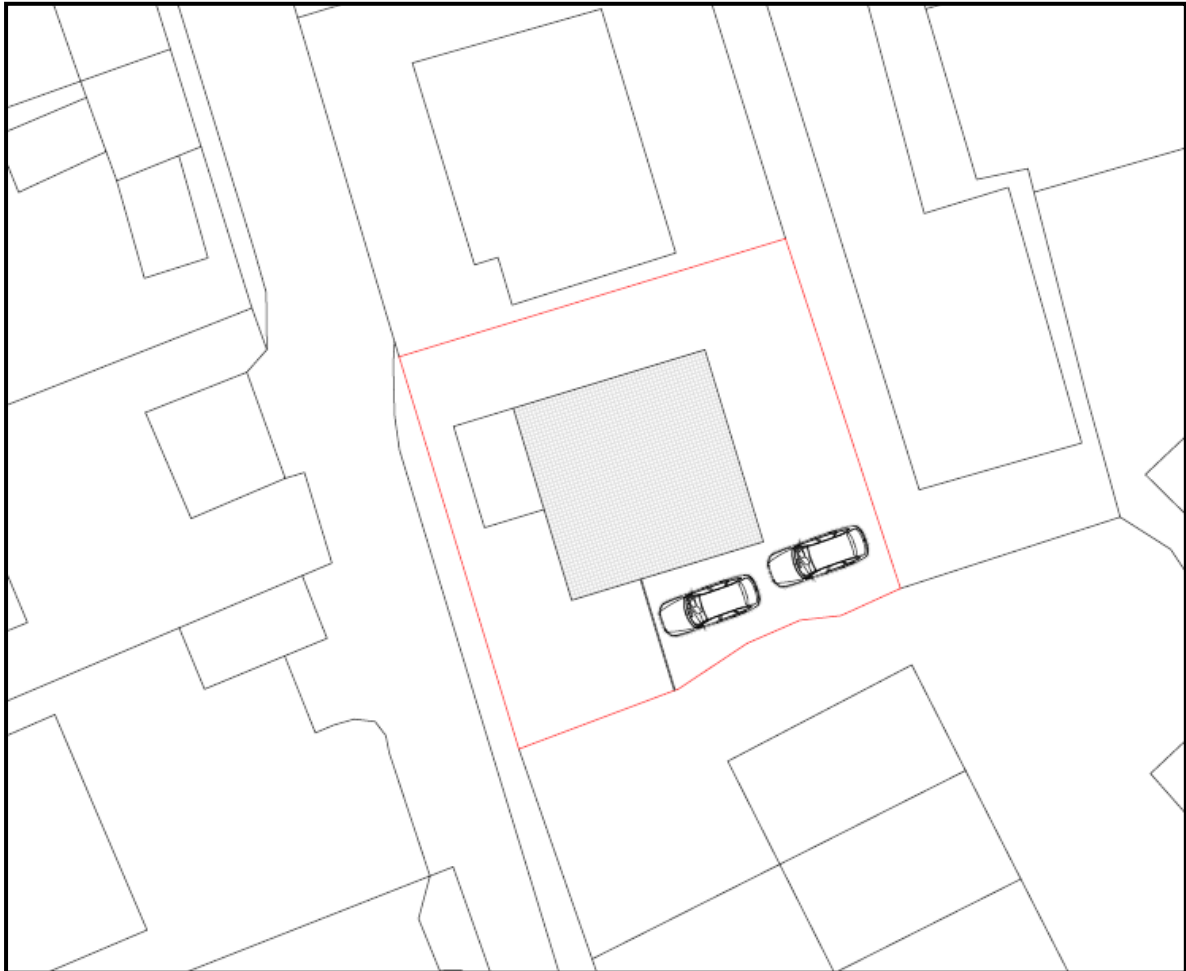


Figure 6 Proposed Block Plan



**Figure 7 Looking Southwards Along
Craythorne**



Figure 8 Properties Opposite Application Site

Figure 9 Example of Property at Northern Section of Craythorne





**Figure 10 Rear of No 6 Craythorne
Facing rear Access Lane**

Planning History

8. No recent relevant planning history.

Consultations

9. **Ward Member:** Councillor Mulholland has called the application in to be determined by the Planning Committee.
10. **Tenterden Town Council:** objects to the proposal for the following reasons:
 - Overdevelopment.
 - The scheme fails to meet parking standards as there is no new vehicular access and no room for visitor parking.
 - Visual amenity. The site is situated in a “high spot” adjacent to the Tenterden Conservation Area, and would appear overbearing and incongruous.
 - Concerns over the impact to residential amenity for neighbouring properties.
 - Poorly designed construction.
 - Climate mitigation is inadequate.

- The proposal would set an unreasonable precedent in the area.
- It should be noted that this property sits within the North Ward rather than South Ward as is stated on the planning portal.

(Planning Officer note: the site is not considered adjacent to the Conservation Area; the Conservation Area boundary is at Beacon Oak Road with all the properties on the eastern side of Beacon Oak Road along with the access road to the rear of the site acting as a separation barrier. Also, the change of the scheme from a 4 to a 3 bedroom property negates the requirement for additional parking provision on site and there is an existing vehicle crossover on site. The issues over the North/South ward were amended on the system on 5th March 2024. The other issues raised will be addressed later in the report).

11. **Neighbours:** 4 neighbours consulted and 10 letters of objection were received from 8 addresses, which raised the following concerns:

- The proposal would be out of keeping with the homes in Craythorne and the surrounding roof scape.
- The roofline of the dwelling would be higher than the bungalows and the adjacent Mews houses.
- Many houses have opened up their loft spaces, but kept to the existing roof height.
- It would set a negative precedent for future development on adjacent properties.
- The proposed rendering / weatherboarding would also be out of keeping.
- The proposal would be an overdevelopment of the site.
- Concern raised over alleged inadequate parking provision and access to the said parking spaces.
- Lead to increased vehicle usage.
- Loss of privacy, loss of light and overshadowing for adjoining occupiers.
- The proposal would devalue adjoining properties.
- The water butt shown on the rear garage flat roof. Reference to water butt having zero impact on SUDs - box ticking.
- Query over right of way to front – this should be amended to the rear access road.
- Properties within 20 metres of the site boundary were not consulted and no site notice put up.
- The foundations have been underpinned in the past and therefore unlikely that the underpinned foundations have sufficient structural integrity to support a second storey and therefore the proposal must be refused on safety grounds.
- Construction would lead to long term disruption to Craythorne.
- Reference to acute shortage of bungalows and providing a range of housing for older people / less agile people.
- Reference to 10% biodiversity net gain.

- Reference to whether this was a prior approval application.

(Planning Officer note: for complete avoidance of doubt, this is an application for full planning permission. Some neighbours were under the impression that, due to the change in application reference number styles adopted in 2022 as a result of new software, the prefix PA meant that this application was “Prior Approval” – however this is not the case and the neighbours have been made aware of this. This is not an application for permitted development and as such, any reference to the GPDO and associated criteria is irrelevant.

As far as neighbour consultation is concerned, the neighbours have been consulted in accordance with the Council’s Statement of Community Involvement and all neighbours who share a boundary have been consulted. There is also no need for this scale and type of application to display a site notice. Furthermore, the reference to a water butt on the garage has been changed by the agent and it is the Council’s requirement that a water butt is shown within the site for development of this nature.

Furthermore, property values are not a material planning consideration and any issues over rights of way would be a civil matter. It should also be noted that householder applications are exempt from BNG requirements and that issues pertaining to any underpinning would be dealt with via Building Regulations. The other issues raised will be addressed later in the report).

Planning Policy

12. 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).
13. 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.
14. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 – Strategic Objectives
- SP6 – Promoting High Quality Design
- HOU8 – Residential Extensions
- ENV3a – Landscape Character and Design
- TRA3a – Parking Standards for Residential Development
15. 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

SPG10 Domestic Extensions in Urban and Rural Areas adopted June 2004

Residential Parking and Design SPD 2010

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:-

Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

1. Decision-making
2. Achieving well-designed places

National Planning Policy Guidance (NPPG)

Assessment

16. The main issues for consideration are:

- Impact on visual Amenity
- Impact on residential Amenity
- Highway Safety

Impact on visual Amenity

17. The above related policies and SPG / SPD guidance relate to the need for high quality of design. It is a requirement that proposed extensions are designed in such a manner that they do not cause harm to the character and appearance of the host dwelling or the surrounding built form and the wider landscape.

18. Policy HOU8 of the local plan is a permissive policy and allows for the extension of existing dwellings if each of the following criteria is met:-

- The existing dwelling enjoys a lawful residential use;
- The extension would not materially harm any neighbouring uses;
- The proposed extension is suitable in terms of size, scale and materials to the existing dwelling;
- Is designed to ensure that it does not result in harm to the overall character and appearance of the area or streetscene.

19. The policies included within the local plan are consistent with the National Planning Policy Framework and the National Planning Practice Guidance.

20. The guidance in SPG Note 10 'Domestic Extensions in Urban and Rural Areas' states that extensions to existing dwellings in settlements such as Tenterden can be accommodated as a matter of principle providing that the impact of the resultant enlarged dwelling is one that:-

- expresses a coherent design form;
- Does not result in a poorly proportioned or visually intrusive form of building within a street scene or over a wider area, and;
- does not result in over-development of the site through unacceptable cumulative levels of householder related development at the site over time to the detriment of the character and environmental quality of the surrounding area.

21. The preamble to Policy HOU8 states that the enlargement of dwellings to accommodate additional living space is important in ensuring that the existing housing stock is suitable for the current and future residents of the borough. By modernising, adapting or enlarging an existing dwelling its life can be

- significantly extended, which in turn, contributes to the future sustainable development of the Borough.
22. The proposed additional floor on the original property, would ensure that the proposal would not result in an increase in the overall footprint of the dwelling within the plot. Whilst the proposal is an enlargement of the property in terms of an additional 2.5m in height, the fully hipped roof design of the resultant dwelling would reduce the impression of bulk and, overall, the development provides acceptable additions to the property, being neither out of scale nor overly bulky. The simple and sympathetic design of the additional storey and the proposed hipped roof would also ensure that the dwelling would appear as a coherent and well balanced property. I also consider it important to note that the proposal will allow the property to function as a family dwelling for current and future occupiers of the site.
 23. Concerns have been raised with regard to the visual impact of the extension within the locality. However, it is important to appreciate the specific circumstances of this application site. No 2 Craythorne is located towards the southern end of the cul-de-sac, and is viewed adjacent to and in the context of two storey dwellings to the south (the mews housing), to the east on the opposite side of the road, and to the west / rear with properties fronting Beacon Oak Road. The proposed sympathetic extension and roof form would further ensure that the development would not appear excessively tall or intrusive when viewed in the street scene or wider locality. Consequently, I am of the view that the modest and sympathetically designed addition to the property would not appear intrusive or incongruous within the street scene and would rather appear as an acceptable addition to the locality.
 24. The proposed additional storey would be set well away from the boundaries of the site and the adjacent properties. This degree of separation combined with the sympathetic appearance of the extension, would retain an element of openness at the site and ensure that the development would not appear overdeveloped or cramped within the locality.
 25. Furthermore, with the amended plans showing only an increase in one bedroom at the site, I am satisfied there would be no harmful overdevelopment of the plot in terms of external amenity space provision which would otherwise be the case for a greater number of bedrooms.
 26. The proposed use of materials (including render and cement fibre weatherboarding) is also acceptable given the eclectic design and use of materials of properties which span all of Craythorne (north to south).
 27. Overall, the proposed development is considered appropriately sited and designed and would not cause harm to the character and appearance of the

street scene and wider locality. It would therefore comply with local plan policy.

Impact on residential amenity

28. Turning first to the mews development to the south / side of the application site. There is significant tree / hedging along with close board fencing which acts as a boundary between the two plots. No windows are proposed on the south elevation of the extension which would face towards the northern elevation of No 1 Crayside Mews, and therefore the proposal would not create any privacy issues for the properties to the south of the site. The only window at first floor level which serves No 1 Crayside Mews facing towards the application site is a bathroom. In addition to this the degree of separation between the properties and the fact that the site is to the north of the Mews development, would mean that the scheme would not appear overbearing or result in a detrimental loss of light for the Mews residents.
29. In relation to the northern neighbour at No 4 Craythorne. With no increase in footprint the proposed extension would not extend beyond the rear building line of either the application site or No 4 Craythorne. This particular neighbour benefits from a single storey side extension which acts as a boundary between the two plots along with close board fencing. The said extension has an obscure glazed rear facing bathroom window and a front facing bedroom window, neither of which would be detrimentally impacted by the proposal. Given the limited scale and sympathetic design of the extension, I do not consider that the development would appear overbearing or detrimentally impact the light received by the occupiers of No 4 Craythorne either. The window proposed at first floor level on the north elevation would be a dressing room window and can be conditioned to be obscure glazed and fixed shut. Therefore, I do not believe that the proposal would create any privacy issues to the property to the north of the site.
30. Turning finally to the neighbours to the rear in Beacon Oak Road. These neighbours benefit from a variety of outbuildings and garages along the vehicle access road which runs between the two "blocks" of properties. Many of the rear gardens are partially open and offer views of the gardens/rears of the properties when in the access road. Concerns were raised in the representations about potential overlooking of properties in Beacon Oak Road. Firstly, with regard to Orchard House, this property is not only set at an oblique angle to the application site but is also located approximately 30m away from the proposal. Therefore, given the degree of separation and relationship between the properties, I do not believe that the development would detrimentally harm the privacy of the occupiers of Orchard House. The rear elevations of the other neighbours at Fernhurst and Rosebank are 23m and 24m respectively from the proposed extension. Again the outbuildings and garages along with the access road itself provide separation from the

application site. I consider that the degree of separation of the proposal from the nearest properties in Beacon Oak Road, would be sufficient to ensure that the privacy of the said adjoining neighbours would not be detrimentally affected.

31. The concerns raised by the neighbours have been taken into consideration. However, given the above, I am satisfied there would be no significant harm to residential amenity as a result of harmful overlooking / overbearing development.

Highway Safety

32. With the change from a two bedroom to a three bedroom dwelling there would be no requirement for additional parking to serve the dwelling. The plans show that the plot can accommodate two off road spaces which would be in accordance with the parking provision required for a 3 bed property as set out in the Residential Parking and Design SPD. No further visitor spaces would be required for a scheme of this scale.
33. Therefore, as the scheme would provide sufficient off street parking provision and would utilise an existing access, I do not consider that the proposal would cause any harm to highway safety.

Human Rights Issues

34. 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

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

Conclusion

36. In light of the above assessment, the development is visually acceptable and does not cause harm to the residential amenity of neighbouring residential properties. Furthermore, the proposal is not considered to cause detrimental

impact on the highway safety of the site or the surrounding road network. As such the proposal fully accords with the Development Plan, and as such I recommend that planning permission is granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

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

1. 3-year standard condition
2. Approved plans
3. Materials in accordance with the submitted details
4. Removal of PD Rights for Classes A, B & E
5. First floor window on north elevation to be obscure glazed / fixed shut
6. Retention of parking as per block plan

Note to applicant

Working with the Applicant

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

- offering a pre-application advice service
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome

In this instance the applicant / agent was updated of any issues after the initial site visit and the applicant / agent amended the plans to address the concerns raised. The application was considered by the Planning Committee where the applicant / agent had the opportunity to speak to the committee and promote the application.

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/2024/0116)

Contact Officer: Sally Hodgson
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Telephone: (01233) 330724

Application Number	PA/2024/0340
Location	Bennetts, 56 The Street, Appledore, TN26 2AE
Grid Reference	95593 / 29517
Parish Council	Appledore
Ward	Isle of Oxney
Application Description	External soil stack on the north elevation
Applicant	Mrs Elizabeth Mitchell
Agent	N/A
Site Area	0.4 ha

Introduction

1. This application is reported to the Planning Committee because the applicant is a member of staff of Ashford Borough Council.

Site and Surroundings

2. The application site comprises a Grade II listed property within the Appledore Conservation Area. The site is on the western side of The Street with the former Methodist Church as the neighbour to the south. The access, garage and parking associated with the dwelling are located to the south of the property. The neighbour to the north is a new-build detached property granted planning permission in 2010.
3. The property was extended by virtue of a planning permission and a listed building consent granted in 1991 to provide the extended kitchen and upper floor bedroom.

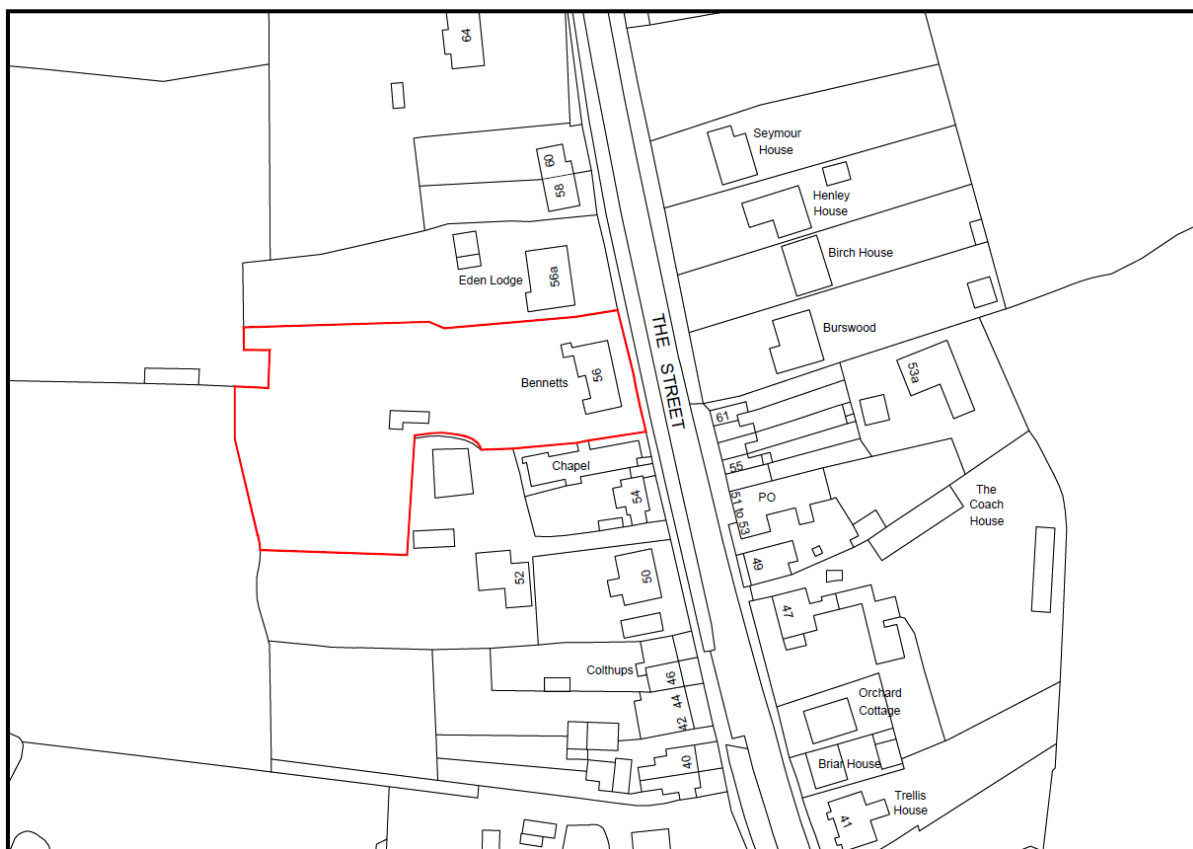


Figure 1 Site Location Plan

Proposal

4. Planning permission is sought for the installation of a soil stack on the northern elevation of the property. The said soil stack would be used in association with the proposed en-suite bathroom to the upper floor bedroom. Listed building consent is also for consideration under application reference PA/2024/0356 for the proposed soil stack, extraction fan and the internal alterations comprising the installation of a partition wall and associated works to provide the en-suite bathroom, all of which would relate to the modern extension(s) to the property.

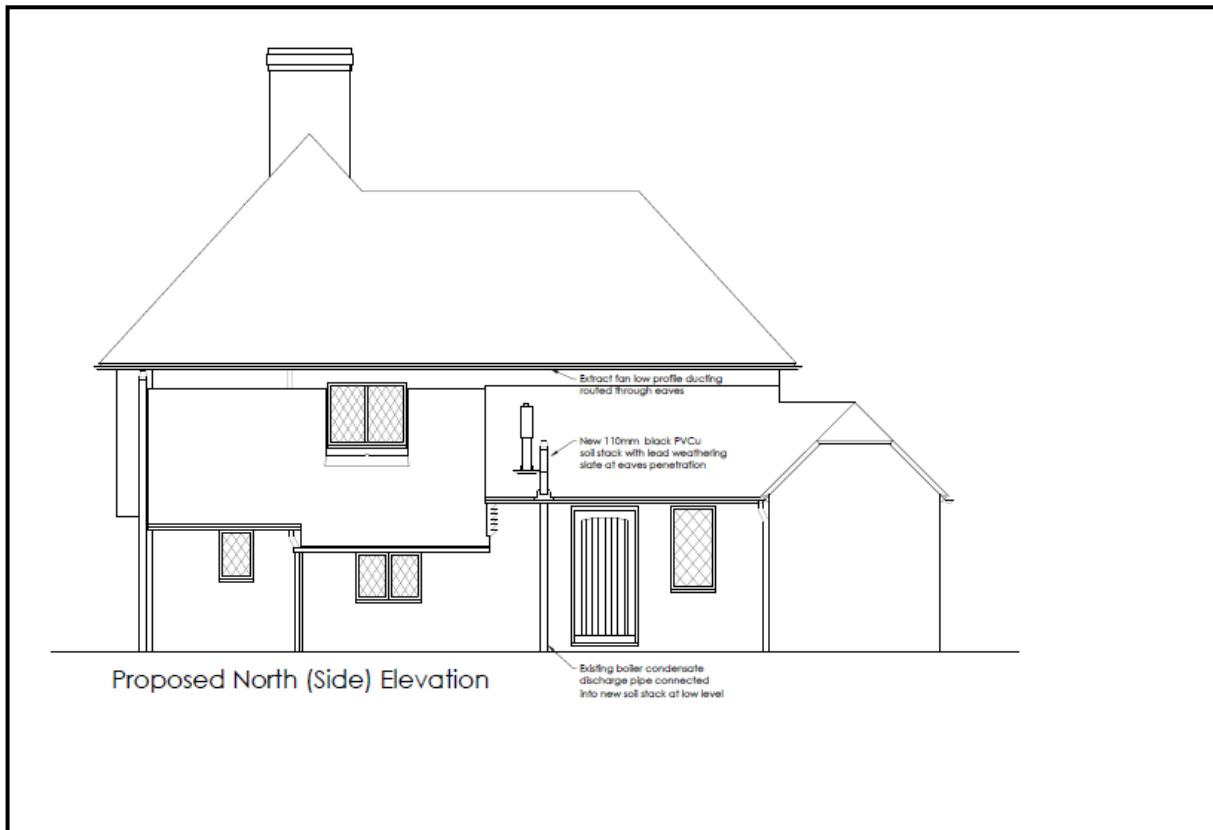


Figure 2 Proposed North Elevation

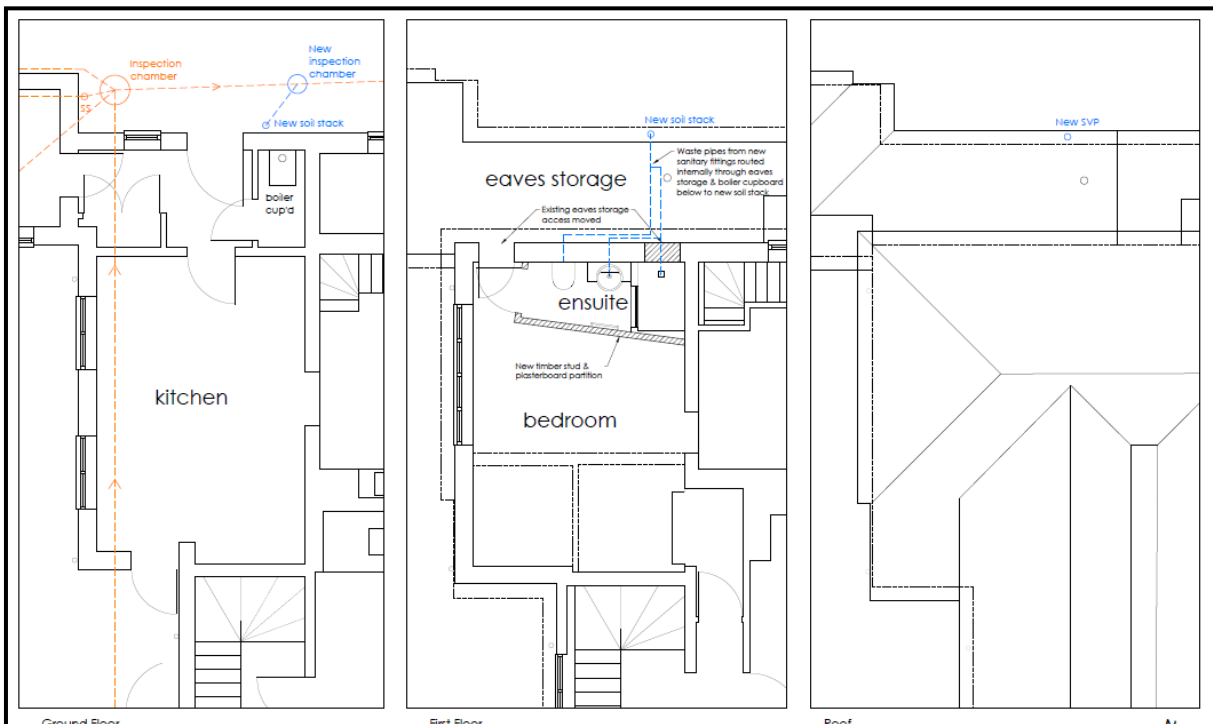


Figure 2 Proposed Floor Plans

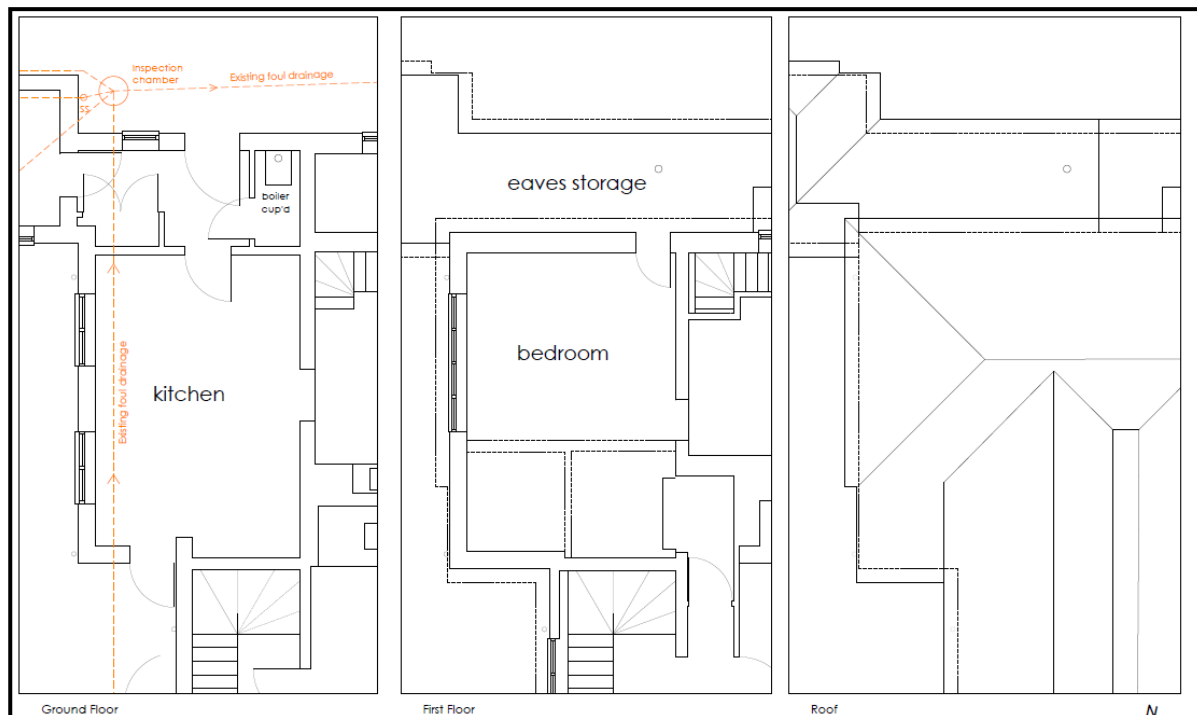


Figure 3 Existing Floor Plans

Planning History

5. The following planning history is relevant to the application;-
 - 91/01335/AS - Extension and alterations – planning permission granted 19/11/1991.
 - 91/01336/AS - Extension and alterations – listed building consent granted 19/11/1991.
 - 21/01592/AS - Erection of 2-bay garage with log store; erection of greenhouse; erection of a gazebo – planning permission granted 18/11/2021.

Consultations

6. **Ward Member(s):** no comment received.
7. **Appledore Parish Council:** no response received.
8. **Neighbours:** 5 neighbours consulted, as well as a press advert placed and a site notice put up. No letters of representation received.

Planning Policy

9. 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).
10. 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.
11. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 – Strategic Objectives
- SP6 – Promoting High Quality Design
- ENV13 - Conservation and Enhancement of Heritage Assets
- ENV14 – Conservation Areas

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 National Planning Policy Framework (NPPF) was introduced in March 2012 and last updated in 2023. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

1. Decision-making
2. Achieving well-designed places

National Planning Policy Guidance (NPPG)

Assessment

12. The key areas for consideration in the assessment of this application are:
 - Visual Amenity/Heritage
 - Residential Amenity
 - Highway Safety

Visual Amenity/Heritage

13. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for any works which affects a listed building or its setting, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. The location of the proposed soil stack would be to the northern elevation within the fenced side garden area. The stack itself would be 0.77m taller than the single storey eaves level of the associated existing extension roof and would sit on the lower part of the said roof, below the existing boiler flue. As such the soil stack would not be visible from outside the wider site. Given the very limited addition to the property by way of the small soil stack, the development would not be visually harmful to the character of the surrounding conservation area, nor harmful to the character, appearance and significance of the listed building.
15. I would highlight that a condition has been imposed via the listed building consent application for materials to be agreed in terms of the soil stack. This

would ensure the appearance of the soil stack would respect the character and appearance of the listed building and wider conservation area.

16. In light of the above, the development would result in less than substantial harm to the heritage assets, where any such harm would be outweighed by the social benefit through providing suitable and improved accommodation.

Residential Amenity

17. Given the limited scale and height of the proposed soil stack and degree of separation from adjoining neighbours to the north, I do not believe that there would be any detrimental impact caused to residential amenity as a result of the development.

Highway Safety

18. The development does not require the benefit of further parking provision. There would be no harm caused to highway safety as a result of the development.

Human Rights Issues

19. 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

20. 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

21. The proposed development would represent a sympathetic addition to the listed building which would not detrimentally impact the significance of the listed building or the character and appearance of the conservation area. Furthermore, the proposal would not create any amenity or parking issues. Therefore, the proposal complies with the requirements of Development Plan

policy and Central Government guidance and I recommend that planning permission is granted subject to the conditions listed.

Recommendation

Permit

Subject to the following Conditions and Notes:

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

1. 3-year standard condition
2. Approved plans

Note to applicant:

Working with the Applicant

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

- offering a pre-application advice service.
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application.
- where possible suggesting solutions to secure a successful outcome.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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/2024/0340)

Contact Officer: Sally Hodgson
Email: sally.hodgson@ashford.gov.uk
Telephone: (01233) 330724

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Application Number	PA/2024/0356
Location	Bennetts, 56 The Street, Appledore, TN26 2AE
Grid Reference	95593 / 29517
Parish Council	Appledore
Ward	Isle of Oxney
Application Description	Addition of a new shower room within a bedroom, including a new external soil stack on the north elevation and extractor fan
Applicant	Mrs Elizabeth Mitchell
Agent	N/A
Site Area	0.4 ha

Introduction

1. This application is reported to the Planning Committee because the applicant is a member of staff of Ashford Borough Council.

Site and Surroundings

2. The application site comprises a Grade II listed property within the Appledore Conservation Area. The site is on the western side of The Street with the former Methodist Church as the neighbour to the south. The access, garage and parking associated with the dwelling are located to the south of the property. The neighbour to the north is a new-build detached property granted planning permission in 2010.
3. The property was extended by virtue of a planning permission and a listed building consent granted in 1991 to provide the extended kitchen and upper floor bedroom.

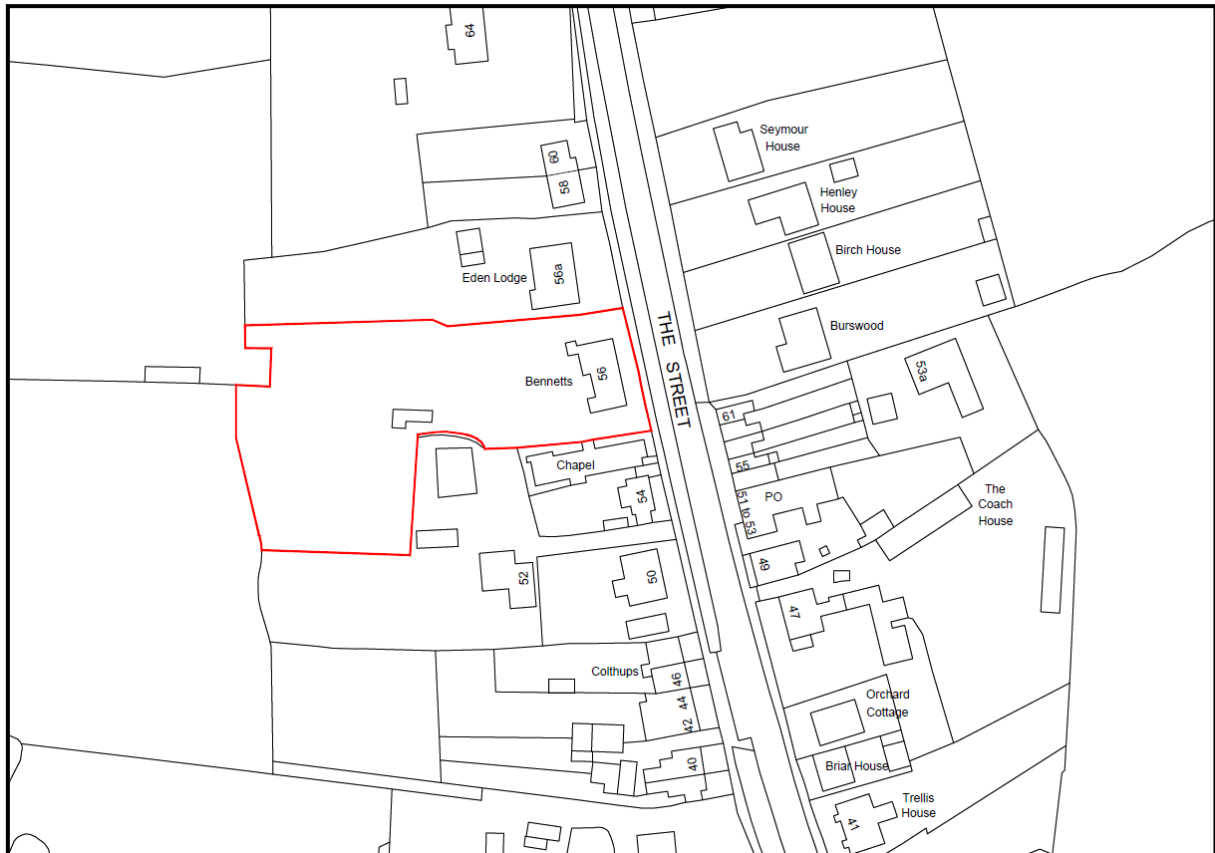


Figure 1 Site Location Plan

Proposal

4. Listed building consent is sought for the creation of an en-suite bathroom in the first floor bedroom complete with partition wall, fittings and an external soil stack on the north elevation of the property, all of which would relate to the modern extension(s) to the property. Planning permission for the proposed soil stack is also for consideration under application reference PA/2024/0340.

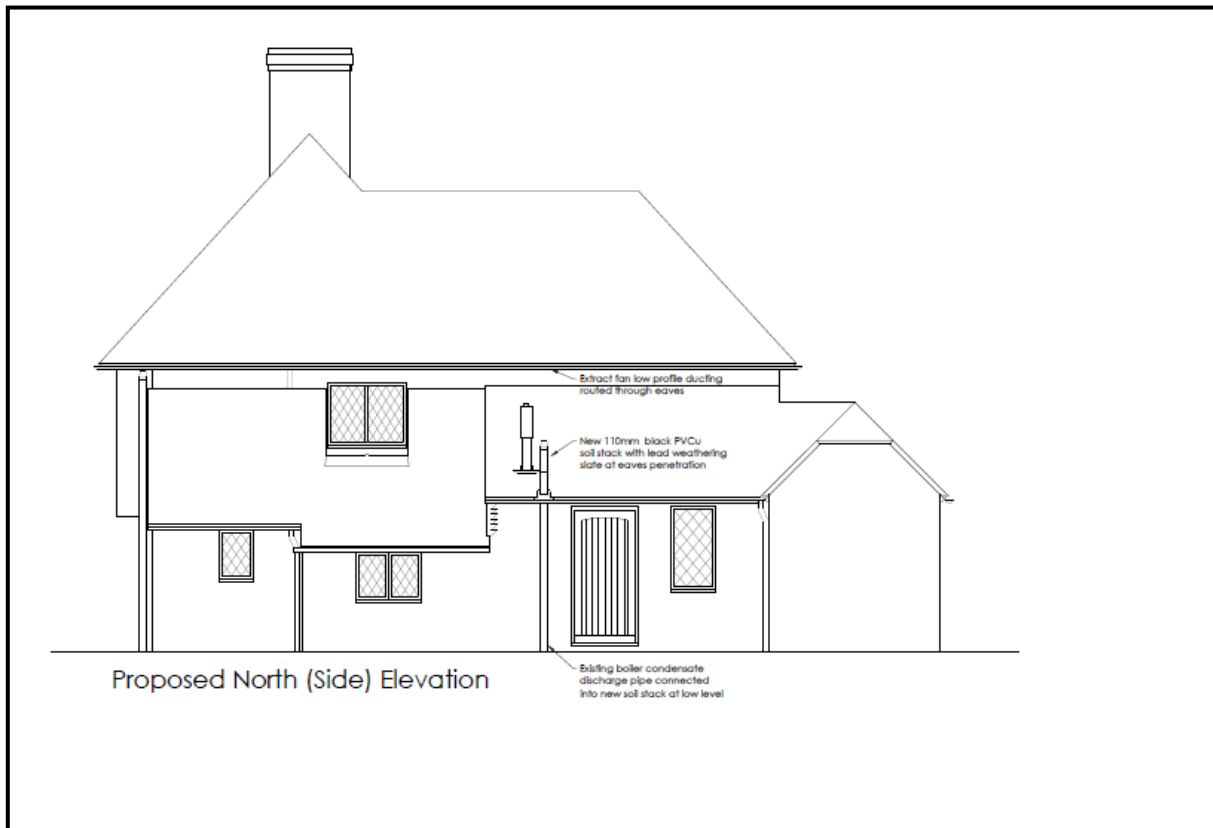


Figure 2 Proposed North Elevation

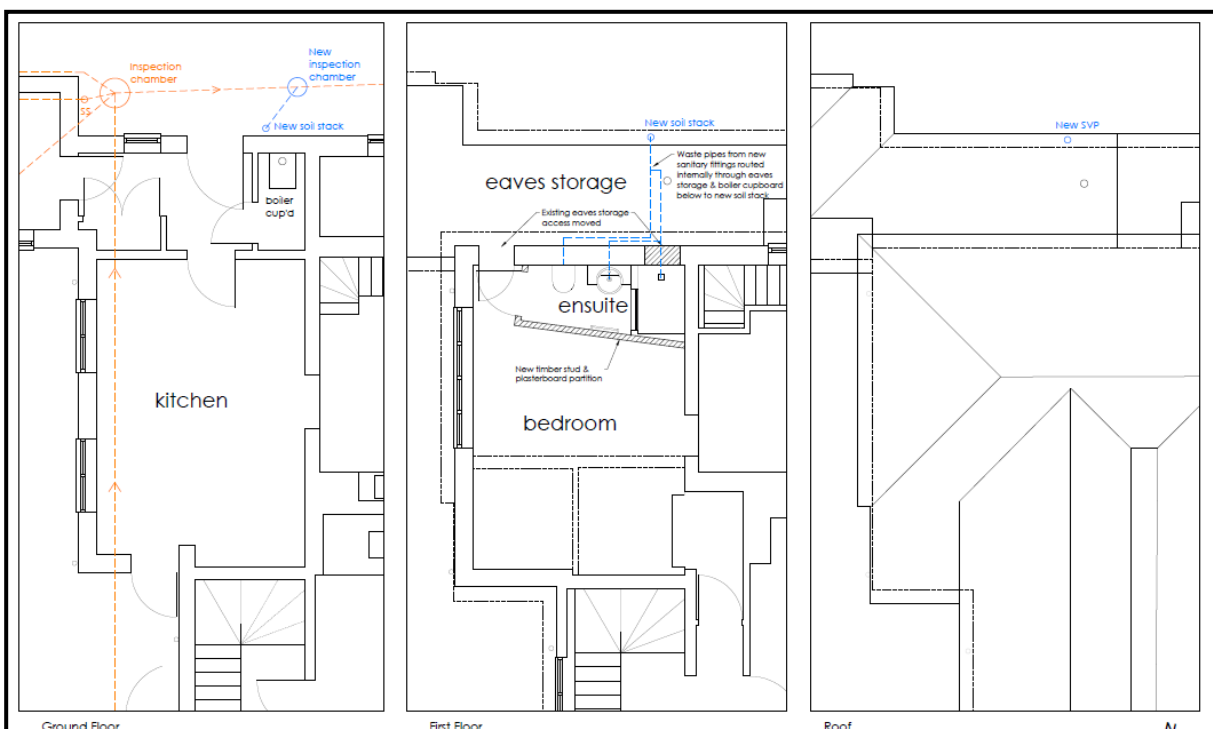


Figure 2 Proposed Floor Plans

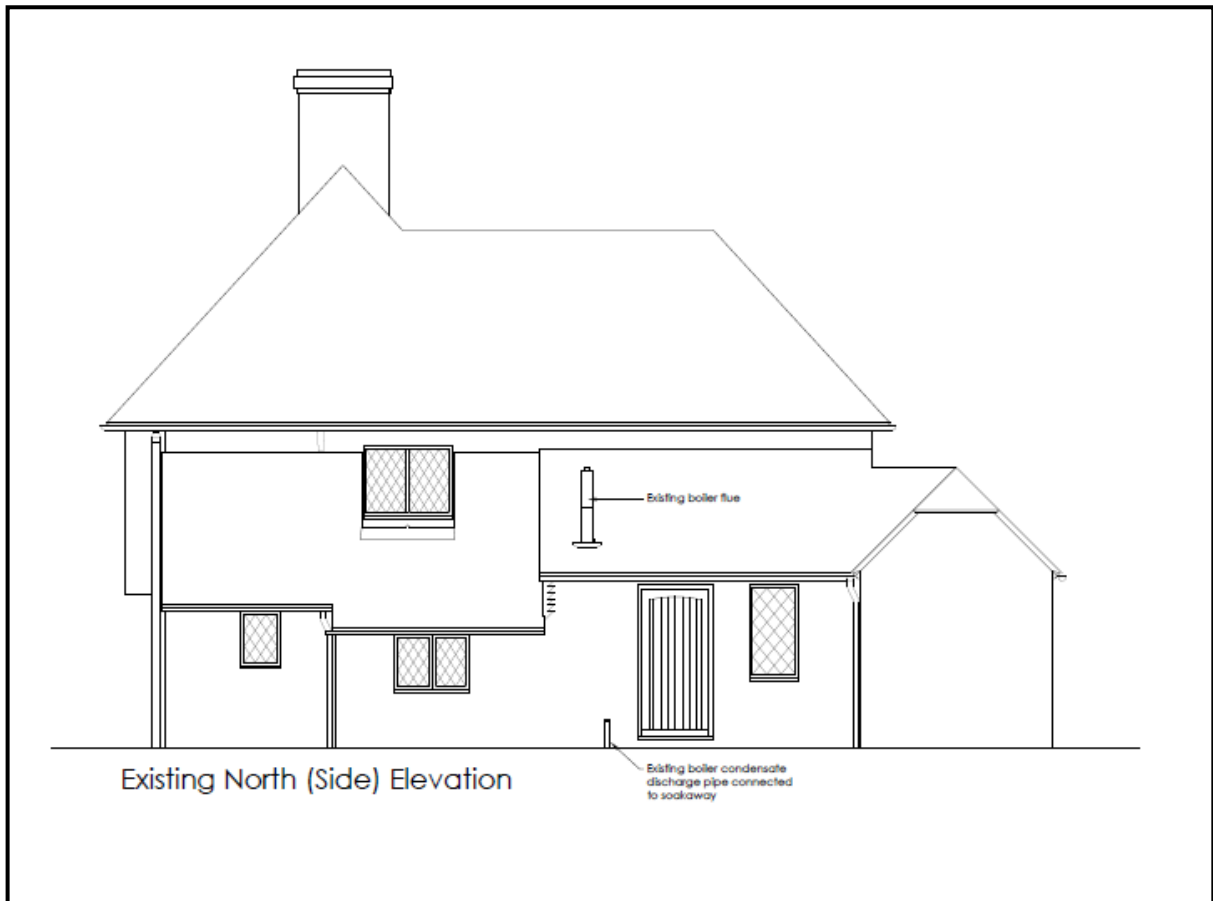
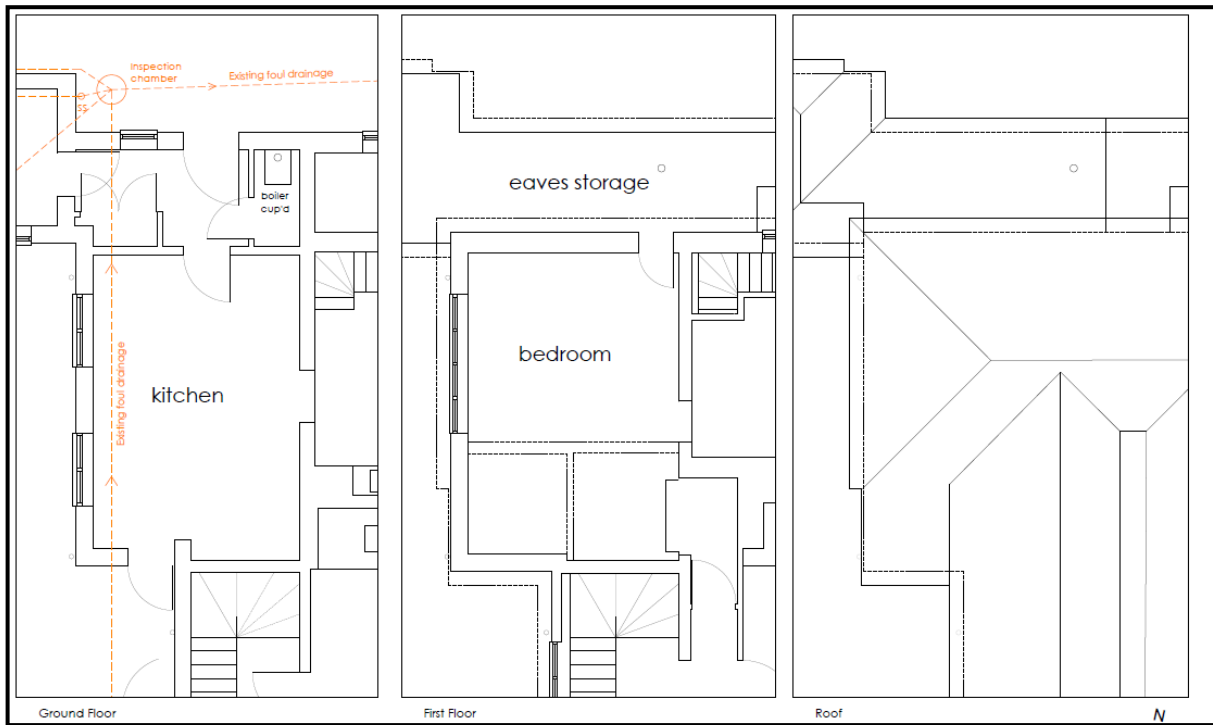


Figure 4 Existing North Elevation

Planning History

5. The following planning history is relevant to the application;-
- 91/01335/AS - Extension and alterations – planning permission granted 19/11/1991.
 - 91/01336/AS - Extension and alterations – listed building consent granted 19/11/1991.
 - 21/01592/AS Erection of 2-bay garage with log store; erection of greenhouse; erection of a gazebo – planning permission granted 18/11/2021.

Consultations

6. **Ward Member(s):** no response received.
7. **Appledore Parish Council:** no response received.
8. **Neighbours:** 5 neighbours consulted, as well as a press advert placed and a site notice put up. No letters of representation received.

Planning Policy

9. 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).
10. 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.

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

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

ENV13 - Conservation and Enhancement of Heritage Assets

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 National Planning Policy Framework (NPPF) was introduced in March 2012 and last updated in 2023. It is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following paragraphs and sections of the NPPF are relevant to this application:-

Paragraph 200 (Proposals Affecting Heritage Assets).

The general approach to considering applications is set out in paragraphs 205 and 206 of the NPPF, and states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

Paragraph 18 of the Planning Practice Guide states that *“Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

National Planning Policy Guidance (NPPG)

Assessment

12. The key area for consideration in the assessment of this application is:
 - Visual Amenity/Heritage

Visual Amenity/Heritage

13. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. In terms of the impact of the proposed development on the character and appearance of the listed building and its setting, it should be noted that the National Planning Policy Framework (NPPF) requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is supported by Local Plan policy ENV13 (‘Conservation and Enhancement of Heritage Assets’).

15. Supporting paragraph 9.125 to policy ENV13 states that: “Ashford Borough is home to a significant number of listed buildings, statutorily recognised as being of particular special architectural or historic interest. They are a valuable and irreplaceable resource for the Borough and the NPPF advises they should be conserved in a manner appropriate to their significance (paragraph 126)”.
16. The partition wall and associated works to provide the en-suite bathroom would be in the modern part of the building as a result of the 1991 consents / permissions and, as such, would not result in the loss of any historic fabric and would not harm the significance of the main listed building. The existing materials for the walls (and eaves) are chip board/plasterboard.
17. The location of the proposed soil stack would be to the northern elevation of the listed building. The stack itself would be 0.77m taller than the single storey eaves level of the associated existing modern extension roof and would sit on the lower part of the said roof, below the existing boiler flue. Given the very limited addition to the property by way of the soil stack, the development as a whole would not be harmful to the character, appearance and significance of the listed building.
18. Conditions have been imposed for materials in terms of the soil stack and ventilation details in order to ensure that the soil stack and extractor fan would respect the character and appearance of the listed building.
19. In light of the above, the development would result in less than substantial harm to the heritage assets, where any such harm would be outweighed by the social benefit through providing suitable and improved accommodation.

Human Rights Issues

20. 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

21. 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

22. The proposed works would represent sympathetic additions / alterations to the listed building which would not detrimentally impact the significance of the listed building. Therefore, the proposed development would comply with the requirements of Development Plan policy and Central Government guidance and I recommend that listed building consent permission is granted subject to the conditions listed.

Recommendation

Permit

Subject to the following Conditions and Notes:

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

1. 3-year standard condition
2. Approved plans
3. Details to be submitted and approved for the soil stack and ventilation

Note to Applicant

Working with the Applicant

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

- offering a pre-application advice service.
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application.
- where possible suggesting solutions to secure a successful outcome.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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/2024/0356)

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