

Application Number	19/01232/AS	
Location	Land south-west of junction of, Bullfinch Avenue, Finberry, Sevington, Ashford	
Grid Reference	02307/39591	
Parish Council	Mersham and Sevington	
Ward	Mersham, Sevington South with Finberry	
Application Description	Outline application for a mixed use local centre scheme comprising 63 residential dwellings, up to four retail units (comprising a convenience foodstore (A1) and up to three A1/A2/A3/A5 units) and a public house (A4), with associated parking. All matters reserved except for site access.	
Applicant	The Ashford Great Park Partnership (C.C. Projects and Cedarvale) c/o agent	
Agent	Mrs C Mcdade, Deloitte LLP, New Street Square, London, EC4A 3HQ	
Site Area	1.07 hectares	
(a) 64/4R	(b) -	(c) KHS- X, KCC SuDS-X, KCC PROW – X, KCC ARCH – X, KCC BIO – X, HE – X, ABC OS – X, ABC Housing – X, ABC Culture – X, EA – X, IDB – X, Police – X, NHS – X, SGN – X, SW – X, KCC Contributions – X

Introduction

1. This application is reported to the Planning Committee because the application is a major development that falls to be determined by the Planning Committee under the Council's scheme of delegation.

Site and Surroundings

2. The site is currently a vacant plot of land of approximately 0.07 hectares located within a wider residential development. Some earthworks have previously been carried out as part of the ongoing development of the area, including the movement of top soil and some levelling operations.
3. The surrounding development within which this site sits and is currently under construction is the residential-led Cheeseman's Green development called Finberry. The current development is being delivered pursuant to the 2nd outline planning approval (11/00473/AS) for a total of up to 1,100 residential units (including a number of live work units and an 80 unit extra care facility) and 70,000 sqm of business floorspace, together with mixed use community facilities, landscaping and public open space. To date there are approximately 500 residential completions.
4. The site is located centrally within Finberry at the main junction of Bullfinch Avenue and Avocet Way.
5. The application site is surrounded to the north and east by residential units with a mix of houses and apartment blocks, the tallest of which is 3-storeys. The 3-storey buildings to Avocet Way, which lie to the east of the application site, include a number of terraced live work units and stand-alone floorspace available for Class B1 use occupation. Planning permission also exists for a 3-storey extra care facility (recently approved but yet to be built) to the south-west of the application site. South of the site is new public space with play equipment and further south beyond that is the 1st phase of the new Finberry Primary School which opened in September 2017.
6. The site is not located within any designated landscape areas and is located within floodzone 1 which is defined as land with a low probability of flooding (<1:1000 probability).
7. **Figure 1** below, details the site location and **Figures 2 & 3** show the site within the context of the wider Finberry development.

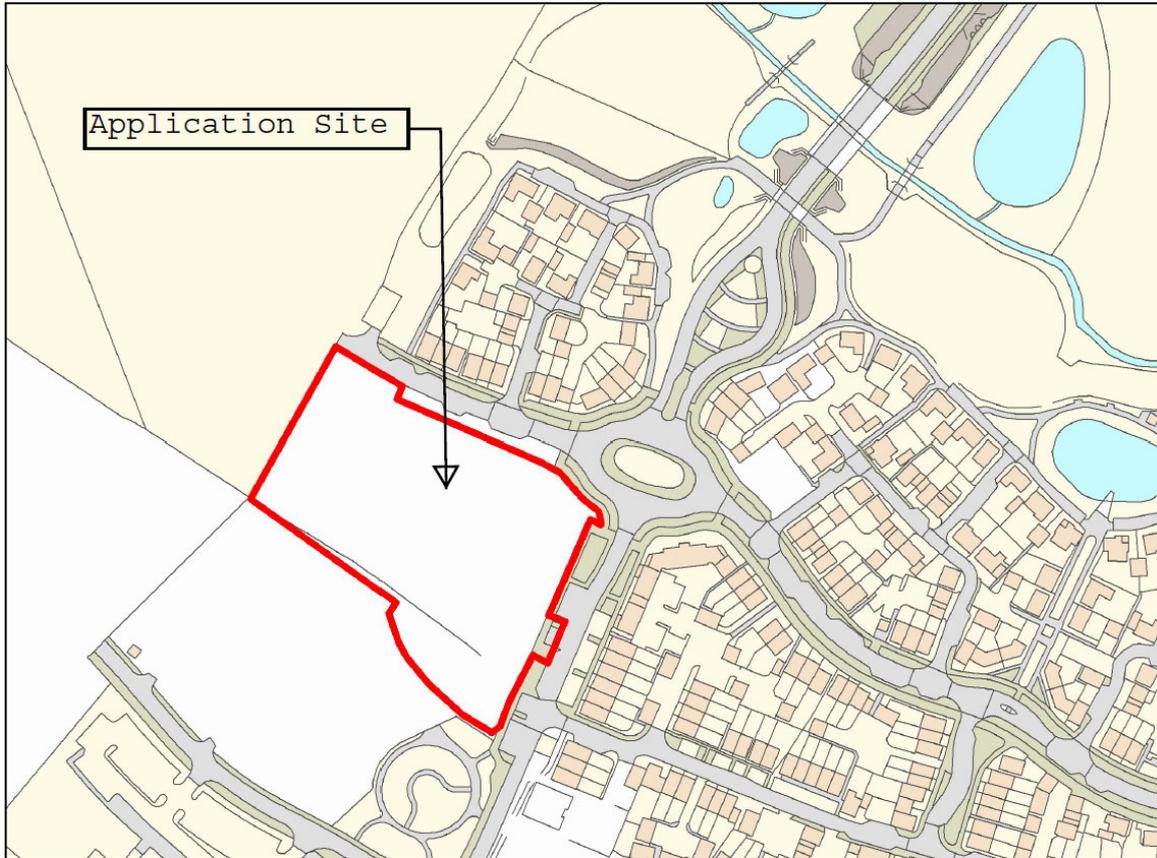


Figure 1: Site Location



Figure 2: Site Location within the Finberry Development



Figure 3: Finberry Masterplan

8. Land immediately located to the west of the site is proposed to be developed at a later date. It is part of the aforementioned outline planning permission but the time period for submission of applications for approval of reserved matters elapsed in early 2016 and so its development cannot come forward under the aegis of the outline planning permission. It is therefore now allocated in the Ashford Local Plan (policy S15) for development with an indicative capacity of at least 300 residential units together with 0.7 hectares of employment floorspace. The thrust of S15 is a more residential-led scheme than that which formed the 1st outline planning permission for the site in 2006. The employment space to be delivered here would comprise an extension to the currently planned central area within which the current application site sits with high density development proposed which would gradually decrease towards the edges of the S15 site to mark a soft transition to the countryside. Site S15 is identified below in Figure 4.

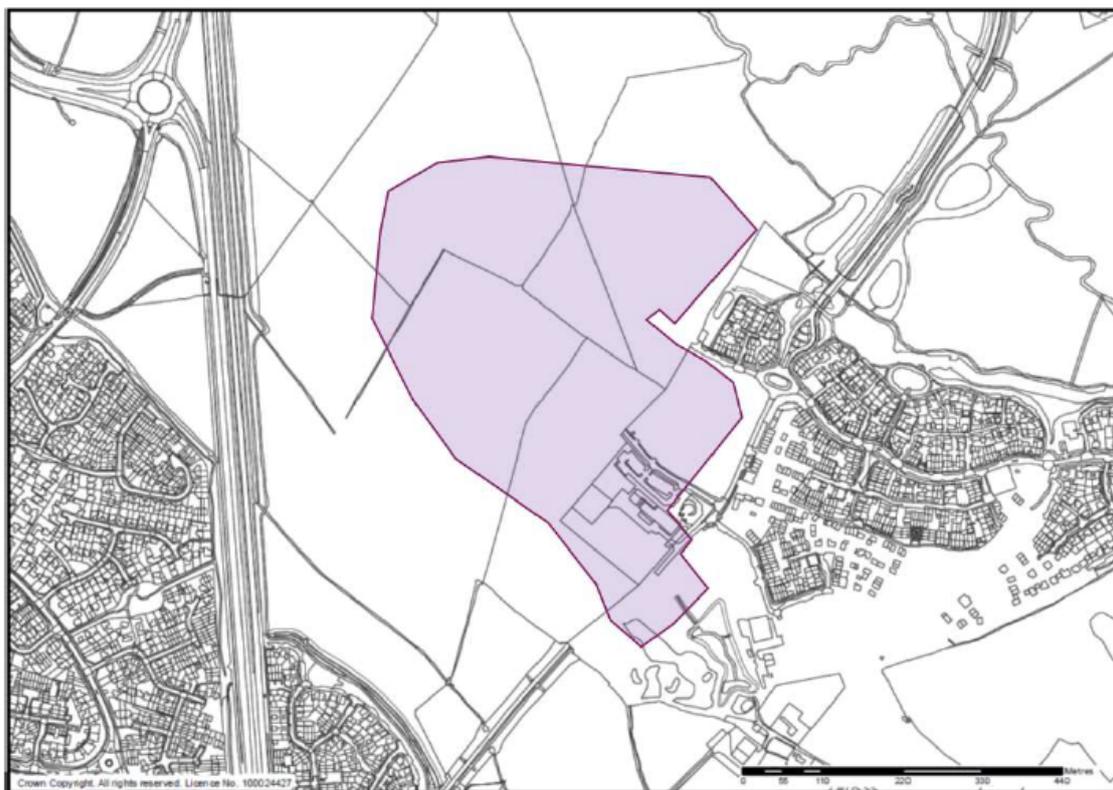


Figure 4: S15 Finberry North West Local Plan Allocated Site

Proposal

9. Outline planning permission is sought for a mixed-use local centre development comprising of 63 residential units (30% affordable housing), up to 4 retail units (comprising an A1 convenience foodstore and up to x3 A1/A2/A3/A5 units) and a A4 public house with associated parking. All matters with the exception of access to the site from Bullfinch Avenue and Avocet Way are reserved for future consideration.
10. Whilst the application is submitted as an outline proposal, the applicant has indicated that the development would comprise of two residential blocks (one 3-storey and one 4-storey) above ground floor retail units. The residential units would comprise a mixture of 1, 2 and 3-bed apartments.
11. Whilst this application is not a detailed application for full planning permission but is an outline proposal, **Figure 5** below, sets out how the site could be laid out and details the two vehicular access points from Bullfinch Avenue and Avocet Way.



Figure 5: Proposed Indicative Site Layout

12. Whilst acknowledging that this application is an outline application with appearance being one of the matters reserved for future consideration, the applicant has indicated that the four storey element of the scheme would be located at the most prominent part of the site, facing the roundabout and continuing along Avocet Way as a place-making decision putting that enhanced scale building in location that has capacity to form a landmark when entering Finberry. It is also proposed that the apartments would all have balconies and facades would comprise a selection of materials to compliment the surrounding development. An example of how the development could look are shown in **Figures 6 - 8** below.



Figure 6: Indicative view entering Finberry from the north



Figure 7: Indicative view from the car park entrance to Bullfinch Avenue

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Figure 8: Indicative design proposals

13. This application is proposed as an alternative scheme to planning permission 15/01435/AS granted in 2017 for a foodstore (Use Class A1), three retail units (Use Class A1) and a public house / restaurant (Use Classes A4 and A3), with associated parking, landscaping and ancillary works. Whilst this permission remains extant and could still be implemented, the applicant proposes the changes due to a lack of market demand for of foodstore of the scale previously proposed and approved. Furthermore, planning permission has recently been granted for a supermarket at Waterbrook Park (an A1 superstore of up to 2,323 sqm) under hybrid permission 18/00098/AS. The Waterbrook S106 legal agreement requires that work shall not commence on that approved superstore until planning permission has been granted for a foodstore at Finberry and the Council has been notified in relation to its commencement. This s.106 obligation is to ensure that the Finberry development would not forego its much needed retail offer as a result of the decision on the Waterbrook scheme and the market preference for opening a superstore with greater presence to the A2070.
14. The applicant has submitted a number of documents in support if the application. These are summerised below:

Planning Statement (PS)

PS.1 - In October 2015, a reserved matters application was submitted at the site (15/01435/AS) for a food store, 3 small retail units and a public house/restaurant forming the western side of the entrance to Finberry. This application was subsequently approved in July 2017.

PS.2 - A hybrid planning application was submitted for a mixed use development at nearby Waterbrook Park in January 2018 (18/00098/AS). This application included an A1 retail superstore. This planning application was approved by the Council in August 2019 and the S106 agreement requires that the retail floorspace shall not commence until the local shop (defined as the proposed A1 food retail unit forming part of the Finberry local centre on Avocet Way and Bullfinch Avenue), has planning permission and notice has been served on the Council setting out an intention to commence construction of the local shop.

PS.3 - The scheme forms part of the wider Finberry development providing local shopping facilities, additional housing and social space for the community in a central, easily accessible location.

PS.4 - The parameters that guide the development include two access points to separate the residential and commercial parking and their servicing requirements and a mix of commercial floorspace (1 foodstore, 3 small retail units and a public house).

PS.5 - The design principle proposed include providing an active frontage to Avocet Way, a green spine, pedestrian linkages, the setting of the approved extra care facility and a landmark corner at the junction of Avocet Way and Bullfinch Avenue.

PS.6 - The feasibility work has been guided around providing a smaller anchor foodstore of approx. 400sqm as opposed to a larger supermarket which had previously been approved at this site. The smaller store is intended to provide a 'top-up' convenience offer. Whilst this would be a smaller unit, it would still attract footfall to the area and would be supported by up to three further smaller retail units which would provide for other retail need in the area, weather this be convenience or comparison. This would reflect the requirement in the Finberry S106 which required the provision of three small retail units.

PS7 - Combined the retail units would reduce the reliance of Finberry residents to travel by car to other centres for their convenience and comparison shopping. The Waterbrook development would provide a new full size foodstore for weekly shopping trips.

PS.8 - 30% of the dwellings are proposed to be affordable in line with ABLP policy HOU1.

PS.9 - The development proposes to retain the previously approved foodstore.

PS.10 - The residential uses have been shown in the indicative drawings as being split into two blocks, offering a range of 1, 2 and 3 bed apartments. All apartments would be sized to meet or exceed the minimum space standards as well as the relevant guidance set out in the Residential Space and Layout SPD produced by ABC. A mixture of partially enclosed and simple balconies would be offered, reflective of other blocks in the area.

PS.11 - The illustrative drawings have considered how a development of the proposed mix, including the necessary amenities and appropriate levels of car parking, can be accommodated and organised within the plot which remains viable and meets many of the policy requirements set out in the ABLP.

PS.12 - The scale of the development would be taller than the original reserved matters scheme by virtue of including residential use above the commercial uses. The indicative heights are predominantly three storeys. One of the development parameters was to consider increased height on the corner of Bull Finch Avenue and Avocet Way. The ambition is to provide a landmark on the key gateway into Finberry.

PS.13 - The illustrative plans would retain a uniform width of two residential units plus corridor across the development. The tallest areas of the development are proposed to be located away from the extra care facility as well as the green spine which runs along the southern boundary of the site, the scale shown would not impact on the setting or purpose of either of these developments.

PS.14 - The scheme at this indicative scale could yield an additional 63 residential units which could sit alongside the commercial uses proposed as part of the local centre whilst respecting the surrounding development.

PS.15 - The site can offer a high level of permeability both into and within for pedestrians and cyclists. Permeability into the site would be provided by the opening facing Bullfinch Avenue.

PS.16 - Detailed permission is being sought for access to the Site for vehicular movements at Bullfinch Avenue and Avocet Way. Proposed are two indicative parking areas served by the two points of access, with space to provide 95 dedicated parking spaces for the residential area and 71 parking spaces to the commercial area.

PS.17 - Of the 166 parking spaces provided, 25% of the spaces can be fitted to provide electric car charging points by providing ducting. Futureproofing the development in this way is consistent with the direction of travel on renewable energies both nationally and locally.

PS.18 - Deliveries for the retail units and pub would take place from laybys adjacent to the entrance to the south-western car park. Refuse collection for retail uses and the proposed pub would follow a similar procedure. Access for retail/residential refuse collection will be from both Bullfinch Avenue and Avocet Way, whereas pub refuse collection will only take place from Avocet Way.

PS.19 - Cycle parking would be in accordance with the Council's standards and would be provided internally where possible.

PS.20 - The proposed development would fit in with the site wide Scheme of Minimum Environmental Requirements and Sustainable drainage systems (SuDS) currently implemented for the wider Finberry development. A number

of ways are proposed to reduce surface water runoff from the Site, which includes methods such as water attenuation tanks, permeable paving and landscaping swales.

PS.21 - In terms of biodiversity, the proposed development would also include habitat creation and the enhancement and provision of green corridors to ensure species can move through the site.

PS.22 - The proposed development will connect in to the existing utilities network surrounding the site.

PS.23 - The applicant considers that the development meets the requirements of both the Local Plan policies and central Government guidance set out within the NPPF.

Statement of Community Involvement (SCI)

SCI.1 - The revised scheme was first discussed with ABC and KCC and officers comments have informed the scope of the application.

SCI.2 - The applicant, working alongside Crest Nicholson as the development partner for the wider Finberry development, has sought to engage with the local community to ensure they are kept abreast of the proposed development which is being brought forward. Within Crest Nicholson's marketing suite, an information communications board has been put on display showcasing the proposed development.

SCI.3 - Consultation was carried out with local residents and other key stakeholders through a half-day public consultation held on 6 June 2019. The event was advertised through a flyer drop to neighbouring properties and social media and approximately 1,000 letters and flyers have been distributed in total.

SCI.4 - Overall, the majority of the attendees were in favour of the proposed development being delivered at the Finberry local centre. The provision of a convenience food store was strongly supported and considered a much-needed amenity for the residents living locally. Issues raised included concerns around the height of the development, noise from the public house and general impact on residential amenity.

Design and Access Statement (D &A)

D&A.1 - A previous application was made for a standalone foodstore, however following changes in market conditions it was felt that a more modest

retail presence accompanied by residential accommodation would be more appropriate.

DA.2 - A number of the buildings and parcels of the wider site at Finberry are already complete. Aspects from this established context would be referenced in the proposals to complement the surroundings as well as define the local centre as a separate element in the built landscape.

DA.3 - The layout of the site has been informed by the location of the gateway to the masterplan. Located at the corner node of the roundabout, the most prominent part of the site would be occupied by the proposed retail unit at ground floor. Above this would be three storeys of residential apartments. This element would continue south along Avocet Way containing retail units at ground floor with residential accommodation above. Ancillary uses are positioned to the north western end of block 2 at ground floor with residential uses contained within block 1 throughout.

DA.4 - Permeability to the site would be provided by the opening in the building form facing Bullfinch Avenue. This gap would contain a pocket park, an area of richer planting which would be attractive and also provide a counterpoint to the built form. Views through the site would be afforded at this point linking together pedestrian axes along Bullfinch Avenue and the green spine adjacent to the extra care site.

DA.5 - The approach to the site interior as a courtyard was supported during discussion with the planners. Access via a walk through between the retail units was also supported and there is potential to wrap the active frontage around this corner as well as introduce entrances to some of the retail units from this covered area. Where possible, ancillary uses such as plant and cycle stores would be placed away from areas of high pedestrian activity to maintain the efficacy of active frontage. The exception to this would be the centralised plant and cycle store to the larger block. It is proposed that this could be dealt with by bookending the elevation with active frontage to the east and west ends and the placement of the pocket park to the cut through in the building form.

DA.6 - It is proposed that the development would be split into two blocks, accommodating a mixture of 1, 2 and 3 bed apartments.

DA.7 - Policy HOU1 calls for 30% of the apartments to be affordable. Provision for 20 affordable housing units has been allowed for, 2 of which would meet the requirements of Approved Document M4(3) as wheelchair accessible apartments. This would be detailed at the reserved matters stage.

DA.8 - The proposed height of the development would vary between 3 and 4 storeys. The four storey element would be located at the most prominent point of the site, facing the roundabout and continuing along Avocet Way. Balconies

would be sized to meet or exceed the requirements set out within Policy HOU15. It is proposed that there would be a mixture of partially enclosed and simple balconies, in keeping with others in the area.

DA.9 - Materials would be intended to complement and reflect the surrounding building materials. In developing the detail design of the facades the applicant would be mindful to avoid inactive facades, on similar schemes the incorporation of openings and recessed panels aligned with windows above create a cohesive facade language and this will be considered.

DA.10 - Parking would be split between two car parks, with 95 parking spaces to the north west area (residential) and 71 to the south east area (pub/retail).

DA.11 - Future provision of electric car charging points can be facilitated to target 25% of the total number of spaces by providing ducting ready for installation at a later date.

DA.12 - Deliveries for the retail units and the pub would take place from laybys adjacent to the entrance to the south western car park. Delivery vehicles would be able to drive around the car park so that they can enter and leave the site in a forward direction. Refuse collection for the retail, pub units and block 2 would follow the same procedure as that for deliveries. Access for refuse collection from block 1 would be from Bullfinch Avenue. Reference to 'Design Guidance Note 1' has been made when considering the layout of the car park and location of the bin stores. Full tracking of these routes demonstrates that the collection vehicle can manoeuvre around the car park.

DA.13 - Routes into and across the site would provide a good level of permeability and easy access to the entry points of each block. Cycle stores would be centrally located within block 2 providing space for a minimum of 101 cycles, although 112 are currently shown on the plan. Discussions with ABC have indicated that the centralised location is acceptable as it is preferable to the management company and has benefits for security. Externally located cycle parking spaces can be provided to serve the non-residential elements of the proposal.

DA.14 - Sustainable drainage systems can be implemented at this development in order to meet the requirements of the Local Plan. Details of these are to be confirmed, however a variety of water attenuation systems can be designed in order to reduce surface runoff from the site. These may include water attenuation tanks, permeable paving and landscaping swales.

Transport Statement (TS)

TS.1 - Included in the original Finberry development proposal was a medium sized supermarket and a pub/restaurant. The development was subject to substantial highway infrastructure requirements to create access and mitigate

its impact on the network together with SPG6 payments for further mitigation of transport impacts.

TS.2 - Reserved Matters approval was granted in 2017, on the current application site, for a supermarket of 2600sqm and a pub/restaurant of 460sqm. A Transport

TS.3 - Note was prepared to identify the traffic generation characteristics of this development and to assess the single access capacity. There were no highway or transport objections to that proposal, or requirements for highway infrastructure contributions.

TS.4 - The development now proposed will generate significantly less traffic than the 2017 consent, generally less than 50% of that proposal throughout the day. The convenience store is a much smaller unit than the supermarket in the 2017 permission and although the 63 apartments are additional to the 1100 residential units in the 2006 outline permission, the overall level of traffic from the Finberry development will remain well below previously approved levels.

TS.5 - The current proposals are wholly sustainable as they provide local facilities, located on the central pedestrian/cycle spine in the heart of the Finberry development. This will reduce the need for thousands of residents to drive elsewhere for those facilities, and is the very essence of sustainability in the wider context of the entire Finberry development.

Land Quality Report (LQ)

LQ.1 - The report concludes that the risks to the identified human health, controlled waters, property and ecological receptors would be low.

LQ.2 - There would be few potential sources and no contaminative industries, landfills or fuel stations have been identified within 500 m of the site. Potential sources of contamination are limited to the use of fertilisers and pesticides during agricultural activity undertaken more than 5 years previously or unrecorded pollution incidents (e.g. fuel spills) and the unknown nature of material from wider Finberry development earthworks.

LQ.3 - There are a lack of groundwater receptors, the lack of superficial deposits, low permeability Weald Clay, formation bedrock and lack of aquifers at depth means the only controlled waters receptors are surface waters (e.g. East Stour river, Ruckinge Dyke, and ponds connected to East Stour River) which are all over 190 m from the site.

LQ.4 - There are a lack of groundwater pathways and the low permeability of the underlying geology means groundwater migration has not be considered as a potential pathway, which further reduces the risk to controlled waters.

LQ.5 - There are limited human health pathways. Although future human health receptors would be present onsite, the proposed development would comprise hardstanding and no gardens, therefore reducing risk by removing key exposure pathways.

LQ.6 - No ground investigation data is available for the site and therefore ground conditions at the site (including geological depths, soil quality and hydrogeological conditions) have not been confirmed.

LQ.7 - Limited ground investigation is recommended to confirm the nature and quality of ground conditions. Including appropriate sampling and geoenvironmental analysis of soil and confirmation of anticipated geology through appropriate logging of exploratory holes. The site investigation scope should be commensurate with the Low risk classification of the site and is required for confirmatory purposes only;

LQ.8 - If potential sources of ground gas generation (e.g. soils with high organic content or putrescible waste) are encountered during ground investigation, further ground gas risk assessment should be undertaken;

LQ.9 - If the ground level is to be raised, appropriate sampling and geo-environmental analysis of imported material should be undertaken to ensure it is appropriate for use on the site; and

LQ.10 - If visual or olfactory evidence of contamination is identified during ground investigation, earthworks or construction then a competent contaminated land professional should be contacted to determine an appropriate investigation, mitigation and validation of proposed measures.

Utilities Statement (US)

US.1 - The proposed development area is unaffected by existing gas, electric or telecommunication apparatus. However, the proposed site access roads, off Avocet Way and Bullfinch Avenue, are in conflict with existing utility underground apparatus and diversionary or protection works will therefore be required.

US.2 - It is not possible to determine whether the proposed Finberry Local Centre is directly affected by the existing potable water and sewer apparatus. It is recommended that further investigation is undertaken with both the water and sewer network operators and the residential developer to determine the

ownership and location of the apparatus adjacent to the proposed development area.

US.3 - The gas and electricity distribution networks adjacent to the proposed development site are owned and managed by GTC, an independent network operator and independent gas transporter. It is not possible to determine the capacity available in the gas and electric networks, so it is recommended that detailed enquiries are made to GTC to determine whether capacity is available to provide gas and electricity connections to the proposed new development.

US.4 - It is standard procedure for Openreach to provide Fibre to the Premises (FTTP) to all residential developments over 30 plots free of charge. However, charges may apply for the provision of connections to the commercial units.

US.5 - for the provision of water supply, it is necessary to make a Predevelopment Enquiry to South East Water to determine a suitable position to connect to their potable water network. The pre-development enquiry response will provide information on whether capacity is available and provide information regarding the off-site point of connection location.

US.6 - Based on the information obtained from Southern Water, until the ownership of the foul and surface water sewers is transferred to Southern Water, it will may not be possible to apply for Southern Water to carry out a Predevelopment Enquiry to determine whether sufficient capacity is available and provide details for the point of connection for the foul flows to the existing network. It is recommended further detailed investigation is carried out both in conjunction with Southern Water and the existing residential developer, to determine the necessary actions necessary.

Noise Statement (NS)

NS.1 - An assessment of the noise impact of the proposed development at Finberry pursuant to planning application number 02/00278/AS, was prepared as part of an Environmental Statement (ES) for the development in 2002. Subsequently approval was granted for the renewal of the Outline Planning application in 2012 (Planning Application Number 11/00473/AS).

NS.2 - The original 2002 ES identified three classes of on-site roads (ES Para 12.23) – the principal access road between East Stour Village and the A2070, with local distributor roads and major access roads within the village envelope.

NS.3 - The ES identified the three main methods for limiting the spread of traffic noise (ES Para 12.29) as being control at source (“quiet” surfaces/speed control), along the propagation path (spatial separation/barriers/mounds) and at the receiver (building orientation/internal layout of rooms/noise insulation). Table 12.4 of the ES shows the corresponding typical distances, assuming the first two control strategies, which would be appropriate between each class of road and noise-sensitive development.

NS.4 - As noted in Para 12.32 of the ES, for successful development in the vicinity of the distributor road, it may be necessary to consider the adoption of façade insulation, depending upon the distance between the noise-sensitive properties and the road.

NS.5 - The original 2002 outline proposal included broad development and land use zones. In total, there were around 1,100 residential units planned for the Finberry site.

NS.6 - The 2019 proposal included four retail units, including a smaller food store, and a pub. In addition, the current proposal also introduces 63 residential units onto this area of the development site, these units would be flats/apartments and would be sited both adjacent to, and above, the proposed retail units.

NS.7 - Traffic assessment has been carried out that compares the traffic for the latest design with the traffic generation figures from the approved 2017 scheme. The current proposals generate significantly less traffic than the 2017 consent for a Supermarket and Pub/Restaurant. The design from the current application is expected to generate less than 50% of the traffic from the 2017 permission, with the overall level of traffic from the Finberry development well below approved levels. Given the level of traffic assessment provided in the 2002 ES, it is considered that no revisions are required to update the road traffic noise assessment from the ES.

NS.8 - In addition to the noise from the roads, the residential properties may be affected by the noise from cars accessing the car park such as closing of the doors and engine noise, particularly at night, but this will be largely dependent on the opening times of the public house and retail units. There is also the potential for noise from any heating, ventilation and air conditioning units, and/or chillers, in the retail units and the kitchen of the public house.

NS.9 - Noise from the public house could also affect the residential properties. This could be a matter for the licensing agreement for the venue, which will need to consider the noise from music, and from people using entrances, smoking areas and beer gardens. Where possible, entrances and outdoor areas should not be located near to residential windows, and the provision to play music at the venue should be investigated.

NS.10 - If this revised application is approved, then the internal noise criteria set out in BS8233 can still be achieved. An appropriately experienced Acoustic consultant should be engaged, as the design progresses, to undertake detailed design for building elements such as glazing and facade build up.

NS.11 - Noise issues associated with the operation of the pub and retail units particularly at night (use of car park, ventilation, music, punters) will be considered at the detailed reserved matters stage. Planning conditions may also be imposed for the units, and the public house, from the outline stage.

Flood Risk Assessment (FRA)

FRA.1 - The FRA has reviewed the existing risk of all forms of flooding at the Local Centre of the Finberry development site and considers whether there will be the potential for a change in flood risk as a result of the proposed development.

FRA.2 - The site is located within Flood Zone 1 and is not at risk of fluvial or tidal flooding, even when considering 100 years of climate change scenarios.

FRA.3 - The site is not at risk of groundwater flooding however, the ground conditions of the site are a constraining factor for the free drainage of the site.

FRA.4 - The most significant risk to the site is surface water (pluvial) flooding and sewer flooding.

FRA.5 - The proposed surface water drainage strategy for the site is in line with the site wide strategy developed in 2015 (Atkins, 2015) and includes provision of SuDS techniques such as detention basins, geocellular units and permeable paving.

FRA.6 - The revised plans for the site have been assessed in the drainage report (Doc No. ATK/000/004). Resizing of the geocellular units within the site has negated the need for amendments to the Nib detention basin.

FRA.7 - The drainage strategy for the site has been designed to accommodate changes to future rainfall intensities under climate change scenarios (up to a 40% increase).

FRA.9 - The proposed foul drainage strategy for the site is in line with the site wide strategy developed in 2015 (Atkins, 2015) and includes a network of foul sewers that will gravity drain the foul flows to the terminal pumping station. The pumping station was designed to accommodate site wide flows and as such is confirmed to have the capacity to receive flows from the Local Centre site.

FRA.10 - With the proposed surface water and foul drainage strategy in place the proposed Local Centre development will not be at risk of flooding and will not increase flood risk to neighbouring sites. The local Centre site is therefore considered to be appropriate for the level of risk and in line with the requirements of NPPF.

Drainage Report (DR)

DR.1 - It is proposed that the foul drainage from the Local Centre will be discharged by gravity to the terminal foul pumping station for the overall Finberry site. This would be operated by Southern Water and would discharge to the Ashford network from which it would drain into the sewage treatment works.

DR.2 - The surface run-off for the Local Centre would be drained to the East Stour River via the outfall to the north of the site. Upstream of this outfall, there is an attenuation basin and flow control would reduce flow rates, discharging to the river to equivalent, pre-development rates. To prevent this basin becoming overwhelmed by discharges from the Local Centre additional upstream storage would be provided in geocellular units under the car parking areas of the Local Centre and this storage mobilised by a flow control at the discharge point from the Local Centre site.

BREEAM Pre-Assessment Report (BPA)

BPA.1 - The BREEAM pre-assessment has been undertaken as part of the requirement set out in Policy ENV11 of the Local Plan. The requirement of the policy is that all major non-residential developments achieve a BREEAM 'Very Good' rating, targeting the water consumption credits.

BPA.2 - The retail elements of the proposals are intrinsically linked with the residential use and in a lot of cases it has been hard to separate the environmental impacts of the development at the outline stage. However, this report shows that at the current stage of the scheme, a very good rating is achievable, targeting the water consumption credits, which complies with the requirements of Policy ENV11.

BPA.3 - As the scheme is refined at the reserved matters stage, it will be clearer where credits can be targeted and as such a higher score could be achieved, therefore exceeding the minimum requirements.

Arboricultural Impact Assessment (ARB)

ARB.1 - A tree survey has been undertaken in accordance with BS 5837:2012. The survey works focused on all trees within and adjacent to the site as shown on drawing number 180509 SK_10-P03.

ARB.2 - The existing trees are a combination of planted and self-sown trees and shrubs growing within and around the boundary of the site. The only vegetation within the site is hedgerow H001, which contains a variety of species and has not received any recent management. The hedgerow is in three parts, H001A-C, which have been formed after past clearance works. The remaining trees are planted specimens growing along the new road infrastructure, forming avenues of tree planting.

ARB.3 - There are no TPOs within the site and it is not located within a Conservation Area.

ARB.4 - The development would result in the removal of category C2 hedgerow within the footprint of the development. A category C2 Field Maple is also proposed to be removed. This Field Maple is considered to be of a low quality as defined by the BS category grading. In addition, the tree and hedgerow are located internally to the site, meaning their removal would not impact on any screening value of surrounding trees.

Planning History

A comprehensive planning history of the Cheeseman's Green development site is detailed below:

02/00278/AS – Outline planning permission granted in 2006 for the erection of for 1100 houses and 70,000 square metres of business floorspace together with mixed use community facilities, access roads, footpaths, cycle routes, landscaping and public open space. This application was subject of an s.106 agreement signed in 2006.

09/00081/AS – Reserved matters (all matters) application approved for the erection of 43 new residential units on land at Bilham Farm, alterations to Bilham Farmhouse (in connection with its continued residential use), garaging/parking, service areas and internal access roads for the residential development, construction of a new junction on A2070, construction of principal access road and necessary distributor roads to link the A2070 to the Bilham Farm site, surface water compensation measures and landscaping (incorporating ecological habitats). This phase is known as the Bilham Farm phase.

09/01566/AS – Reserved matters (all matters) approved for the erection of 140 new dwellings ('Stour Meadows'), landscaping, parking areas, amendments to the approved access road, amendments to distributor road A, and surface water drainage measures. This phase is known as Stour Meadows.

10/00672/AS – Planning permission granted for the construction of an interim junction to include a left in/left out access from the A2070, improvements to Orbital Park roundabout, amendments to the principal access road including the gateway to the development site and associated landscaping and flood compensation measures.

10/01277/AS – Reserved matters approved for the erection of 245 new dwellings ('Green Street') with associated parking, landscaped areas, Construction of 245 new dwellings with associated parking, landscaped areas and internal roads for the residential development, amendments to distributor roads A and B, details of distributor road C and surface water drainage measures.

11/00473/AS - Variation of Condition 32 of outline planning permission 02/00278/AS and an addendum to the Environmental Statement.

(NOTE: This resulted in a new outline permission being issued together with a new S.106)

13/00294/AS – Planning permission granted for two pumping stations.

14/00174/AS – Reserved matters application for the erection of 42 dwellings with associated parking, landscaped areas and surface water drainage measures (Village Centre gateway phase). (Withdrawn due to an alternative permission being granted).

14/00535/AS – Application under S106A of the Town and Country Planning Act 1990 to modify the planning obligation of 30 January 2006 as varied by Deed of Modification dated 20 July 2012 concerning the funding toward Secondary Education. Refused.

14/00536/AS - Application under s106A of the Town and Country Planning Act 1990 to modify the planning obligation of 30 January 2006 as varied by Deed of Modification dated 20 July 2012 concerning the provision funding toward the provision of a Railway Bridge. This application is currently being considered.

14/01075/AS – Reserved matters application approved for the construction of 113 new dwellings with associated access, parking and landscaping to include details of the captain's wood locally equipped area of play ('Captains Wood phase).

14/01325/AS - Reserved matters application approved (all matters) for details of cycle and pedestrian access, installation of fences, gates and site furniture including outdoor fitness equipment, educational/information boards and way markers with

associated landscaping, ecological and management plans. This application related to Captains Wood.

15/00544/AS – Application for advertisement consent approved for the display of two non-illuminated advertisement hoardings at Finberry.

15/00356/AS – Application under s106A of the Town and Country Planning Act 1990 to modify the planning obligation of 30 January 2006 as varied by Deed of Modification dated 20 July 2012 concerning the provision of mixed use units (also known as live work units). This application has since been withdrawn and will be taken forward in a deed of variation to the s.106 agreement likely later in 2020.

15/000569/AS – Full planning application granted relating to details of strategic surface water drainage including, attenuation basin and underground geo-cell attenuation, formation of newt/reptile mitigation area, landscaping features, ecological and landscape management plans, and associated works. This application amends some of the details previously approved under 09/00081/AS.

15/00648/AS - Planning permission granted by Kent County Council for the creation of a 2- form entry primary school comprising a two storey building, access, car parking and pick up/drop off bays, external play areas including a MUGA, informal play area and grass playing field and hard and soft landscaping.

15/00806/AS – Application for reserved matters for distributor road D - with associated access and works, including footpaths, parking, landscaping and part of distributor road C. (Withdrawn following approval of an alternative scheme).

15/01442/AS – Full planning permission granted for the erection of an electrical substation with associated vehicle crossover & parking.

15/01435/AS - Application for approval of reserved matters for the development of a foodstore (Use Class A1), three retail units (Use Class A1) and a public house / restaurant (Use Classes A4 and A3), with associated parking, landscaping and ancillary works. **The current application seeks an alternative development to this permitted scheme.**

15/01586/AS - Application for approval of reserved matters for access, appearance, landscaping, layout and scale for the construction of 67 new dwellings/apartments including 9 live-work units, Class B1 (office) floorspace, with associated parking, landscaped areas, internal roads, details of distributor roads D, D1 and part of C, and surface water drainage measures. Approved under delegated powers in March 2017.

15/01663/AS - Application for reserved matters approved for the construction of an 80 unit extra care facility with associated parking, landscaped areas, and surface water drainage measures and associated works.

16/00124/AS – Application for reserved matters approved for the construction of 86 new dwellings with associated access, parking, landscaped areas, internal roads for the development, details of part of distributor road C and surface water drainage measures.

16/00125/AS – Application for reserved matters approved for the construction of 326 new dwellings with associated access, parking, landscaped areas including a neighbourhood play area, internal roads for the development, details of distributor roads E and F, Waterbrook Link Road, a district play area north of Captain's Wood and surface water drainage measures.

19/00052/AS – Application for full planning permission for the construction of 17 dwellings (Use Class C3) with associated access, parking and landscaped areas. Resolved to be granted subject to S106.

Consultations

Ward Members: The Ward Member, Councillor Bartlett is not a member of the Planning Committee and has made no comments in relation to this application.

Mersham and Sevington Parish Council: No comments.

Kent Highways and Transportation: No objections subject to conditions.

KCC Flood and Water Management: No objections subject to conditions. State that the principles proposed are acceptable, namely the use of attenuation crates within the car park area of the local centre with the outflow being limited to a discharge rate of 4l/s/Ha so as to not inundate the receiving basin.

KCC Public Rights of Way: No objections subject to informatives.

KCC Heritage (Archaeology): No objections subject to conditions.

KCC Ecology and Biodiversity: No objections subject to conditions.

Highways England – No objection subject to assessment under SPG6.

[SPM comment: The development proposed is an alternative scheme to application 15/01435/AS and would, in my opinion, generate less traffic. It is not considered that an SPG6 requirement is justified for this replacement].

ABC Environmental Health Manager: Requests electric vehicle charging points to address air quality and the imposition of conditions in relation to any unexpected contamination, construction management, noise and lighting.

ABC Refuse: Requested revised tracking information which has subsequently been submitted by the applicant. Also draws the applicant's attention to the required specifications for bin stores and advises that the developer is responsible for funding

bins.

[SPM comment: any reserved matters application will need to comply the Council's bin guidance].

ABC Housing Services: No objections commenting as follows:

- The site lies in the hinterlands area as defined in Policy HOU1. There will be an expectation of 30% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 20% of the total dwellings made available for affordable home ownership (of which 10% of the total dwellings should be shared ownership).
- The application suggests that 63 residential dwellings are coming forward on the site. Therefore, there is an expectation (and policy complaint position) is that 19 of these homes will be made available for affordable housing with 6 homes made available for affordable rent and 13 homes for an affordable home ownership product, 7 being shared ownership and 6 being either shared ownership or a low-cost home-ownership product agreed by the Development Partnership Manager within the authority.
- The council is broadly happy with the mix proposed. This will need to be discussed during the formation of the s106 agreement and appointment of a registered provider to ensure compliance with policy HOU1.
- The properties should meet the Nationally Prescribed Space Standards. In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard.

ABC Open Spaces and Landscape: No objections subject to S106 obligations in relation to sports provision (indoor and outdoor), play and strategic parks.

Environment Agency: No comments.

Clerk and Engineer to The River Stour (Kent) Internal Drainage Board: No objections. Comments as follows:

- Any works likely to affect any ordinary watercourse on this site will require the IDB's prior written consent, in accordance with the Land Drainage act 1991 and IDB Byelaws.
- Surface water runoff is to be restricted to 4l/s/ha, in accordance with ABC Policy, which is supported. Unfortunately all on-site storage is to be provided by underground tanks, whereas open storage provides additional benefits (it

is acknowledged that this closed system discharges to an open balancing pond).

- Provided that the details of on-site SuDS and its future maintenance are agreed with KCC's SuDS team it is not expected to affect IDB interests.
- Any permissions should require a Verification Report; to ensure that the drainage system is implemented and maintained as approved (a number of hydro-brakes were not installed in nearby developments until checks were made).

Kent Police: Comments that Kent Police would welcome a discussion about designing out crime prior to a reserved matters application.

Kent Fire and Rescue: No comments.

NHS: No objections commenting that the CCG has assessed the implications of the proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. As such it requests that developer contributions are secured via S.106 agreement.

Southern Water: No objections stating that Southern Water can provide foul sewage disposal to service the proposed development. States that alternative means of draining surface water from this development are required that should not involve disposal to a public foul sewer. Requests conditions and informatives in relation to these matters.

Southern Gas Networks: No objections

KCC Economic Development: No objections subject to contributions in relation to primary and secondary education, community learning, youth services, library book stock and adult social care.

64 neighbours consulted, **4** letters of objection received. Issues summarised below:

- Existing residents had been told that there would be one or two retail stores and a restaurant or pub built. The amended scheme would impact views and light as a result of being 3 storeys high (no objection to 2 storeys).
- The development would be disruptive, noisy, dirty and inconvenient the end result will bring too much traffic and noise.
- Concerns about anti-social behaviour from a pub and any late-night licences that could potentially be granted.

[SPM Comment: Planning permission already exists for a public house/restaurant on this site. The public house would be subject to licencing].

- What are the other units going to be and what are the restrictions/resident safeguardings?

[SPM Comment: The units would be A1 retail and could be A2 professional and financial services, A3 Restaurants and cafes or A5 hot food takeaway.

- Why is there not a village hall type building included in the plan?

[SPM Comment: A sports and community facility will be subject to a separate application and is required by the Finberry S.106. I am in negotiations with Crest Nicholson on this along with the Cultural Services Manager].

- Will parking and highway/pedestrian safety be considered? The development will increase traffic.

- Why is a GP surgery not included in the plans?

[SPM comment: There is no requirement for this development to include a dedicated GP surgery. The NHS has confirmed that it did not wish to take up provision as part of the future sports and community facility.

- Is there a bus route?

[SPM comment: yes, and a bus stop is proposed outside of the foodstore].

- The development would put additional strain on infrastructure.

Planning Policy

15. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
16. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
17. The relevant policies from the Local Plan relating to this application are as follows:-

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP3 – Strategic Approach to Economic Development

SP4 – Delivery of Retail and Leisure Needs

SP6 – Promoting High Quality Design

HOU1 – Affordable Housing

HOU3(a) – Residential Windfall Development within Settlements

HOU12 – Residential Space Standards (internal)

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

HOU18 – Providing a Range and Mix of Dwelling Types and Sizes

EMP1 – New Employment Premises

EMP6 – Promotion of Fibre to the Premises (FTTP)

EMP10 – Local and Village Centres

TRA3(a) – Parking Standards for Residential Development

TRA3(b) – Parking Standards for Non Residential Development

TRA5 – Planning for Pedestrians

TRA7 – Provision for cycling

TRA8 – The Road network and Development

ENV1 - Biodiversity

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 – Water Quality, Supply and Treatment

ENV9 – Sustainable Drainage

ENV11 – Sustainable Design and Construction Non Residential

ENV12 – Air Quality

ENV15 – Archaeology

COM1 – Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD

Residential Parking SPD

Sustainable Design and Construction SPD

Sustainable Drainage SPD

Residential Space and Layout SPD

Public Green Spaces and Water Environment SPD

Dark Skies SPD

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2019

19. 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:-
20. Paragraph 8, states that the planning system has three overarching objectives. These are:
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
21. Paragraph 59 states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
22. Paragraph 80 states 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.

23. Paragraph 92 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
24. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Assessment

The main issues for consideration are as follows:

- (a) The principle of the proposal, i.e. how the development of the site fits within the existing local and national planning policies in terms of use and location;
- (b) Whether the proposals are acceptable in terms of housing mix/affordable housing;
- (c) The impact of the development on the local highway network/parking;
- (d) The design quality and visual impact;
- (e) The impact on residential amenity;

(f) Whether the proposal is acceptable in terms of surface water drainage;

(g) Ecology;

(h) Other issues;

(i) Planning Obligations;

(a) Principle

25. Central to the concept of Finberry has always been the provision of appropriate non-residential uses to serve the community, to help to create a vibrant, attractive high quality place in which to live and work. A central location was agreed for these uses, placing them in a highly accessible location in terms of road links in and out of the development as well as a short walk or cycle from within the development. Footpaths and cycle ways also link the Finberry development located further to the south west of the site a relatively short distance away.
26. Policy EMP10 of the Ashford Local Plan states that in local centres, planning permission will be granted for additional shopping and service provision, providing proposals are of a scale appropriate to the particular centre concerned.
27. The site is located within the Finberry residential led development. The proposed development of a local centre on this site is already established under the extant permission 15/01435/AS. This scheme was for a larger foodstore together with three retail units and a public house/restaurant and the provision of these facilities is a requirement of the Finberry S106.
28. A reduction in the size of the foodstore is sought because the applicant states that the previously approved scheme is not viable stating that the market demand for a foodstore in the area would be directed towards Waterbrook where permission has recently been granted for a larger foodstore. The applicant states that there is, however, retailer interest in a smaller convenience store as is now being proposed. It is important to note that the Waterbrook foodstore can only be delivered once there is a material start made on the local centre scheme at Finberry. This requirement is secured by an obligation in the Waterbrook S.106.
29. The proposed convenience store would serve the new community at Finberry and would provide a much needed facility given that approximately 500

dwellings are already completed and many of these are now occupied. The uses would increase the offer within the local centre and would complement existing uses nearby such as the primary school, live work units and office floorspace already constructed and commercial floorspace as might come forward on the area covered by Policy S15. The facilities proposed would also compliment the extra care facility which is soon to be constructed on the adjoining site and the nearby community centre/sports hub/3G facility for which a planning application is to be submitted shortly.

30. I consider that the development would help to realise a key ambition of the development brief in creating a local centre that consolidates a number of commercial and community uses at the heart of the site. The development would also help to attract footfall within the local community and surrounding areas who would have previously travelled greater distances by car to neighbouring facilities. I consider that the principle of commercial uses at the site is already established and is also acceptable in accordance with policy EMP10
31. The applicant proposes an additional 63 residential units within the site as a means of unlocking the commercial element of the local centre. In terms of housing development, the site represents a sustainable location within the existing urban area and the Local Plan sets out that because of this, this is where most development should be located.
32. The site is not allocated within the current Ashford Local Plan having been previously allocated for the Finberry Development for which planning permission has been granted for 1,000 dwellings. This proposal therefore falls to be considered under the windfall housing policy.
33. Policy HOU3a relates to the residential windfall development (of a scale that can be satisfactorily integrated) located within existing settlements. The policy states that such development will be acceptable in principle provided the following requirements are met:
 - a) *It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;*
 - b) *It would not create a significant adverse impact on the amenity of existing residents;*
 - c) *It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);*
 - d) *It would not result in significant harm to the landscape, heritage assets or biodiversity interests;*
 - e) *It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;*

*f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.*

34. The site is located within a highly sustainable location being within the Finberry local centre and is therefore clearly located within the existing confines of Ashford and thus an area wherein development should be directed. Furthermore, the idea of homes above commercial uses in the centre of Finberry was an aspiration in the original Development Brief and makes place-making sense.
35. As such, on the proviso that the specific tests of HOU3a (a-h) are met (which I consider in subsequent sections of this report) I consider that the overall principle of residential development in this location is an acceptable one in terms of Policy SP2. HOU3a (h) is not applicable as the development would not displace an active use (i.e. a community, employment or leisure facility).

(b) Whether the proposals are acceptable in terms of housing mix/affordable housing;

36. Policy HOU1 requires the provision of affordable housing on all schemes that exceed 10 dwellings (or on sites of 0.5 ha). Given the number of residential units proposed, a need for affordable housing is generated. The site is identified as Zone B Ashford Hinterlands which, as defined by the policy, means that there is a requirement for 30% affordable housing. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 20% of the total dwellings made available for affordable home ownership (of which 10% of the total dwellings should be shared ownership).
37. The application specifies that 30% affordable housing is to be provided which would be in accordance with Policy HOU1. This would be addressed in the s.106 agreement.
38. Policy HOU18 requires that all major residential proposals are to provide a range and mix of dwelling types. This policy applies to flatted schemes which should provide a mix of sizes and tenures. Whilst this would be considered at the reserved matters stage, the applicant has indicated that a mixture of one, two and three bed units would be provided in accordance with Policy HOU18 of the Local Plan and so I consider that this is acceptable.

(c) The impact of the development on the local highway network/parking;

39. Taking into account that the site already benefits from an extant planning approval for a commercial development consisting of retail units, a public house and a large foodstore/supermarket, having reviewed the transport data submitted I am satisfied that the traffic movements generated by the proposed use would be significantly less than the extant approved scheme, and I conclude that the current application would therefore not have an adverse impact on the capacity of the local highway network beyond what has already been deemed acceptable and which the applicant is mitigating in through the development being constructed under the aegis of the 2nd outline planning permission.
40. The access position previously approved under 15/01435/AS would be retained in the current proposal to serve the proposed residential development, albeit with a slightly smaller junction because it no longer needs to accommodate large articulated HGVs.
41. The application includes an additional access to serve the non-residential element, and this would be located on Avocet Way. The submitted drawings demonstrate that the appropriate visibility splays can be achieved with this access position, and that the sightlines do not cross into the parking spaces either side.
42. This additional access would be located where parking spaces currently exist on Avocet Way, and the drawings do indicate that some of this parking would be relocated by amending the existing laybys. The amendments to the parking laybys are, however, outside of the application red line boundary, and the provision of these works would therefore need to be secured by an appropriate planning condition.
43. Kent Highways and Transportation have been consulted and raise no objections to the development subject to the above and conditions. Given this and taking the above into account I am satisfied that the development would comply with policy HOU3a (e).
44. Given that layout is a reserved matter for future consideration, it is not necessary to comment of the detailed layout of the parking proposals at this stage. In terms of the parking layout, the applicant has shown through the indicative layout that adequate parking to serve both the commercial element of the proposal and the residential units can be achieved in accordance with the Councils adopted parking standards in accordance with policies TRA3(a) and TRA3(b).

(d) The design quality and visual impact;

45. The application seeks outline planning permission and as such the proposals have been developed to provide an indication of what the development layout and design could look like.
46. Notwithstanding the above, the applicant has indicated that the proposed height of the development would vary between 3 and 4 storeys with the four storey element located at the most prominent point of the site, facing the roundabout and continuing along Avocet Way. The rise in scale at this corner is one that I consider would be appropriate and can be managed in terms of the Finberry skyline. The frontage to Bullfinch Avenue was negotiated at pre-application stage to step down in scale from the corner and so sit more comfortably with the scale of homes developed on the opposite side of that street. Materials are also proposed to be high quality and complement and reflect the surrounding building materials which is an approach that I support.
47. Whilst detailed design is to be addressed at the reserved matters stage the overall design approach is in line with the previously approved application and whilst I acknowledge the increased scale now proposed – compared with the design of the larger foodstore without homes located above it, I consider the development can be designed to be appropriate and sympathetic to the surroundings and to broadly respect the existing building heights located within the local centre and taking into account good place-making opportunities. Accordingly, I conclude that the proposal would accord with HOU3a (a) and Policies SP1 and SP6 of the Local Plan.

(e) The impact on residential amenity

48. Paragraph 127 of the NPPF states that planning decisions should ensure that development results in a high standard of amenity for existing and future users.
49. Concerns of neighbours are noted, however, given that the application does not consider layout or appearance, the impact on the residential amenity of existing residents would be considered in detail at the reserved matters stage. Notwithstanding this, given that extant permission that would see a development for a foodstore, retail units and a public house occupy the same site, I am satisfied that the amended scheme could be appropriately integrated into the existing Finberry development without additional loss of amenity to the occupiers of existing properties located on Bullfinch Avenue and Avocet Way and the future occupiers of the extra care units and so conclude that the proposal would accord with policies SP1 and HOU3a (b).

(f) Whether the proposal is acceptable in terms of surface water drainage;

50. The proposed surface water drainage strategy for the site would be in line with the site wide drainage strategy for the overall Finberry development that was set out in 2015. Detailed proposals would be submitted at the reserved matters stage but would likely include the provision of SuDS techniques such as detention basins, geocellular storage units and permeable paving.
51. KCC as the Lead Local Flood Authority have raised no objections to the proposed drainage proposals stating that the design principles are sound and the proposed use of attenuation crates within the car park area is acceptable provided the outflow is limited to a discharge rate of 4l/s/Ha so as to not inundate the receiving basin. It is proposed that detailed drainage design is secured by planning condition.
52. In light of the above, subject to a condition requiring the submission of a detailed drainage and SuDS strategy, including a management schedule and a verification report, I am satisfied that surface water drainage can be appropriately dealt with in accordance with the requirements of policy ENV9.

(g) Ecology

53. The proposed development involves the loss of approximately 1.07 hectares of formally arable land with and approximately 100m of hedgerow. The scheme also requires the removal of a single category C tree but, overall, the arboricultural impact on the site is considered minimal. Planning permission already exists for this work to be carried out under the extant permission in any event.
54. I am satisfied that the development would not result in harm to protected species and their habitats. As a result, I conclude the proposals to be consistent and in accordance with policies ENV1 and ENV2.

(h) Other issues

55. A BREEAM pre-assessment has been undertaken in accordance with policy ENV11 which requires all major non-residential developments to achieve a BREEAM 'Very Good' rating, targeting the water consumption credits. The applicant has confirmed that a 'very good' rating is achievable, in compliance with the requirements of Policy ENV11. In addition, as the scheme is refined at the reserved matters stage, it will become clearer where credits can be targeted and as such a higher score could be achieved, therefore exceeding the minimum requirements of the Policy.
56. An air quality impact assessment has been carried out to assess the impacts of the proposed development. The report concludes that that it is expected

that the proposed development would have a reduced impact upon air quality when compared to the previously approved scheme. Further, the scheme can be seen to meet the objectives of policy ENV12 since the development is sustainability located being within walking and cycling distance of the Finberry development. It is also proposed that 25% of the parking spaces would be futureproofed for the provision of EV charging points which would, in turn, further aid quality and encourage the use of electric vehicles and so be in accordance with policy ENV12.

57. KCC Heritage have been consulted and raise no objections concluding that archaeology matters can be appropriately dealt with by the imposition of planning conditions.
58. The proposed development would create an economic benefit from construction, with employment to contactors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period, this would have some economic benefit.

Planning Obligations

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

Heads of Terms for Section 106 Agreement/Undertaking

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Potentially applies to any size/scale of residential development				
1	<p><u>Informal/Natural Green Space</u></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Project: Investment at Millennium Green Mersham</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
Applies to sites of 10 dwellings or more or 0.5ha or over				
2	<p><u>Affordable Housing</u></p>	<p>30%</p>	<p>Affordable units</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market</p>

	<p><i>Applies to:</i> (i) <i>developments of 15 dwellings or more</i> (ii) <i>residential sites of 0.5 ha or more</i></p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>10% affordable rent units</p> <p>20% shared ownership units</p>	<p>to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p>pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
3	<p>Accessible Housing</p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard. In accordance with policy HOU14 part</p>	<p>Provide on-site 20% of all units.</p>	<p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard</p>	<p>Necessary as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</p>

				Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.
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Applies to sites of 11 dwellings or more				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
4	<p><u>Adult Social Care</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Towards the provision of extra care in the borough</p>	£146.88 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>

<p>5</p>	<p><u>Children’s and Young People’s Play Space</u></p> <p>Towards the provision of disabled play equipment at Finberry</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p>6</p>	<p><u>Community Learning</u></p> <p>Project: IT and equipment for Ashford Gateway and its satellite courses.</p>	<p>£34.45 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the</p>	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC’s ‘Development and Infrastructure – Creating Quality Places’ and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p>

			dwellings	Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.
7	<p><u>Health Care</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Towards developing and equipping of Ashford Medical Partnership and the surrounding primary care network.</p>	<p>£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1008 for each 3-bed dwelling £1260 for each 4-bed dwelling £1728 for each 5-bed dwelling or larger</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
8	<p><u>Libraries</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p>	<p>£55.45 per dwelling</p>	<p>Half the contribution upon</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and</p>

	Contribution for additional bookstock at libraries in the borough		occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
9	<p><u>Outdoor Sports Pitches and indoor sports facilities</u></p> <p><i>Project: Mersham Sports Club – Millennium pavilion or alternative indoor and outdoor sports facilities within the borough</i></p>	£780.15 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
10	<u>Primary Schools</u>			Necessary as no spare capacity at any primary

	Project: New primary provision within the planning group	<p>£1134.00 per flat</p> <p>£4535.00 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
11	<p><u>Secondary Schools</u></p> <p>Project: Towards new school provision at the Chilmington Green Secondary school or alternative new provision in the planning group</p>	<p>£1172.00 per flat</p> <p>£ 4687.00 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. .</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind</p>

				considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
12	<p><u>Strategic Parks</u></p> <p>Project: Victoria Park towards the provision of furniture</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
13	<p><u>Youth Services</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p>	£65.50 per dwelling	Half the contribution upon	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1,</p>

	Project: Towards equipment to enable outreach services in the vicinity		occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
Area / Site specific potential requirements				
Planning Obligation				Regulation 122 Assessment
Detail		Amount (s)	Trigger Points	
Applies to all				
14	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

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

Human Rights Issues

61. 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

62. 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

63. The proposal is one that I consider would comply with the criteria set out in policy HOU3a of the Local Plan.
64. 30% affordable housing is proposed in accordance with policy HOU1. The development would provide a mix of 1, 2 and 3 bed units in line with policy HOU18.
65. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of Ashford urban area, its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.
66. EV charging points for electric vehicles are proposed. This is in accordance with policy ENV12. The site is also highly sustainably located with good access to a range of sustainable transport modes.
67. There would be no material harm to neighbouring or future occupier’s amenities. The development would comply with policies SP1 and HOU3a (b) and (g) in this respect.

68. Ecological impacts are considered to be acceptable.
69. In terms of drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way in accordance with policy ENV9.
70. Additional traffic movements can be accommodated within the network and the development would generate fewer vehicle movements than the previously consented scheme. The access to the site is considered to be safe in relation to highway safety and as a result the development would not materially increase the risk of road traffic accidents or significant traffic delays. It is considered that acceptable car parking could be provided within the site and would be further considered at the reserved matters stage. The development would comply with policies HOU3a (d), (g) and TRA3a and TRA3b.
71. I am satisfied that the proposal can provide a high quality design that responds to the site and delivers a form of architecture which should add to the character and appearance of the area. The development would not be harmful to visual amenity. The development would comply with policies HOU3a (a) and SP1.
72. The development makes adequate provision for off-site open space, and play facilities. Contributions are also proposed towards strategic parks, sports provision and community facilities and towards local schools, health services and other community and volunteer services in line with policies HOU3a (f), COM1, COM2 and COM3.
73. The development would bring forward much needed facilities to serve the new community of Finberry.
74. In light of the above, it is considered that the benefits of the development significantly weigh in its favour, and that there are no other material considerations that indicate that planning permission should not be granted. It is therefore recommended that permission be granted subject to a s.106 agreement and the conditions set out at the end of the report.

(A) Recommendation

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

(B) Permit

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

1. Standard time condition
2. Submission of RM condition
3. Development carried out in accordance with the approved plans
4. Details of materials
5. Details of external fine details
6. Details of odour control and extraction
7. No external commercial storage
8. Details of lighting
9. No additional commercial floorspace to be created without PP
10. FTTP
11. BREEAM
12. Completion of highway works to relocate existing on street parking on Avocet Way
13. Provision and retention of covered secure cycle spaces
14. Completion and maintenance of accesses prior to use
15. EV charging points
16. Parking to be provided and retained
17. Archaeology
18. Landscaping
19. Full details of drainage and SuDS and submission of verification report.
20. Bird and bat boxes
21. Ecological
22. Details of boundary treatments
23. RM to include details of bin and cycle stores
24. Restriction in use class

25. Unexpected contamination
26. Construction management plan
27. Noise of plant and machinery
28. Restriction of hours of delivery
29. Details of sound insulation to be submitted
30. Development to be available for inspection

Note to Applicant

1. S106
2. Working with the Applicant

Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01232/AS)

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