

<b>Application Number</b>	19/01701/AS
<b>Location</b>	Land east of Ham Street By-Pass and south west of, Brockmans Lane, Kingsnorth
<b>Grid Reference</b>	01771 77125
<b>Parish Council</b>	Kingsnorth
<b>Ward</b>	Kingsnorth Village, & Bridgefield Ward
<b>Application Description</b>	Outline planning application for residential development of up to 100 dwellings with all matters reserved except for the main access point off Brockmans Lane into the site
<b>Applicant</b>	Cedarvale and C.C. Projects (trading as Ashford Great Park Partnership)
<b>Agent</b>	Deloitte LLP, 1 New Street Square, London EC4A 3HQ
<b>Site Area</b>	6.35 hectares

(a) 205/5R	(b) R	(c) EHM (EP) X, ABC Refuse X, ABC Parking X, EA X, HE X, KHS X, KCC Ecology X, KCC Flood, KCC DCU X, KCC Minerals X, KCC (heritage)X, POL X, NE X, NR X, PCT X, IDB X, Stagecoach X, SW X, SGN X, UK Power X, SSOT X.
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## Introduction

1. This application is reported to the Planning Committee because it is a major development of more than 10 dwellings. The application relates to the adopted Ashford Local Plan (ALP) 2030 policy S45 site allocation of land to the south of Brockmans Lane identified for residential development with an indicative capacity of 100 dwellings.

## Site and Surroundings

2. The application site comprises approximately 6.95 hectares of agricultural land located 4.5 km to the south of Ashford. The north east boundary is bordered by Brockmans Lane and is demarcated by a highway boundary hedgerow. Further to

the north planning permission has been granted for 353 homes at Park Farm South East (PFSE). The western boundary of the site adjoins the Ashford-Hastings railway line and comprises of a belt of mature trees. The south east boundary lies adjacent to the Ruckinge Dyke and the eastern part the site lies within flood zones 2 and 3. The southern boundary comprises of sporadic trees and hedgerow. Further to the south and east is open countryside. The site is mostly flat, although it is slightly more elevated towards the north. Access is currently via a field access from Brockmans Lane. The site has no special landscape or ecological designations but is located within a mineral safeguarding zone. The site plan is shown in **Figure 1** below.



**Figure 1:** Site location plan.

## Proposal

3. This application seeks outline planning permission for up to 100 homes, with 30% affordable housing, together with supporting infrastructure and landscaping.
4. All fine detailed matters (layout, scale, appearance, internal accesses and landscaping) are reserved for future consideration except for the matter of access (the main access to Brockmans Lane) for which detailed permission is sought now under the application. Internal access streets as part of the future layout/circulation of the development would be reserved for future consideration.

5. The application is supported by an illustrative Framework Plan, which has been prepared to set the general parameters of the proposed development and has been used to guide the illustrative masterplan and design principles. The key parameters are as follows:
- An access point via Brockmans Lane.
  - No housing and associated development on Flood Zones 2 and 3.
  - No rear gardens facing the northern and western borders of the site due to noise constraints.
  - 15 metre wide landscape buffer to the Ashford-Hastings Railway Line to incorporate ecological enhancements.
  - An internal route within the site to provide a useable bus loop and bus stop.
6. The illustrative framework plan is shown in **Figure 2** below.



**Figure 2:** The illustrative Framework Plan

7. The design principles that have guided the illustrative masterplan are as follows:

- Central area providing a focal point to the scheme,
  - Pedestrian linkages co-ordinated with those indicated in the layout plans for the S14 ALP 2030 site (PFSE),
  - Maximum building height of 3 storeys,
  - 4.06 ha of large public open space proposed to the east providing a continuation of the Ashford Green Corridor, and
  - A proposed density of approximately 38 dwellings per hectare excluding open space, mirroring the adjacent S14 site.
8. The illustrative masterplan is shown in **Figure 3** below with the approved Park Farm South East development shown to the north of Brockmans Lane.



**Figure 3:** Illustrative masterplan

9. The developable area is approximately 2.89 hectares due to various site constraints. Residential development would be accommodated on the north-western portion of the site in flood zone 1 and would include open space provision along with potential SUDs features (swales). The eastern portion within flood zones 2 and 3 is shown as informal open space and as a mitigation and enhancement area for biodiversity. There would be no

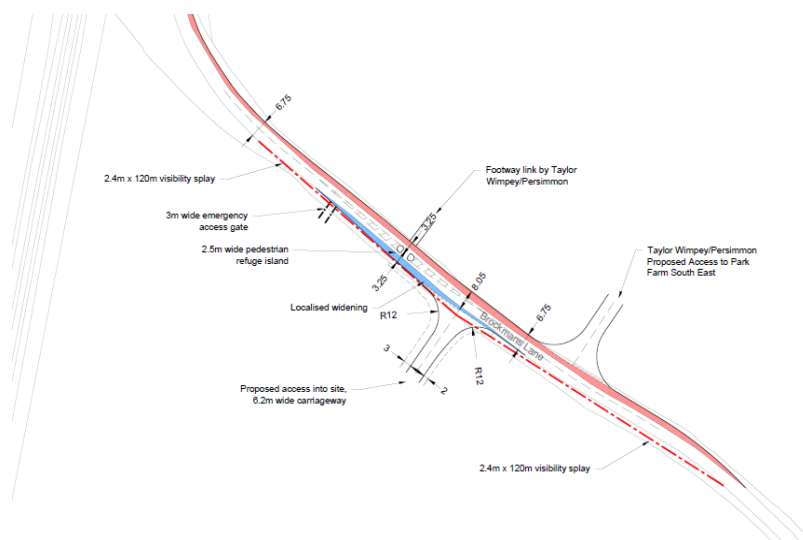


housing and associated development on the flood zones 2 and 3. The informal open space proposed on the eastern edge of the site would form an extension to the designated Ashford Green Corridor. This reflects criterion (f) outlined under policy S45 of the ALP 2030.

10. The indicative 100 homes scheme as proposed would provide a mix of 1-bed to 4-bed units, the building heights would be likely to be predominantly two storeys with some three storey buildings on the western border and located within the centre of the site. Heights would be explored in further detail at the reserved matters stage.
11. The dwellings which would all be compliant with Part M of the Building Regulations aligning the proposed development to the design and accessibility standards set out in policies HOU12 and HOU14 ALP 2030.

#### **Main Access (detailed approval sought)**

12. This is the only matter for which detailed permission is sought at this stage. This would be for vehicular and pedestrian access from Brockmans Lane to the north of the site. The visibility splays would be 2.4m x 120m. This would result in the loss of approximately 44m of the existing highway boundary hedgerow. A 3m wide emergency gate to the west of the main access is also shown.
13. A two metre wide pedestrian island would be provided on Brockmans Lane, to assist both pedestrians and cyclists to safely cross the road between the site and the proposed PFSE site. Pedestrian links from the proposed development would be co-ordinated with those indicated in the layout plans for the PFSE site to allow pedestrian access between the two sites. The detailed access plan are shown in **Figure 4** below.



**Figure 4:** Detailed main access to Brockmans Lane.

14. The following supporting information has been provided with the application

Planning Statement

Statement of Community Involvement

Design and Access Statement

Transport Assessment

Arboriculture Impact Assessment

Drainage Impact Assessment

Flood Risk Assessment

Ecological Appraisal

Biodiversity Offsetting Exercise

Landscape and Visual Appraisal

Heritage Desk Based Assessment

Minerals Resource Assessment

Planning Noise Assessment

## **Planning History**

There is no previous planning history beyond a screening opinion request 19/0008/EIA in September 2019 that confirmed the proposals did not require an environmental impact assessment. To the north of Brockmans Lane at PFSE planning permission ref 18/00652/AS was granted in September 2019 for 353 homes with access via Brockmans Lane, Finn Farm Road and Cheeseman's Green Lane. This site was allocated under site policy S45 ALP. The Committee Report for this application placed emphasis on the restriction to the delivery of site Policy S45 until the completion of the necessary infrastructure, such as footways to onwards destinations, at the Policy S14 site.

## **Consultations**

**Ward Members:** No comments received.

**ABC Environmental Protection:** Comment.

- Request planning conditions on electric charging points, unexpected contamination construction management plan a scheme for protecting the dwellings / development approved from noise from road/railway.
- Informative on noisy works should not occur, in general, outside certain times. Illegal to burn any controlled wastes, take such measures as reasonably practical to minimise dust emissions from construction and demolition activities.
- Would recommend that the applicant complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost.

**ABC Refuse:** Comment in summary.

- The Main route will accommodate buses in part and is based on a loop which is also suitable for refuse vehicles and collection.
- The Secondary Streets connect with the Main Street but would require reversing manoeuvres which is not suitable.
- A full swept path analysis for a refuse vehicle throughout the development to be undertaken showing collection points for each household.
- This developments design should allow for kerbside placement of waste with a maximum pull out distance of 25m for each and every dwelling.

**SS&DM** Comment: The internal access routes shown on the masterplan are illustrative only so are not being approved at this stage just the Brockmans Lane access which has satisfactory tracking.

**ABC Parking Services:** Comment in summary:

- Bus shelters are generally an ABC matter, rather than KCC (KCC manage the bus stops and bus routes).
- However, Parish Councils can and do manage a sizeable stock of shelters as part of their function.
- SPG6 funding is/was available for bus shelters as part of the PFSE extension (we wish to have at least one on Park Farm, on Hawthorn Road). Kingsnorth Parish Council has agreed in principle on these sites that if we install a shelter, using this SPG6 funding, that they would take on its maintenance thereafter and there would be no ongoing cost to ABC. The same could be done here.

**ABC Street Scene and Open Spaces team:** comment in summary.

- 100 dwellings triggers a requirement of 0.50ha open space.
- We require informal open space to be a minimum of 0.25ha, so therefore the 0.50ha will either be provided as one space in its entirety or split evenly as two open spaces of 0.25ha - smaller spaces will not be acceptable.
- Informal open space will need to be provided centrally within the development.
- We note the 'Central Green' that is detailed, this will need to be a minimum of 0.25ha; alternatively the 'Central Green' space can provide the full allowance of at least 0.50ha.
- The following locations will not count towards the area of required informal public open space: Flood zone areas, necessary drainage features such as attenuation ponds, landscape required as ecological mitigation (western boundary buffer space illustrated in the layout plan).
- Request contributions (i) Sport: off-site contribution towards Finbery community centre (ii) Allotments: off-site contribution towards a project to provide allotments at Bridgefields, or within the parish of Kingsnorth (iii) Strategic Parks: off-site contribution towards Conningbrook Lakes Country Park (iv) Play: off-site contribution towards a play area within the parish of Kingsnorth (v) Public art artwork for the Park Farm site scheme: Voluntary sector: to Kingsnorth Parish Council, for volunteer led projects within the parish.

**Environmental Agency.** Comment:

*" We have no objection to this development provided you are satisfied that the Sequential Test has been applied and passed, and that the site will be 'sequentially developed' such that the most vulnerable forms of development are located in the least vulnerable area of the site with regard to flood risk.*

*At the detailed design stage, we would expect to be reconsulted with a more detailed assessment of the flood risk to the site and surrounding area, with a presumption for all residential accommodation to be located a minimum of 300mm above the climate-change adjusted maximum predicted flood-level (with all sleeping accommodation a minimum of 600mm above). There should be no loss of floodplain capacity or conveyance ability, with any loss compensated for on a level-for-level, volume-for-volume basis. Access and egress arrangements should also be considered in consultation with the LPA's emergency planners.*

*It must also be ensured that Kent County Council, as Lead Local Flood Authority are consulted on, and are satisfied with, the applicant's Surface Water Management Strategy.*



*The proposed outline planning permission will only be acceptable if a planning condition is included that a scheme has been submitted to, and approved in writing by, the local planning authority to ensure the development is flood resilient, with specific reference being made to climate-change adjusted fluvial flood levels with respect to acceptable floor levels.*

*Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the future occupants or the wider district.*

*Informatives are requested on handling/ storage of oil, temporary dewatering, measures to protect ditches and streams”*

**Highway England:** No objection subject to.

- (i) The Council seeks a financial contribution of £97,939.36 towards M20 Junction 10A in line with SPG 6 in accordance with the level of DUs generated by the development.
- (ii) Should it be determined that any minerals on site should be extracted, an HGV traffic management plan is submitted to Highways England for review and approval which would indicate the approximate number of movements on the SRN and associated trip distribution, in line with Point (i) of Policy S45 of ALP 2030. This can either be done ahead of any planning permission or by virtue of a condition attached to any planning permission

**Kent Highways and Transportation:** Raise no objection subject to the following conditions:

- (i) Submission of a Construction Management Plan.
- (ii) Retention of vehicle parking spaces for each dwelling hereby permitted.
- (iii) Secure, covered cycle parking facilities.
- (iv) Completion and maintenance of the access details including the central refuge island.
- (v) Completion of works between a dwelling and the adopted highway.
- (vi) Highway works to be laid out and constricted in accordance with details to be approved by the LPA.
- (vii) Provision and maintenance of the access visibility splays.
- (viii) Provision and permanent retention of an electric vehicle charging point for each property.
- (ix) Closure of the existing agricultural access onto Brockmans Lane prior to the new access hereby permitted being brought into use.
- (x) The development hereby permitted shall not be commenced until the spine road and footpaths proposed within the Park Farm South East development (18/00652/AS) have been delivered that link Park Farm South East with Park Farm East and provide a safe pedestrian and cycle connection from the application site to Kingsnorth

Section 106

- (xi) Financial contribution towards the junction improvement works to the Malcolm Sergeant roundabout of £153,537
- (xii) Informative to be added on adoption process etc

**Kent Ecological Advice Service:** Comment in summary

- We have reviewed the submitted ecological information and we advise that the submitted information provides a good understanding of the ecological interest of the site.
- Surveys assessed the following are present: Important hedgerows under the Hedgerow Regs, Badger Activity within adjacent woodland, 8 species of foraging bats, 7 trees with potential to be used by roosting bats, 24 species of birds recorded, Breeding populations of slow worms and dormouse, evidence of water vole.
- Due to the proposed habitat creation on site we are satisfied that the proposed mitigation can be implemented
- If planning permission is granted there is a need for the following conditions to be included: (i) Detailed mitigation and enhancement strategy (informed by updated surveys), (ii) Habitat creation /enhancement plan, (iii) Detailed management and monitoring plan (iv) Lighting strategy.
- The wording of the suggested conditions will depend on whether the proposal (if granted) will be a multi or single phased development.

**KCC Flood and Water Management:** Comment.

“We have reviewed the drainage strategy (Pell Frischmann, November 2019) and acknowledge the drainage proposal including attenuation basins and discharge into the drainage ditch in the south of the site. We are satisfied that the development will incorporate above-ground attenuation features which utilise green space. As this is an outline application, we have no objection, but would recommend the following conditions:

- Submission of detailed sustainable surface water drainage scheme.
- Verification Report, pertaining to the surface water drainage system and advisories for future planning stages:

- Informatives on drainage ditch in the south of the site is assessed, clarification of whether surface water will also be discharged into the main river in the eastern boundary- this would require consent from the Environment Agency. Network calculations and model details should be submitted at full planning stage. Details to be provided of drainage layout”

**KCC Economic Development:** Comment in summary.

- Request following section 106 contributions on ground it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Primary Education, Secondary education, Community learning, Youth service, Library Bookstock, social care, waste and an informative on broadband provision.

**KCC Heritage:** Comment in summary:

- The site of the application lies in an area of high potential associated with Iron Age activity. Recommend a condition to require archaeological field evaluation works in accordance with a specification and written timetable and further archaeological investigation, recording and reporting, determined by the results of the evaluation.,

**Housing Manager:** Comment in summary.

- The site lies in or borders the Park Farm South Ward, which sits within the hinterlands area as identified and defined in Policy HOU1 in the Borough Council's Local Plan.
- Therefore, there will be an expectation of 30% affordable housing being delivered within this scheme.
- There is an expectation (and policy complaint position) that 30 of these homes will be made available for affordable housing with 10 homes made available for affordable rent and 20 homes for an affordable home ownership product, 10 being shared ownership and 10 being either shared ownership or a low-cost home-ownership product agreed by the Development Partnership Manager within the authority.
- This is an outline application and we await further future details to pinpoint the specific plots that would be the affordable housing.
- We are therefore pleased to see a proposed mix of 2 x 1-bed apartments, 1 x 2-bed apartment, 3 x 1-bed houses, 13 x 2-bed houses and 11 x 3-bed houses in the Design and Access Statement. This in principle would be acceptable.

- We would expect the properties to meet the Nationally Prescribed Space Standards.
- With regards the 1-bed homes we would hope that the homes are truly one bed, not one bed and a study.
- We would also expect the affordable housing properties to be visually integrated into the site, as well as being dispersed into the development to ensure a balanced tenure neutral mix rather than being positioned as a cluster of properties.
- 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 Council's position regarding DPA waivers has been adopted at Cabinet in October 2019. This sits within the Council's affordable housing delivery plan. The Head of Housing's proposed policy position in a designated protected area is to mirror the position outside of a designated protected area and allow unrestricted staircasing to one hundred percent (100%) equity value of a dwelling, save for affordable housing proposals in a rural exception site (coming forward under HOU2 of the Ashford Local Plan to 2030).

**KCC Minerals:** Comment in summary.

- I think the applicant has provided sufficient information such that the County Council does not raise any objection on mineral safeguarding grounds. The deposit is highly unlikely to be of sufficient economic type to enable even cost neutrality in prior extraction. Given the high incidence of clay and the distances to the nearest aggregate processing site. Therefore, it is reasonable to conclude, on the information available, that exemption criterion (1) of Policy DM 7: Safeguarding Mineral Resources can be invoked.

**Kent Police:** Comment in summary.

- Some concerns in the framework plan 9053-L-02 H that need to be addressed and welcome a discussion with the applicant/agent about site specific designing out crime.
- If this application is to be approved prior to these issues being addressed, request a condition be included to address the concerns and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

**Natural England:** No comments

**Network Rail:** Comment

“Due to the proximity of the proposed residential development to Steeds Lane User Work level crossing, Network Rail are concerned by the potential impact on the usage and safety of the level crossing. Although Network Rail do not object to the development in principle, we do object to any link from the development to the level crossing which would encourage people to use the crossing thus increasing the recorded risk at a level crossing that currently experiences negligible usage”

**SS&DM comment:** There is no direct link to the crossing from the site

**NHS Ashford Clinical Commissioning Group (CCG):** Comment in summary.

- This proposal will generate approximately 234 new patient registrations when using an average occupancy of 2.34 people per dwelling.
- The proposed development falls within the current practice boundary of Ashford Medical Partnership.
- There is currently limited capacity within existing general practice premises to accommodate growth in this area.
- Request for contribution towards provision of primary care health needs in the locality of £76,050 based of 100 unit.

**The River Stour (Kent) IDB:** Comment.

- Any works affecting any ordinary watercourse on the site will require the IDB's prior written consent.
- The applicant is requested to make contact with the IDB early in the design process to ensure that IDB interests are properly considered.
- Should the applicant propose to discharge (at an attenuated rate) into the adjacent ordinary watercourse, its condition and capacity will need to be assessed, along with any in-channel structures, and its future maintenance will need to be ensured.

**Stagecoach South East:** Comment.

*"From a bus service provision point of view the plans submitted are consistent with proposals for the adjoining proposed development at Park Farm South East.*

*It is imperative that the Park Farm South East development comes on stream first, as this will enable the extension of part of the B service from the existing Bridgefield terminus to an interim turning arrangement. This in turn would allow for a further extension into the development now the subject of the current application.*

*It is unclear whether or not the service could be further extended beyond Park Farm South East without incurring additional resource cost. Therefore we cannot say at this stage what level of funding would be required to support the extension of such a service. We note that the plans submitted so far provide for an acceptable route and terminus arrangement, able to accommodate full sized buses.*

*Developer contributions would need to be sought for the provision of a shelter at the terminus, and for its ongoing maintenance".*

**Southern Water:** Comment in summary.

- Southern Water can provide foul sewage disposal to service the proposed development.
- Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- Request a condition on details of the proposed means of foul and surface water sewerage disposal.



- Request informative that connection to the public sewerage system is required.

**Southern Gas Networks:** Comment in summary.

- Provide mains records of the proposed work area and that safe digging practices must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

**UK Power Networks:** Comment in summary.

- Provide plan shows the cables and overhead lines owned by UK Power Networks.
- Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

**Kingsnorth Parish Council:** Object commenting in summary.

- The number of dwellings/population in the parish has grown rapidly. The Parish Council is concerned there is a low proportion of social housing available within the Parish. We ask if the Borough Council would look at a deviation from the local plan policy to provide some more social housing.
- Sustainability - the Parish Council would wish to see a commitment to installation of electric charging points and roof solar panels.
- Bridgefield lacks nearby community facility such as community hall and the Council is disappointed that developer has not sought to provide such a facility.
- Management - there are many issues with management arrangements on the current Bridgefield estate and would seek to ensure this does not recur. It should be secured by condition that this estate will be managed by a resident owned management company.
- Traffic - Concern about the road width on the Bridgefield side of Finn Farm Bridge is too narrow and a mitigation scheme should be brought forward to increase the road width near this points. There are concerns over some of the trigger points from when development may start in relation to

infrastructure delivery and welcome correspondences from ABC what conditions they propose so that the Council can comment.

- Flood Risk – It is noted no dwellings will occur within flood zones 2 or 3 also SUDs features will be located outside flood zones 2 and 3 request that it is secured by condition that at a minimum no dwellings or associated development including attenuation ponds will occur in flood zones 2 and 3 and the more responsible conditions would be to specify that they should be located above 1 in 100 year climate change level.
- Bus shelter – The Parish Council is unaware of communication in which it has indicated that the PC would be willing to take on the maintenance cost and any proposal from developer/ABC would have to be subject to a decision of the PC which cannot be predetermined”.

**Neighbours:** 205 consulted. 5 letters of objection making the following comments:

- Concern about flooding/ runoff in the area and the effect of new housing with further water displacement in an area where which has seen roads flood and water levels rising considerably on the floodplain.
- This is a needless development in a rural area in which the local infrastructure is already buckling under ill-thought out over development.
- Local medical services particularly are under strain and developers should be aware that it is highly unlikely that local surgeries will be in a position to take on yet another housing development.
- Moreover, local roads are by definition of being rural, country lanes, as we have found on Bridgefield these do not lend themselves to heavy car use, let alone high volume construction traffic.
- Rather than focus on building more housing in a frankly unsuitable location it would be prudent to improve the lacking infrastructure to the existing developments rather than adding to the current burden.
- The infrastructure is straining already and the William Hervey will not be able to cope with the increased population little alone the roads being further congested. New schools will be needed and jobs.
- It is about time that the Council consider lower high rise developments (say four storey) so that less land is taken up with individual housing. The area is crying out for a public house in the Park Farm / Bridgefield area similar to the phoenix near Kennington.

- We are losing too much countryside which is having a detrimental impact on the quality of life in Ashford and contributing to climate change and air quality. Stop this now.
- We have also seen a rise in fly tipping and unsociable behaviour on our lane and surrounding areas. Possibly this is as a result of too many people squeezed in to a small area.

## 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) 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:-

Ashford Local Plan 2030 (adopted February 2019).

### **Policy S45 – Land South of Brockman’s Lane, Bridgefield**

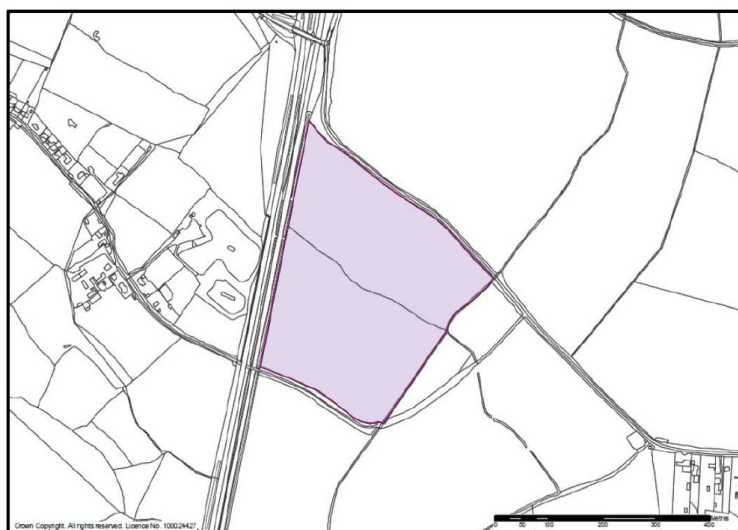
*‘The site to the south of Brockman’s Lane is proposed for residential development with an indicative capacity of 100 dwellings, to be delivered after completion of the necessary infrastructure to serve the adjacent S14 site. Development proposals for this site shall:*

- a) Be designed and laid out to take account of the topography of the site. Dwellings should be orientated to enable overlooking and natural surveillance of open areas. The development should be no more than 3 storeys in height;*
- b) Be accessed from Brockman’s Lane;*
- c) Make provision for links to the public transport network including contributions to the rail station along the Ashford-Hastings railway line if required;*
- d) Provide new pedestrian and cycle routes throughout the development with*

*linkages into the wider network and adjoining developments – emphasise pedestrian/cycle linkages to the adjoining site and network;*

- e) Provide generous landscaping along the southern edge, retain hedging along Brockman's Lane and create a suitable and appropriate landscape buffer along the western edge adjoining the Ashford – Hastings railway line;*
- f) Facilitate and contribute to the proposed extension to the Green Corridor designation along the southern and eastern parts of the site;*
- g) Include a full flood risk assessment prepared in consultation with the Environment Agency;*
- h) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider; and,*
- i) Prior to the grant of planning permission for non-minerals development at the site, the applicant shall prepare and submit a Minerals Assessment to establish whether any prior extraction of minerals should take place in advance of residential development.'*

Land South of Brockman's Lane (Bridgefield)



SP1 – Strategic objectives

SP2 – Strategic approach to housing delivery

SP3 – Strategic approach to economic development

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU12 – Residential space standards (internal)

HOU14 – Accessibility standards

HOU15 – Private external open space

EMP6 – Fibre to the Premises

TRA3(a) – Parking standards for residential development

TRA4 – Promoting the local bus network

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7 – Road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV2 – Ashford Green Corridor

ENV6 – Flood risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV12 – Air quality

ENV13 – Conservation and Enhancement of Heritage Assets

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, sport, play and open spaces

IMP1 – Infrastructure provision

IMP4 - Governance of space

Kent Minerals and Waste Local Plan (2016).

DM7 - Safeguarding Mineral Resources

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

**Supplementary Planning Guidance/Documents**

SPG6: Providing for transport needs arising from the South of Ashford  
Transport Study (2004)

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Green Corridor Action Plan 2000 (SPG1 to Ashford Borough Local Plan 2000)

**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) 2018

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:-

Paragraph 11 - Presumption in favour of sustainable development

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 59 to 76 - Delivering a sufficient supply of homes

Paragraphs 91 to 95 - Promoting healthy and safe communities. NPPG

Paragraphs 102 to 107 - Promoting sustainable transport

Paragraphs 117 to 121 - Making effective use of land

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding.

Paragraphs 170 to 177 - Conserving and enhancing the natural environment.

Paragraphs 174 to 177 - Habitats and biodiversity.

Paragraphs 178 to 183 - Ground conditions and pollution Technical Housing Standards - nationally described standards

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

## **Assessment**

20. The main issues for consideration are as follows:

- (a) The principle of the development.
- (b) The design quality of the scheme and the impact on the visual character of the surrounding area.
- (c) The impact on the surrounding highway network and car parking/refuse provision.

- (d) Other planning issues such as (i) affordable housing, (ii) contamination, (iii) flooding and drainage, (iv) accessibility and space standards, (v) ecology, (vi) noise and air quality, (vii) minerals, (viii) archaeology/heritages and (ix) water consumption.

- (e) Section 106 planning obligations.

(a) The principle of the development.

- 21. The NPPF outlines the presumption in favour of sustainable development and approving development proposals that accord with an up-to date development plan. Policies SP1 and SP2 of the adopted ALP 2030 outline the strategic approach to housing delivery will be met through a combination of committed schemes, site allocations and suitable windfall proposals. The site is identified in policy S45 of the adopted ALP 2030 for residential development with an indicative capacity for 100 dwellings to be delivered after completion of the necessary infrastructure to serve the adjacent S14 Park Farm East site.
- 22. The proposals for up to 100 dwellings fall within the terms of the site policy. The S45 policy outlines a number of criteria any development needs to fulfil which I will assess in more detail below. Apart from the main access all detail will be reserved for future consideration. The proposals include a new vehicular/pedestrian access to be provided from Brockmans Lane and that all residential development is sited within flood zone 1. The proposed development is therefore in accordance with an up-to-date adopted development plan site policy allocation and acceptable in principle.

(b) The design quality of the scheme and the impact on the visual character of the surrounding area

- 23. The NPPF outlines 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. Policy SP6 of the adopted ALP 2030 requires that development proposals must be of a high quality design.
- 24. The adopted ALP 2030 site policy S45 outlines that development proposals must be designed and laid out to take account of the topography of the site. Dwellings should be orientated to enable overlooking and natural surveillance of open areas. The development should be no more than 3 storeys in height. Other requirements are to provide generous landscaping along the southern edge, retain hedging along Brockmans Lane and a suitable landscape buffer along the western edge of the adjoining Ashford-Hastings railway line.

25. The applicant's indicative framework and masterplan outline general design principles that would seek to apply to any future reserved matters proposals. This includes that development is no more than 3 storeys, the enhancement of existing boundary vegetation on the southern edge, a 15 metre wide landscape buffer to the Ashford-Hastings Railway Line to incorporate ecological enhancements, and open space proposed to the east providing a continuation of the Ashford Green Corridor.
26. ABC Street Scene and Open Spaces Team require public open space provision to be provided on-site and for 100 dwellings this amounts to 0.5 hectares. This amount of open space is shown on the illustrative masterplan located to the south and east of the proposed residential development area and all within flood zone 1. The further open land to the south east is within flood zones 2 and 3 so would not count towards open space provision. This, instead, would be retained as a flood meadow and also provide a continuation to the Ashford Green Corridor linking in with the PFE site to the north as stated under the S45 adopted ALP 2030 policy.
27. The illustrative masterplan suggests the provision of attenuation basins covering most of the public open space area shown within flood zone 1. Attenuation basins as parts of a SUDs scheme would need to be within flood zone 1 and cannot be located in the further open land to the south east that is within flood zones 2 and 3. ABC Street Scene and Open Spaces Team have raised issues about combining SUDs features and open space provision. KCC Flood and Water Management outline that there are further design approaches to deliver more usable open space such as shallower basins or low flow channels. The proposals are not exceeding the policy S45 site allocation of 100 dwellings and are seeking to provide on-site open space provision as required. The final detail and location of the public open space would therefore be decided at the reserved matters stage as would the detailed surface water drainage scheme.
28. A 44 m section of the Brockmans Lane highway boundary hedgerow would be removed due to the provision of the main access and required visibility splays. However the remaining highway boundary hedgerow is to be retained and further landscaping/replanting can be provided behind the visibility splays. There no other means of gaining access to the site and is a requirement of the S45 policy.
29. In summary, the final matters of scale, layout, appearance, internal accesses and landscaping are reserved for future consideration and would be dealt with under a future reserved matters application. I am satisfied from the illustrative material that a high quality designed scheme can be provided and follow the requirements of the S45 site policy.

(c) The impact on the surrounding highway network and car parking/refuse provision

30. The application's supporting transport assessment (TA) was prepared in relation to the S14 PFSE development which was required to incorporate an allowance for committed development in the area, and included an allowance for the 100 dwellings on this application site. That TA also modelled the S14 PSE site on the basis of 400 dwellings whereas the planning permission is for 353. The analysis demonstrated no highway capacity problems at junctions on the local highway network, when modelled at both 2018 base conditions and at 2030 with all local plan developments incorporated. The S14 analysis and the impacts identified have, therefore, already modelled the effects of development on this application site, and no material issues have been identified.
31. The main vehicular access detail is to be approved at this stage and is shown along Bockmans Lane (as required under the S45 (b) ALP 2030 policy) with the location chosen to ensure a satisfactory separation from the access to the proposed development at PFSE. A stage 1 road safety audit was provided as requested by Kent Highways.
32. Kent Highways have assessed the TA, safety audit and access detail and raise no objection to the scheme commenting that junction capacity modelling of the site access location with Brockmans Lane has now been undertaken. This demonstrates that the junction would operate within capacity in a 2030 future year scenario and so will the PFSE junction with Brockmans Lane that is acceptable.
33. With regards to future bus service provision, the proposed development would incorporate a bus route in line with policy S45 and the proposed PFSE site. The designated bus route would be integrated with the proposed vehicular access to the site. The internal layout of the site would allow the bus to turn around in a loop without the need for reversing and a bus stop would be proposed within the site to link with the proposed strategy for the existing bus service to Bridgefield.
34. The TA outlines that parking would be in accordance with the ALP 2030 policy TRA3 (a) and the adopted Residential Parking SPD. The precise number of spaces would be determined as the reserved matters stage under a planning condition. Cycle parking is similarly to be provided in accordance with the adopted ALP 2030 standards.
35. Section 106 planning obligation contributions would be provided for Junction10a and the Malcolm Sergeant roundabout improvements. I therefore consider the proposals are acceptable on highway grounds subject to appropriate planning conditions and obligations.

- d) Other planning issues such as (i) affordable housing, (ii) contamination, (iii) flooding and drainage, (iv) accessibility and space standards, (v) ecology, (vi) noise and air quality, (vii) minerals, (viii) archaeology/heritages and (ix) water consumption.

(i) Affordable housing

36. The proposals would provide 30% affordable housing as required under policy HOU1 ALP 2030 as the site lies within the 'Ashford Hinterlands' location. ABC Housing Services raise no objection stating there an expectation (and policy complaint position) that 30 of these homes would be made available for affordable housing with 10 homes made available for affordable rent and 20 homes for an affordable home ownership product, 10 being shared ownership and 10 being either shared ownership or a low-cost home-ownership product as agreed. The final typologies would be dealt with at reserved matters stage but ABC housing are content with an illustrative affordable provision mix of 2 x 1-bed apartments, 1 x 2-bed apartment, 3 x 1-bed houses, 13 x 2-bed houses and 11 x 3-bed houses as indicated in the design and access statement.

(ii) Contamination

37. The site is currently an agricultural field. ABC Environmental Protection comment as with all developments on sites where there has been previous activity/development there is a potential for unexpected contamination to be found during the works. This matter can be dealt through a planning condition requiring that any unexpected contamination found during the development must be reported in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval with appropriate remediation measures.

(iii) Flooding and drainage

38. A flood risk assessment accompanied the application. The site for the proposed residential development is situated within flood zone 1, an area with low probability of flooding. The undeveloped area shown in the illustrative masterplan is situated in flood zones 2 and 3, an area with high probability of flooding. The illustrative proposals shown potential flood mitigation measures in the form of attenuation basins within the open space area within flood zone 1. KCC Flood and Water Management raise no objection to the scheme subject to conditions requiring the final detailed sustainable surface water drainage scheme to be provided at the reserved matters stage. This would also look at how these measures would be acceptably incorporated within any open space provision.

39. Southern Water confirm they can provide foul sewage disposal to service the proposed development and raise no objection subject to a condition requiring prior approval of the means of foul and surface water sewerage disposal.

(iv) Accessibility and space standards

40. Policy HOU14 (a) requires that at least 20% of all new build homes shall be built in compliance with building regulations part M4 (2) as a minimum standard. This will be secured by planning obligation.
41. Policy HOU12 requires that all new residential development shall comply with the national described space standards. This application is not agreeing the detailed typologies at this stage so it would be a matter for any future reserved matters application to comply with.

(v) Ecology

42. There are no designated ecological sites adjoining or in close proximity to the site. An ecological appraisal was provided with the application that surveyed the site. KCC Ecological Advice Services have assessed this and raise no objection commenting that due to the proposed habitat creation on-site they are satisfied that the proposed mitigation can be implemented subject suitable planning conditions. I consider the proposal are acceptable on ecological grounds.

(vi) Noise and air quality

43. The supporting noise assessment report outlines that the principle noise generator is from the Ashford-Hastings railway line to the west and the A2070 road to the north. It is recommended that the property frontages face the site boundary and are used to screen garden areas from existing noise sources. On the basis of this assessment, the report concludes that noise does not pose a material constraint to the development. ABC Environmental Protection have assessed the scheme and raise no objection subject to a condition requiring the provision of a scheme for protecting dwellings from noise to be provided with the reserved matters details. I am satisfied that any noise issues can be satisfactorily mitigated at the reserved matters stage.
44. ABC Environment Protection mention about providing an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost. Policy ENV12 ALP 2030 only requires the submission of air quality assessments when the development would lead to a significant deterioration in air quality. The Council does not have any air quality



management areas in the Borough which also generally has very good air quality as stated in the ALP. The proposals would include EV charging points, and provide sustainable transport with bus service, pedestrian and cycling connection so I do not consider an AQ assessment is required in this instance

(vii) Minerals

45. The proposed development site lies within a minerals safeguarding area. A full minerals resource assessment has been provided as required by the ALP site policy S45 to establish whether any prior extraction of minerals should take place in advance of residential development. KCC Minerals have assessed this information and raise no objection. The deposit is highly unlikely to be of sufficient economic type to enable even cost neutrality in prior extraction. Thus criterion (1) or (2) of Policy DM 7 of the Kent Minerals and Waste Local Plan 2013-30 on safeguarding mineral resources is satisfied. This allows planning permission to be granted for non-mineral development on areas safeguarded for mineral resources. I am satisfied based on this information and advice from KCC that prior extraction of minerals should not take place in advance of residential development on site.

(viii) Archaeology/heritage

46. A Heritage Desk-Based Assessment was provided. The site is not identified as an area of archaeological significance. The assessment considered the archaeological impact from the development may be appropriately addressed through a scheme of archaeological investigation. KCC Heritage raise no objection subject to a condition requiring archaeological field evaluation works and further archaeological investigation determined by the results of the evaluation. There are no listed buildings or conservation areas near to the site.

(ix) Water efficiency

47. A condition is recommended requiring all flats to achieve a minimum of 110 litres per person per day of water consumption as required under policy ENV7 of the ALP 2030

(e) Section 106 issues

48. The section 106 requirement are outlined within table 1. While I agree a financial contribution should be provided for the Malcolm Sergeant roundabout I do not consider the level of contribution of £153,537 requested by Kent Highways as being reasonable. This is based on 16 peak hour movements through the junction (as shown in the TA) and

amounts to just under £10K per movement that in my opinion is not fair, proportionate or reasonable. The level of contribution has therefore been reduced £29,497.12 or £1,843 per movement to match the proportionate contribution made by the PFSE S14 planning permission. Kingsnorth Parish Council have raised the issue of a community facility such as a community hall however there is no requirement for this in S45 ALP policy or justification to provide funding through a section 106 contribution. Policy S45 mentions possible contributions to a rail station along the Ashford-Hastings railway line if required. In my PFSE application 18/00652/AS report in 2018 I mentioned that there is no active or likely proposals for a rail halt and therefore there can be no requirement for a financial contribution which also applied to this scheme: the situation remains unchanged.

### **Planning Obligations**

49. 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

50. 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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
1	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: on site provision On the basis of 100 dwellings, a minimum 0.5 hectares space to be provided on site, or equivalent area based on the number of units proposed as calculated under the Public Green Spaces and Water Environment SPD</p>	<p>On site provision to the equivalent cost of</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><b>Necessary</b> 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, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
2	<p><b><u>Local Highways</u></b></p> <p>Romney Marsh Roundabout (RMR)</p>	<p>Based on a total of 16 movements being</p>	<p>Before Occupation of TBC dwellings</p>	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1 (and any relevant site policies), KCC Highways guidance and guidance in the NPPF.</p>

	Contribution to KCC towards improvements that are a direct result of the impact of the scheme on the RMR	generated from this site a contribution of £29,497.12		<p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> as would be site specific requirement to enable site delivery.</p>
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3	<p><b><u>Affordable Housing</u></b></p> <p>In accordance with table within Policy HOU1 Provide not less than 30% of the units as affordable housing in the locations and with the floorspace, wheelchair access (if any), 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 nomination agreement</p>	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	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
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		ownership (of which 10% of the total dwellings should be shared ownership).		
		Details to be agreed as reserved matters stage		
	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>	
4	<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards increasing capacity at the Braethorpe Wellbeing Centre (Ashford Day Care)</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><b>Necessary</b> 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 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p>

				<b>Fairly and reasonably related in scale and kind</b> 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.
5	<p><b><u>Allotments</u></b></p> <p>Contribution towards off-site provision in the locality. Off site contribution towards a project to provide allotments at Bridgefield, or within the parish of Kingsnorth</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
6	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Off site contribution towards a play area within the parish of Kingsnorth</p>	£649 per dwelling for capital costs	Upon occupation of 75% of the dwellings	<b>Necessary</b> 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 Public Green Spaces and Water Environment SPD, and guidance



		£663 per dwelling for maintenance		<p>in the NPPF.</p> <p><b>Directly related</b> 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><b>Fairly and reasonably related in scale and kind</b> 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>
7	<p><b><u>Community Learning</u></b></p> <p>Project: Towards additional equipment and resources for Adult Education Centres locally</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
8	<b><u>Health Care</u></b>	£76,050	Half the contribution upon	<b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated

	Provision of primary care health needs in the locality	based on 100 units	occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
9	<p><b><u>Libraries</u></b></p> <p>Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area</p>	£55.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> 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 guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
10	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Off-site contribution towards Finberry</p>	£1,589 per dwelling for	Upon occupation of 75% of the	<p><b>Necessary</b> 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,</p>

	community centre, as part of the hub of facilities which provide outdoor sport provision including a 3G pitch	capital costs  £326 per dwelling for maintenance	dwellings	COM2, IMP1 and Public Green Spaces and Water Environment SPD and guidance in the NPPF.  <b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.  <b>Fairly and reasonably related in scale and kind</b> 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.
11	<p><b><u>Primary Schools</u></b></p> <p>Project: Towards new school provision in the planning group</p> <p><i>This could be capital costs, land provision on-site or/and off-site land contributions</i></p>	<p>£1134.00 per flat</p> <p>£4535.00 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> 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><b>Necessary</b> as no spare capacity at any primary 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><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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</p>

				accommodation specifically for the elderly.
12	<p><b><u>Secondary Schools</u></b></p> <p>Project: Towards new school provision at the Chilmington Green Secondary school or alternative new provision in the planning group</p> <p><i>This could be capital costs, land provision on-site or/and off-site land contributions</i></p>	<p>£1172.00 per flat</p> <p>£ 4687.00 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> 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><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and 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><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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.</p>
13	<p><b><u>Strategic Parks</u></b></p> <p>Contribution sought towards Off site contribution towards Conningbrook Lakes Country Park</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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 Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

		dwelling for maintenance		<p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
14	<p><b><u>Sustainable Travel</u></b></p> <p>Provision of a shelter at the terminus in connection with bus service.</p>	To be agreed	TBC	<p><b>Necessary</b> as enhancements to the local movement and transport network are essential to achieve sustainable travel and accessibility requirements in accordance with Local Plan 2030 policies SP1, SP2, TRA4, TRA5 and TRA6.</p> <p><b>Directly related</b> as occupiers and visitors will need to access the site via sustainable travel methods and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on local and site specific evidence.</p>
15	<p><b><u>Voluntary Sector</u></b></p> <p>Voluntary sector contribution to Kingsnorth Parish Council, for</p>	£8,700	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and, KCC document 'Creating Quality places'</p>

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	volunteer led projects within the parish.			<p>and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources for the Ashford Youth service to enable outreach services in the vicinity</p>	£ 65.50 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amount (s)</b>	<b>Trigger Points</b>	

17	<p><b><u>Governance of public community space and facilities</u></b></p> <p>Potentially includes:</p> <ul style="list-style-type: none"> <li>• Open space</li> <li>• Indoor sports</li> <li>• Outdoor sports</li> <li>• Community buildings</li> <li>• Venues for art</li> <li>• Venues for voluntary sector</li> <li>• SuDS features</li> <li>• Verges next to footpaths/roads</li> </ul> <p>Scheme for ongoing management of informal/natural space to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the open space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of</p>	To be agreed	TBC	<p><b>Necessary</b> as new/enhanced public community services needed to meet the demand that would be generated from the development pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on stewardship arrangements in place and potential Council adoption</p>
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	any mechanism for securing such ongoing endowment			
18	<p><b><u>Strategic Highways</u></b></p> <p><b>Junction 10A</b> - Contribution towards construction of junction 10A of the M20</p> <p>To be paid through an agreement with Highways England under section 278 of the Highways Act 1980</p>	<p>£3487.12 per dwelling</p> <p>£97,939.36 based on 100 dwellings</p> <p>NB when the current indexation is included, the amount is roughly doubled</p>	<p>Payment of the contribution: 50% on the start of construction, 25% on the occupation of 1/3 of the dwellings and 25% on the occupation of 3/4 of the dwellings</p>	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1 (and any relevant site policies), SPG6, Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the scale of the development and the estimated number of relevant trips.</p>
19	<p><b>Accessible Housing</b></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><b>Necessary</b> as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably</b> related in scale and kind as based on a proportion of the total number of</p>



				housing units to be provided.
20	<p><b><u>Custom/Self Build</u></b></p> <p>No less than 5% of dwelling plots to be serviced and marketed for sale to self or custom build. In accordance with policy HOU6</p>	5% as serviced dwelling plots	In accordance with the criteria in policy HOU6	<p><b>Necessary</b> as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to HOU6 of Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p><b>Directly related</b> as the plots would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>
21	<p><b><u>Monitoring Fee</u></b></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	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their</p>				

value. The Council's legal costs in connection with the deed must be paid.

**If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.**

## Human Rights Issues

51. 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

52. 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

53. The principle of the development is in accordance with the adopted development plan policies and national planning guidance. It will deliver up to 100 houses in line within the indicative capacity outlined under the site policy S45 ALP 2030. The detailed matters apart from the main access to Brockmans Lane are reserved for future consideration. The illustrative plans have shown how a potential scheme could work but this detail would be assessed at the reserved matters stage. The access detail to Brockmans Lane is acceptable to Kent highways.

## 54. Recommendation

**(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery 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 outline condition
2. Time period for commencement taking into account the need for Policy S14 infrastructure to be in place
3. Development carried out in accordance with the approved plans
4. Submission of a Construction Management Plan.
- 5 Retention of vehicle parking spaces for each dwelling hereby permitted.
- 6 Secure, covered cycle parking facilities.
- 7 Completion and maintenance of the access details including the central refuge island.
- 8 Completion of works between a dwelling and the adopted highway.
- 9 Highway works to be laid out and constructed in accordance with details to be approved by the LPA.
- 10 Provision and maintenance of the access visibility splays.
- 11 Provision and permanent retention of an electric vehicle charging point for each property.
- 12 Closure of the existing agricultural access onto Brockmans Lane prior to the new access hereby permitted being brought into use.
- 13 The development hereby permitted shall not be commenced until the spine road and footpaths proposed within the Park Farm South East development (18/00652/AS) have been delivered that link Park Farm South East with Park Farm East and provide a safe pedestrian and cycle connection from the application site to Kingsnorth
- 14 unexpected contamination
- 15 Scheme for protecting the dwellings / development approved from noise from road/railway.
- 16 Detailed mitigation and enhancement strategy (informed by updated surveys)
- 17 Habitat creation /enhancement plan
- 18 Detailed management and monitoring plan
- 19 Lighting strategy
- 20 Submission of detailed sustainable surface water drainage scheme
- 21 Verification Report, pertaining to the surface water drainage system

22 details of the proposed means of foul and surface water sewerage disposal.

23 soft landscaping

24 high speed fibre optic broadband

25 archaeology

26 materials

27. water efficiency

28. monitoring

29. purposed governance of open and informal area

### **Note to Applicant**

1. S106
2. Working with the Applicant
3. noisy works should not occur, in general, outside certain times
4. Illegal to burn any controlled wastes
5. handling storage of , temporary dewatering pollution measures to protect ditches and stream
6. drainage ditch in the south of the site is assessed
7. Kent police contact
8. Any works affecting any ordinary watercourse on the site will require the IDB's prior written consent.
9. Connection to the public sewerage system is required.

### **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 .....***add / delete as appropriate.***

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

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://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 19/1701/AS)

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