

Application Number	18 /01861/AS	
Location	Land at Playing Fields and Linden Grove Primary School, Stanhope Road, Stanhope, Kent	
Grid Reference	599666 / 140550	
Parish Council	Stanhope	
Ward	Stanhope Ward, (immediately adjoins Norman Ward, Roman Ward and Washford Ward)	
Application Description	Outline application with all matters reserved, except the 3 main "Access" points off Stanhope Road into the site, for the construction of up to 205 no. dwellings and up to 64 no. bedroom Extra Care housing, replacement of the Ray Allen Children's Centre, together with the provision of open space, landscaping, drainage, infrastructure and earthworks.	
Applicant	Kent County Council	
Agent	Barton Willmore LLP The Observatory Southfleet Road Ebbsfleet Dartford, Kent DA10 0DF	
Site Area	7.06 hectares	
Consultation		
(a) 335/ 2R / -	(b) KPC –R SPC - X	(c) SE –X, UKPN-X, KCCH&T-X, KCCF&WM-X, ABCEP-X, ABCSSOS-X

Introduction

1. At the Planning Committee held on the 10th February 2020, Members resolved to defer the consideration of the application for the following reasons:
 1. ***For the officers to seek clarification of the traffic impact assessment to ensure that the traffic movement figures are accurate and have not been double counted; and***
 2. ***For the officers to seek from the applicant its agreement to the provision of 20% affordable housing (shared ownership) within the non-flatted element of the proposed development through the S106 obligation.***

2. The original February 2020 Committee Report is included as Annex 1 to this report. This has also incorporated the following additional representations, clarifications and amendments that were listed in full in the update report to the February Committee meeting.

- Representations of Stanhope Parish Council Comments and associated SDDM responses, added to pages 16-19
- Site location plan added to page 2.
- Sewer Plan added to para 146, page 63-64.
- Parameter Plan confirmation on page 8
- Parking clarification comment from applicant on para. 19, page 58
- Oak Fields Open Space comments from applicant in para 66, page 47
- Ray Allen Centre comment from applicant in para 95, pages 52-53
- Transport Technical Note comment from applicant included in para 99 on page 54

The following have been dealt with under the conditions section of this report rather than the annex;

- Minor wording changes to conditions 1, 22, 31,33 and 65
- Extra conditions added
 - External Lighting (condition 75)
 - Dark Skies (condition 76)
 - Parameter Plan (condition 4)

3. However, the Section 106 heads of terms changes listed in February's Update Report have been included in the revised Table 1 included in this report. The changes to table 1 set out in February update report were as follows:-

- *Informal and Natural Space - The missing figure on line 5 of Head 2 should read "the shortfall of approx. 0.6ha (dependent on final number of units on site)"*
- *Outdoor Sports - The wording under Head 3 should read "contribution towards replacing and renewing the existing 3G pitch adjoining the site, and /or other facilities in the area, plus maintenance thereof".*
- *Secondary Schools Further comment received from KCC: KCC wishes for some flexibility for the spend. Add to Capital Project "and/or provision of new secondary education places within the relevant group of schools"*
- *Health Care - Further comment from the Clinical Commissioning Group: The population growth of 545 will require 41 m2 based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £136,250. A further 30% allowance for development fees means our request totals £177,125.*
- *Regarding the Indexation:*
 - A) *The £3000 psm is based on the average cost of a new surgery building in 2018/2019*
 - B) *the NHS would typically look at the BCIS All-In Output Price Index, and also General Building Cost Index*

- Amend Head 10 accordingly.

For the avoidance of doubt, a revised recommendation (including updated Heads of Terms) is now set out below in this report.

Site and Surroundings

4. See pages 2-5 of original report in Annex 1.

Proposal

5. The proposals are explained in pages 5-15 of the original report in Annex 1. The description has now been updated to refer to 64 extra care residential units rather than 65, which the applicant has confirmed was submitted in error. This very minor reduction of 1 unit in the scale of the proposals does not require further public consultation.

To clarify the outline application proposes a total of 269 residential units which includes 205 dwellings and 64 extra care dwellings (C2 use). The housing typology mix includes;

- 57 x 1 bed apartments
- 49 x 2 bed apartments
- 27 x 2 bed houses
- 52 x 3 bed houses
- 20 x 4 bed houses
- 32 x 1 bed extra care units (C2 use)
- 32 x 2 bed extra care units (C2 use)

6. The following updated documents have been submitted since February in support of the application:

7. Transport Technical Note (DHA on behalf of the applicant) – This states:

1.2.1 The first comment received from the Parish Council was with respect to the junction modelling assessment:

“The transport evidence fails to reliably assess the quantum of traffic as a result of the development on the local network. This occurs due to the old primary school site traffic being double counted.”

1.2.2 As outlined by KCC Highways at the pre application stage, there is no condition associated with the previous school application (Planning Reference: 17/00236/AS) which states that the existing school is to be demolished once the new school is built. The existing school buildings could therefore lawfully be used as an education facility and it was therefore

deemed acceptable to offset the proposals against the trip potential of the existing school.

1.2.3 Discussions were held with KCC Highways who confirmed that it is not necessary to remodel the junctions, as there was justification behind using the school to offset trips. It is however accepted that the new primary school had not yet been built out when the four junctions were surveyed, and therefore the spreadsheet model has been updated with the inclusion of the school trips from its new location, to ensure that the trips have not been 'double discounted'.

1.2.4 As was noted within the TA (SM/AH/12860) for the residential development the school afternoon peak hour is between 15:00-16:00, it has therefore been assumed that there are no school trips during the network PM peak (17:00- 18:00), which is being assessed as part of the residential development. Given this it is not deemed necessary to re-run the junction modelling for the PM peak as the results would not change.

1.2.5 The trips for the school have been taken from the Transport Statement produced in February 2017 to support the planning application for the new school (Planning Reference: 17/00236/AS). These trips have then been distributed using postcode data which was previously sourced from the school as part of the aforementioned application. The network diagrams for traffic associated with the new Primary School are included in Figure 1.

1.2.6 As was noted within the TA, the impact during the network AM peak is minimal at the Stanhope Road mini-roundabout junction and the Kingsnorth Road / Stanhope Road mini-roundabout junction. It was therefore agreed with KCC Highways that these junctions would only need to be modelled during the PM peak. As noted above, the school trips will not have an impact on the PM peak and therefore it is not deemed necessary to remodel these junctions.

1.2.7 Junction modelling has however been completed for the Kingsnorth Road / Tennyson Road mini-roundabout and the Wotton Road / Malcolm Sargent Road roundabout for the AM Peak. For the purpose of this modelling assessment the junctions have been modelled in the future year of 2025 to allow for a five year projection. The growth of flows follows the same process as that set out in the TA for the residential development.

1.2.8 Industry-standard ARCADY modelling software has been utilised for the roundabout junctions. A summary of the results is provided below: Kingsnorth Road / Tennyson Road Mini-Roundabout Junction

1.2.9 A summary of the results for the mini-roundabout junction can be found in Table 1 below with full details attached at Appendix A. Please note that in

the tables below ‘S’ refers to the school trips and ‘D’ refers to the development trips.

AM Peak	2018		2025+S		2025+S+D	
	RFC	Queue	RFC	Queue	RFC	Queue
Kingsnorth Road (N)	0.73	2.7	0.88	6.7	0.90	8.1
Tennyson Road (E)	0.36	0.6	0.44	0.8	0.45	0.8
Kingsnorth Road (S)	0.62	1.7	0.86	5.4	0.86	5.5
Avg Delay (s/PCU)	10.56		23.62		26.21	

Table 1: Kingsnorth Road / Tennyson Road Mini-Roundabout Junction Capacity Assessment Summary

1.2.10 As can be seen above the junction operates slightly over practical capacity in the future year of 2025 with the inclusion of the school trips. It is however noted that the junction is still operating within theoretical capacity. As can be seen above the inclusion of the development trips has a minimal impact on the junction.

1.2.11 The previous modelling demonstrated that this junction would operate over capacity in the PM peak which was largely due to cars parked on Tennyson Road in the vicinity of the junction. A mitigation scheme was therefore put in place to aid the capacity of the junction, it is considered that this improvement scheme will also aid the situation in the AM peak. It is therefore considered that development would not have a material or ‘severe’ impact on this junction as per paragraph 109 of the NPPF.

Wotton Road / Malcolm Sargent Road Roundabout Junction

1.2.12 A summary of the results for the roundabout junction can be found in Table 2 below with full details attached at Appendix B

AM Peak	2018		2025+S		2025+S+D	
	RFC	Queue	RFC	Queue	RFC	Queue
Wotton Road (N)	0.07	0.1	0.07	0.1	0.07	0.1
Malcolm Sargent Road (E)	0.31	0.5	0.34	0.5	0.35	0.5
Wotton Road (W)	0.37	0.6	0.41	0.7	0.42	0.8
Avg Delay (s/PCU)	2.96		3.14		3.20	

Table 2: Wotton Road / Malcolm Sargent Road Roundabout Junction Capacity Assessment Summary

1.2.13 As can be seen above, the junction still operates within capacity, even with the inclusion of the school trips. It is therefore considered that the proposals would not have a material impact on the capacity of this junction.

1.2.14 The second comment was with respect to junctions which have been modelled:

“The transport evidence fails to consider the impacts of the development over an appropriate area. Despite a third of traffic departing or arriving to the west of the site where there are known

to be severe constraints, no assessment is presented. There is also no assessment of the Romney Marsh Roundabout to the East.”

1.2.15 The junctions to be assessed as part this application were discussed with KCC Highways at the pre application stage and it was not deemed necessary to consider any junctions to the west of the site as these junctions will see a net increase of less than 30 vehicle movements and neither was it deemed necessary to consider the Romney Marsh roundabout.

1.2.16 The third comment received was with respect to the future year assessed:

“The transport evidence fails to consider the impact of the development over an appropriate timescale given the local context. This site would therefore prejudice the rate of delivery of Local Plan sites and result in no net increase in housing delivery in the short to medium term.”

1.2.17 The future year to be assessed was discussed with KCC Highways at the pre application stage and the future year of 2023 was deemed acceptable. Please note that for the purpose of the new modelling the future year 2025 has been considered.

1.2.18 The fourth highways related comment was with respect to the results of the junction modelling assessment:

“The Traffic Assessment shows that junctions go over practical capacity at the Stanhope Road Roundabout, the Kingsnorth Road + Stanhope Road Roundabout and The Kingsnorth Road Tennyson Road Roundabout (TA addendum Jan 2019). We believe this analysis is flawed and grossly underestimates the traffic generation because: KCC Highways when assessing the new primary school application did so on the basis that the old primary school would be closed. They therefore only considered the net increase in traffic associated with the new primary being larger. KCC as a landowner has therefore already been allowed to benefit from offsetting the trip generation of the old primary once against the new school. They are now seeking to deduct a new, entirely fictional, set of trips from the traffic generated by this application. The demolition of the old educational buildings is not included within the development description, nor is it subject to a condition. KCC Highways therefore falls into error in allowing the trips associated with those buildings to be offset against the scheme. An error which occurred with the previous ‘new primary’ application and which if not allowed to occur again could lead to KCC as a landowner trying to use the ‘old primary’ trips for a third or perhaps even fourth time.

1.2.19 As noted above, the existing school buildings were not due to be demolished as part of the planning application for the new primary school and therefore the existing school buildings could still lawfully be used as a school.

1.2.20 The fifth comment received was with respect to the residual impact during the PM peak:

“The flows originating from or departing the West of the application site exceed 30 in both the AM and PM peaks. These flows running directly to the A28 corridor. The impact of this is currently un-modelled by the applicant. One of the nearby committed development sites from the Local Plan, Court Lodge, is currently being constrained by the A28 corridor and KCC is insisting that development at this site be capped at 250 dwellings so that it does not increase the two way trips on the A28 corridor by more than 30 vehicles. The same concern should apply to all sites generating traffic to the corridor.”

1.2.21 It was advised by KCC Highways at the pre application stage that any junction with an increase of more than 30 vehicles should be subject to modelling and it was considered that the majority of the trips routing west would disperse onto the wider network before they reach the A28. It was therefore agreed with the local Highways Officer that it was not necessary to model any junctions to the west of the site.

1.2.22 The sixth comment received was with respect to other developments in the area:

“Eastbound flows past the site from the A28 corridor. There is no control over the rate of build out at Chilmington Green before the A28 scheme is implemented. The developer(s) must place the bond at the 400 dwelling threshold but the LEP funding has hover and we do not know when the A28 scheme could be built. It is not certain that the scheme will come forward and the conditions allow the full scheme of thousands of dwellings to continue to be built whether the A28 is improved or not. Already traffic regularly backs up the Great Chart Bypass and often turns east at Tithe Barn Lane, choosing to head for J10 as an alternative means of accessing the strategic network when faced with queuing. Stanhope can therefore be expected to receive disproportionately higher increases in AM peak flow traffic than the TEMPRO assumption made by the applicant. Chilmington Green is 700m from the site, Court Lodge is 600m from the site with the two combined totalling nearly 7,000 homes. It was not correct for KCC to assert, as they have, that there are no committed development sites particularly close to the site. The use of TEMPRO here will clearly underestimate future traffic flows.”

1.2.23 The TEMPRO growth factor applied does take into account developments in the area and therefore the use of TEMPRO growth factors is deemed acceptable, as agreed with KCC Highways.

1.2.24 The seventh comments received was with respect to the Romney Marsh roundabout:

“KCC Highways in this application define the threshold at which junction needs to be modelled as over 30 on any arm. The Romney Marsh Roundabout is exactly on the ‘30’ threshold. It is already known that this roundabout had predicted capacity issues and is a crash remedial site. Local Plan sites which increase traffic to this roundabout are expected to contribute to a scheme and yet this windfall site not contributing. We don’t believe there is modelling available for KCC’s proposed improvement scheme, but the mitigation scheme proposed by Court Lodge still has a Ratio of flow to Capacity on the Malcolm Sargent arm of 1.21 and a forecast queue in 2030 of 131 vehicles even after improvement. In the absence of modelling by the applicant it is reasonable to believe that the additional trips generated by this development will result in severe harm and given the known capacity constraints it is reasonable for members to lower the 30 threshold set by KCC Highways.

KCC Highways has asked the site ‘Land South of Brockmans Lane – 19/01701/AS’ to contribute to the Romney Marsh Roundabout. That site is in it’s worse case anticipated to increase movements at the RMR by 16 vehicles in the PM peak and KCC are requesting a contribution of £153,828. It would therefore seem that this site should be contributing in the order of £450,000 for the 45 movements”

1.2.25 As noted, the junctions to be modelled were discussed with KCC Highways and this junction was not requested by the local Highways Officer. It was therefore not deemed necessary to complete junction modelling for this roundabout. As advised by KCC Highways, this site is not a local plan site and is a windfall site being brownfield land. This site has therefore been treated differently to the local plan sites that are required to contribute to the Romney Marsh Road roundabout improvements.

1.2.26 The eighth comment received was with respect to the views of statutory consultates:

“A ‘decision-maker should give the views of statutory consultees... ‘great’ or ‘considerable’ weight. A departure from those views requires ‘cogent and compelling reasons’ High Court – Shadwell Estates LTD v Breckland DC 2013. The views of Statutory Consultees are not determinative and decision maker may depart from those views if they believe the ‘cogent and

compelling’ reasons threshold is met. We believe that this test is clearly met in this case.”

1.2.27 The local Highways Officer plays a key role in planning decisions and it is therefore considered that ‘great’ consideration should be given to the comments they provide.

*1.2.28 The final comment received was with respect to the future year:
“The committed site are required to look ahead until at least 2030 in their transport modelling and the 2023 (2024) used here is inappropriate”*

1.2.29 As noted, the future year of 2023 was deemed acceptable by the Highways Officer at the pre application stage. KCC Highways have advised that this is not a local plan site and should not be expected to look to 2030.

1.3 Conclusion

1.3.1 It is considered that the above information is sufficient to address the outstanding concerns. It is therefore considered that no further highway related objections should be raised.

Viability Statement (GL Hearn on behalf of the applicant)

An updated viability statement has been produced on behalf of the applicant following the February Planning Committee meeting. It is summarised as follows:-

Extra Development Costs

Various extra cost items are included within the BPC review, referred to as “Abnormal costs”, and consist of the following items:

Table 7: Summary of Extra Development Costs

Item	Cost
Ray Allen’s Children Centre	£800,000
Resurfacing of 3G Pitch	£300,000
3G AGP Replacement Changing Rooms	£100,000
Extra Off-Site Car Park Provision	£100,000
Footpath and lighting to 3G pitch	£10,000
Replacement MUGA	£155,000
Replacement of grass football pitch	£5,000
Highways improvements Stanhope Road	£30,000
Total	£1,500,000

The extent to which these costs are considered part of the usual costs of development, or as planning obligation items is uncertain, and we advise clarity on this matter be sought.

Site Value Benchmark

BPC have adopted a Site Value benchmark of c.£2.100m, based upon an agricultural land value multiple, which is an approach promoted within strategic plan-making viability assessments, relating largely to strategic greenfield sites.

Whilst the subject site cannot be said to be such, we have adopted a similar benchmark for the purposes of our conclusions but highlight that c.50% of the current site is developed brownfield land.

Viability Conclusions

In line with our comments contained herewith, a revised development appraisal has been prepared to demonstrate the ability of the revised proposal to generate the values required to support the quantum of planning obligations currently being requested by the Local Planning Authority (LPA). Two scenarios are therefore presented, responding to requests by the LPA, consisting of;

- 100% market residential appraisal; and*
- 80% market residential by unit, assuming 20% of house type units delivered as intermediate affordable housing.*

100% Market Appraisal

Assuming all residential units are delivered as market sale units the revised development appraisal generates a range of land value ranging between c.-£9.630m and c.-£0.814m, when presented against a +/-5% sensitivity analysis on base construction cost and value assumptions.

Against each scenario a negative land value (i.e. £1) is returned. This implies the level of planning obligations cannot be sustained by the proposal on the assumptions outlined within the BPC viability review.

20% On-Site Intermediate

Albeit a somewhat academic exercise given the results of the 100% market appraisal, a high-level appraisal assuming c.7% of total units (20 no. 3 bedroom houses) are delivered as affordable housing has also been explored, resulting in a range of land values between c.-£9.170m and c.-£0.444m.

The scenarios that principally adopt the assumptions suggested by the LPA's independent consultant are, in our opinion, conclusive in respect of the ability of the proposal to support the level of planning obligations that we understand as being applicable to the application.

Additional representations received

8. Since the application was previously considered by the Planning Committee in February, the following representations have been received:

Stanhope Parish Council:

The Parish Council has asked for a review of the proposed S106 projects contained in this application be undertaken as they consider that large sums of money are being promised elsewhere under S106 funding for this application, for example,

- Funding has been promised to Conningbrook Lakes Country Park (approximately £25k for capital costs plus £8k for maintenance a total of £34k).*
- Funding for Allotments: some £19k has been set aside for allotments and £11k for future maintenance has been allocated. A total of some £31k.*
- Funding for Primary Schools: Funding of approximately £572k has been set aside for Finberry Primary School.*
- Secondary Schools: Funding of approximately £590k has been set aside towards the provision of the new Chilmington Green Secondary School.*
- Health Care: £159k has been set aside for the extension of Kingsnorth Medical Practice, Hollington Surgery, Sydenham House Medical Centre.*
- Community Learning: Some £3.8k has been allocated to the Ashford Adult Education Centre for IT equipment.*
- Youth Services: Some £5K has been allocated to the Ashford North Youth Centre.*
- Voluntary Sector: Some £15k has been allocated towards voluntary sector projects.*
- From these figures approximately £1,4m will be spent not in Stanhope and the surrounding area but in areas that are not related to Stanhope.*
- The local medical centre that serves those who live in Stanhope, (St Stephens Walk Medical Centre), the local primary schools ie Beaver Green primary school, the Stanhope Hub which provides youth and IT facilities are not receiving any funding from this S106 funding. Stanhope does not have allotments but do have a community garden located at The Limes which is for the community of Stanhope so surely funding should be provided here instead of allotments.*

[SDDM comment: In the case of the requests for schools, health care, community learning and youth services, the requests reflect the wishes of the respective service provider as to where demand arising from the proposal can be suitably met. With regards to the country park request, this falls against the demand generated for the delivery of strategic parks in policy COM2 of the Local Plan and cannot be met locally within the parish. The allotment contribution cannot reasonably be said to be substituted by a contribution towards the proposed community garden at The Limes and would not meet the CIL regulation tests for such a contribution. This may however be covered by

the informal open space off-site contribution sought under Head 2 in Table 1 of this report]

Kingsnorth Parish Council

Kingsnorth Parish Council wish to object on following grounds;

- *Transport evidence fails to reliably assess the quantum of traffic on the local network. This occurs due to the old primary school site traffic being double counted.*
- *Transport evidence fails to consider the impacts of the development over an appropriate area. Despite a third of traffic departing or arriving to the west of the site where there are known to be severe constraints, no assessment is presented.*
- *There is also no assessment of the Romney Marsh Roundabout to the East.*
- *The transport evidence fails to consider the impact of the development over an appropriate timescale given the local context. The site would therefore prejudice the rate of delivery of Local Plan Sites and result in no net increase in housing delivery in the short to medium term.*
- *The applicant has not published viability information and therefore the validity of public consultation to date has been compromised.*
- *The development description should include 'demolition' and therefore the validity of public consultation to date has been compromised*
- *This is Environmental Impact Assessment Directive Schedule 2 Development, for both the number of dwellings and scale of demolition, but this appears not to have been taken duly into consideration*
- *The retrospective funding of a school is not a material planning consideration*
- *There is no valid justification presented for the lack of affordable housing provision, which is contrary to the recently assessed development plan and to which significant weight should be attached.*
- *The traffic assessment shows that junctions go over practical capacity at the Stanhope Road Roundabout, the Kingsnorth Road-Stanhope Roundabout, and the Kingsnorth Road-Tennyson Road Roundabout. We believe this analysis is flawed and grossly underestimates the traffic generation because-*
 - *School Site Traffic. KCC assessment based of new primary school did so on basis that old primary school would be closed. Only considered net increase in traffic associated with new larger primary school. KCC as landowner has therefore already been allowed to benefit from offsetting the trip generation of the old primary once against the new school. They are now seeking to deduct a new entirely fictional set of trips from the traffic generated by this application.*
 - *Residual trip calculation from the new school application, which shows the old school being used to reduce the amount of mitigation required (tables and statistics provided which are summarised as follows);*

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 Planning Committee – 15th July 2020

Time	Arrivals	Departures	Total
0800-0900	96	84	180
1500-1600	78	82	160

Table 5-4: Baseline Peak Hour Vehicle Trip Attraction with All Factors Considered (370 Pupils and 44 Staff)

- .11 The above table indicates that at present, the 370 pupils and 44 staff attract a total of 180 vehicle movements within the AM peak hour (arrivals and departures) and a total of 160 vehicle trips during the PM peak hour (arrivals and departures).

Time	Arrivals	Departures	Total
0800-0900	127	116	243
1500-1600	108	111	219

Table 5-7: Future Peak Hour Vehicle Trip Attraction with All Factors Considered (420 Pupils plus 54 Nursery places and 44 Staff)

- 5 The above table indicates that in the future once the new school's capacity has been reached (420 pupils plus 54 nursery places), a total of 243 vehicle trips (including arrivals and departures) will occur in the morning peak hour and 219 total vehicle trips (arrivals and departures) in the afternoon peak hour.

Time	Arrivals	Departures	Total
0800-0900	+32	+32	+63
1500-1600	+30	+30	+60

Table 5-8: Residual Vehicle Trip Attraction

- : Utilising this information, it is shown that the new school is likely to produce an additional 63 two-way vehicle trips in the AM peak hour and an additional 60 trips in the PM peak hour.

Below is the residual trips calculation for this application which shows the old school being used of reduce the amount of mitigation required, for a second time and meaning the schemes impact on the AM peak has not been robustly tested.

Total Trip Generation

5.3.11 The total trip generation for the proposed development has been calculated by adding Table 5-6 and Table 5-8, the results of which can be seen in Table 5-9 below.

Time	Arrivals	Departures	Total
08:00-09:00	31	67	98
17:00-18:00	66	34	100
Total	451	466	916

Table 5-9: Total Proposed Vehicle Trip Generation (214 dwellings and 36 Unit Extra Care Facility)

5.4 Residual Weekday Vehicle Trip Generation

5.4.1 The trips that are estimated to be generated by the site following the redevelopment can be offset against the existing vehicle trips, as set out in Table 5-1. A summary of the residual vehicle trips is presented in Table 5-10 below. Please note that the school peak hour is between 15:00-16:00, it has therefore been assumed that there are no existing trips during the network PM peak (17:00-18:00).

	Existing Use	Proposed Use	Difference in trips
08:00-09:00	180	98	-82
17:00-18:00	0	100	+100

Table 5-10: Residual Vehicle Trip Generation

- *The demolition of the old educational buildings is not included within the development description, nor is it subject to a condition. KCC Highways therefore falls into error in allowing the trips associated with those buildings to be offset against the scheme. An error which occurred with the previous 'new primary' application and which if allowed to occur again could lead to KCC as a landowner trying to use the 'old primary' trips for a third or perhaps even fourth time.*
- *Flows originating from or departing the west of the application exceed 30 in both the AM and PM peaks. Flows run directly to the A28 corridor. This impact is currently unmodelled by the applicant. This is inconsistent with KCC approach on Court Lodge to cap number of units to avoid increase of two way trips on the A28. Should apply to all site generating traffic in corridor.*
- *Eastbound flows past this site from the A28 corridor. No control over build rate at Chilmington before A28 improvements are implemented. Not clear when A28 scheme will come forward despite considerable congestion already. Stanhope can therefore be expected to receive disproportionately higher increases in AM peak flow traffic than the TEMPRO assumption made by the applicant.*

- *Not correct for KCC to assert that there are no committed development sites particularly close to the site. The use of TEMPRO here will clearly underestimate future traffic flows.*
- *Impact on Romney Marsh roundabout needs consideration as this windfall site is not being considered as contributing to this roundabout (over 30 movements on any arm). Additional trips generated by this development will result in severe harm and given known capacity constraint members should lower the threshold set by KCC Highways. Other sites at Court Lodge and Land South of Brockmans Lane have had to contribute to the Romney Marsh Roundabout. It would therefore seem that this site should be contributing in the order of £450,000 for the 45 movements. Extract from TA shows 45 movements to Romney Marsh Roundabout from Malcolm Sargent Road.*
- *Views of statutory consultees are not determinative and decision maker may depart from those views if they believe the 'cogent and compelling' reasons threshold is met, We believe that this test is clearly met in this case.*
- *Appropriate timescale – committed sites are required to look ahead until at least 2030 in their transport modelling and the 2023 (2024) used here is inappropriate*
- *Guidance For Transport Assessments say no less than 5 years and not a maximum of 5 years with regard to how the local transport network of a development should be assessed in relation to the LDF (committed sites). See para 4.45 and 4.47 of Guidance For Transport.*
- *Viability Information reports has not published contrary to NPPF para 57 and PPG Para: 021*
- *Development Description – Demolition of existing buildings conditions included but demolition not included in description and subject to fresh consultation.*
- *EIA is required to be submitted with screening opinion, due to quantum of dwellings and demolition. Has not been considered in committee report.*
- *If in isolation an EIA is not required it should be considered in context of other committed development and local plan sites in the area (7500 dwellings and 2000m radius).*
- *Material Planning Considerations – Lack of affordable housing provision. Test set out in case law and this test should be applied to a planning condition. The retrospective funding of the new primary school fails the material consideration. Not reasonable for LPA to impose a condition that the applicant contributes to a school in excess of the s106 education contribution required to mitigate its impact. Would not serve a planning purpose related to the land use of the application site and therefore would not be a material consideration. Proffered excess benefit already exists, will continue to exist and in no way change as a result of the decision taken. The relationship between the development and the new primary school is undoubtedly de minimis, and a supreme court quote was listed.*

[SDDM comment: The application is not EIA development and this matter had been considered by the Council in February 2019 shortly after the application was submitted. There is no need for an Environmental Statement in this case under the Town and Country

Planning (Environmental Impact Assessment) Regulations 2017. There is no requirement for a separate description of demolition in this case as the proposed development could not realistically be implemented without the demolition of the former school buildings. The implications of demolition are therefore fully assessed in the consideration of the proposed development. The relationship between this development and the delivery of the new John Wallis Academy is clearly not *de minimis* in this instance as the JWA is the direct replacement for the former Linden Grove school and hence I am satisfied that a clear link exists between the funding and delivery of the new school and the redevelopment of the school site it has replaced.

Other matters raised by KPC have been addressed elsewhere in this report and the revised transport assessment included as well as the KCC H&T response].

Gas Utility/UK Power Networks

A wide range of advice was submitted that requires the applicant to notify and work with gas utility providers in advance of any construction works that may potentially be affecting gas pipes. Where appropriate these points will be addressed as informatives.

Kent County Council Highways and Transportation:

KCC H&T has considered the updated transport technical note submitted by DHA Transport on behalf of the applicant and their views are summarised below:-

- with no school traffic from the existing site being taken into account, there will not be a severe impact on the local highway network, subject to the implementation of the proposed double yellow lines at the Kingsnorth Road / Tennyson Road mini-roundabout.
- There would be no significant impact on the Wotton Road / Malcolm Sargent road junction in a 2025 scenario.
- Traffic flows expected to and from the site in a westerly direction are not in any way likely to have a detrimental impact on the local highway network and key junctions on the congested A28 corridor will see a net increase of less than 30 vehicle movements. This is because traffic will have dissipated via different routes before it reaches the A28 from the application site. Therefore no further junction modelling is required.

They conclude that the traffic impact of the development is acceptable on all junctions in all directions subject to the proposed double yellow lines referred to above

Residents - 2 additional objections have been received from local residents which make the following points:-

- This is a communal space used by many families in the area. Please do not take it away
- Lack of easily accessible green areas for people to walk to and enjoy locally
- Playing field next to Courtside is very popular with the locals and would be a real disappointment to lose
- The impact of traffic for the local residents, has not been considered properly.
- Lack of available parking in the Speldhurst Close and surrounding areas.
- Each house would need a minimum of 3 parking spaces by today's standards.
- Development and traffic would also have a detrimental effect on house prices due to congestion, parking shortages and lack of green spaces for families.
- Impact on Courtside for recreational activities – again parking/lack of, is already an issue with what is currently available.
- The local community does NOT need more housing, it needs funding to support those that are in need and to keep its open spaces and roads clear

Comments from KCC Flood and Water Management, Sport England, ABC Environmental Protection and ABC Street Scene & Open Spaces Officer received all reiterate their previously reported comments.

Assessment

(a) Highways & Access - Clarification of the traffic impact assessment to ensure that the traffic movement figures are accurate and have not been double counted.

9. The highway impact issues relating to this development were addressed in paragraphs 96- 107 of the original Planning Committee report. In summary Members had various highway impact concerns which highlighted:-
 - Only an extra 24 car movements at the Stanhope Road/Kingsnorth Road roundabout and the Kingsnorth Road/Tennyson Road.
 - The old primary school traffic had been double-counted. KCC Highways assessed the new primary school application on the basis that the old primary would be closed, thus only the net increase in traffic would be considered due to the larger primary school. It appeared that a new and entirely fictional set of trips had been deducted from the traffic generated by this application.
 - There was no mention of the large volume of traffic which would be going down Kingsnorth Road towards the blind bend at the corner of Millbank Road, or any controls to manage this and ensure the route was safe.
 - Many children resident within the parish attended the John Wallis Academy and accessed it via Kingsnorth Road/Millbank Road. This stretch of road needed transport assessment too.
 - The transport evidence failed to consider the impacts of the development over an appropriate area. Despite a third of the traffic

departing or arriving to the west of the site no assessment had been presented.

- There was also no assessment of the Romney Marsh Road roundabout to the east. Traffic regularly backed up to the Great Chart bypass and often turned east at Tithe Barn Lane, using Stanhope as a cut through to reach Junction 10. Stanhope could therefore be expected to receive a higher traffic level at peak times than the model suggested.
- There were no documents within the application showing how the traffic from this development and the other South Ashford developments would link up. This site could prejudice delivery of Local Plan sites and result in no net increase in housing delivery in the short to medium term. Chilmington was 700m from this site and Court Lodge was 600m. The two sites combined were due to deliver 7000 homes. At the moment there was no South Ashford transport plan showing how these developments linked up.

10. It is apparent that the former Linden Grove primary school traffic was previously counted in assessing the impacts of two developments thereby suggesting double counting had taken place. The net increase in traffic was first taken into account in assessing the traffic impact of the proposed John Wallis Academy Primary School application in comparison to the then existing Linden Grove School it was replacing. When this current application was first reported to the planning Committee, the traffic associated with the then vacant Linden Grove school use, was regarded by KCC Highways as still being relevant as to assessing the traffic impact as the site could technically still be lawfully brought back into use at any time and would therefore be capable of generating traffic. KCC H&T have subsequently confirmed they considered the net increase in traffic movements and therefore only the difference between the former Linden Grove school and this proposed application. This led to their original advice on the traffic impact being based on a smaller net increase in traffic than if the current proposal had been compared to a vacant site. Although KCC H&T consider that this is the correct approach to take, I would disagree as the alleged 'fallback' position of Linden Grove school being potentially operational is unrealistic.
11. However, I consider that this matter has been resolved by the applicant's updated Transport Technical Note which has now added in the trips associated with the new John Wallis Academy Primary School so that that school's trip generation is included in the assessment, effectively instead of the trips for the former Linden Grove Primary School.
12. KCC H&T have considered this updated assessment and are satisfied the traffic data demonstrates that even with the school trips now correctly accounted for, the impact on the local highway network once the proposed amendments to the Kingsnorth Road /Tennyson Road mini-roundabout are carried out would not be severe. As such, my advice remains that the

proposals are in accordance with policies HOU3a (e) and TRA7 of the Local Plan.

Affordable Housing

13. As requested, officers have reverted to the applicant to seek the provision of 20 % affordable housing as part of the scheme, which in this case would equate to 20 'affordable home ownership' units (of which at least 10 should be shared ownership) in order to meet the requirements of policy HOU1 of the Local Plan.
14. Since the February 2020 Planning Committee meeting, the applicant has produced an updated viability study for the development which has been independently assessed by Bespoke Property Consultants on behalf of the Council. Both reports have been published for transparency.
15. At the time of the February Planning Committee, the advice then received from Bespoke indicated that the development could afford to deliver some affordable housing alongside other Section 106 requests set out in table 1 of the report (see para. 127 of the main report at Annex 1) and remain viable based on the approach to viability set out in the NPPF and the associated national guidance. This correctly excluded any allowance for the repayment of the capital forward-funding of the John Wallis Academy primary school for which receipts from the development of this site are intended to be used by the Applicant, as this must be outside the scope of any viability assessment. This matter was dealt with in some detail in paras. 126-138 of the main report.
16. In response to the updated viability assessment on behalf of the applicant by GL Hearn, Bespoke have reviewed their advice to the Council in their report dated May 2020. Their advice is that, now, the proposal would not be currently viable if it were required to provide any affordable housing provision in addition to other Section 106 requests.
17. Their advice remains that, should the Council be minded to grant planning permission with less than policy-compliant affordable housing, a viability review mechanism should be included in the Section 106 agreement. The Council would normally do this by using its established deferred contributions mechanism, referred to in policy IMP2 of the Local Plan, whereby the ultimate sales values of residential units are compared with the viability assumptions, and if additional value is generated then a proportion is paid to the Council towards the affordable housing foregone.
18. My previous report in February did not recommend the inclusion of a deferred contributions clause in the Heads of Terms for the Section 106 Agreement on the basis that it was considered very unlikely that sales values would rise swiftly enough to enable enough additional revenue from the development to be realised that would allow any affordable housing contributions to be realised. This was in the context of recommending a relatively short period for

the submission of reserved matters and the implementation of the proposed redevelopment.

19. Although the viability position has worsened in the intervening months, it is also accepted that it would be reasonable for the applicant to have greater flexibility over the timescale for the marketing and sale of the development given the extraordinary current circumstances and the inevitable uncertainty in the housing market in the short term. Therefore, it is no longer proposed to seek a condition that would accelerate the timescale for reserved matters and scheme implementation in advance of the standard timescales for such matters.
20. Consequently, it is now proposed that it would be appropriate for the inclusion of a deferred contributions clause in the Section 106 Agreement to secure funds for the provision of off-site affordable housing based on a maximum of 20 affordable home ownership units (of which at least 10 should be in shared ownership tenure), which would accord with the requirements of policy HOU1 of the Local Plan.
21. In this particular case, where Kent County Council has forward funded the delivery of the new John Wallis Academy primary school, the benefits of this to the local community has been set out in para.135 of the main report at Annex 1. The latest assessment indicates that £6.5m was used by KCC to deliver the new Academy school and redevelopment of this site should reasonably be seen as 'enabling' this investment to take place.
22. The viability advice from Bespoke indicates that the likely receipts from the sale and development of this site are unlikely, at present, to cover this scale of forward funding and Head 6 of Table 1 acknowledges that the applicant may use receipts from the development of the site to repay the capital outlay on the delivery of the new Academy school, while the other Section 106 requests are to be paid by the developer in any event. I consider this position remains the same and that the potential deferred contributions for affordable housing should apply subject to this repayment being made.

Section 106 Contributions

23. Since the February Planning Committee, NHS Estates have confirmed that there are no specific projects at present in the 4 locations indicated for the potential spend of the proposed S106 Contribution for Primary Health care. Consequently, it is proposed to amend the requirement so that the contribution may be utilised in the enhancement of primary health care in any existing or new primary healthcare facility across the Ashford town part of the Ashford Primary Care Network. This will, given patient choice, benefit future residents of the site.

24. An updated version of Table 1 which sets out the Heads of Terms for the Section 106 Agreement is now set out below and I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed the obligations 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.

TABLE 1: Planning Obligations			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)
1.	<p><u>Children’s and Young People’s Play</u></p> <p>Contribution towards investment in play facilities within public open space within 1km of the development</p>	<p>£649 per house / £473.23 per flat for capital costs</p> <p>£663 per house / £483.44 per flat for maintenance</p>	<p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</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 Ashford Local Plan policies COM1, COM2, IMP1 and 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 play space 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>2.</p>	<p><u>Informal/Natural Space</u></p> <p>Provision on site of approx. 1.5 hectares of open land on Site 1 and 0.65 hectares on Site 2, plus off-site provision of shortfall of approx. 0.6ha of open space (dependent on final number of units on site) by way of contributions to the value set out in the adjacent column towards investment in open space within 1km of the development.</p> <p>On-site space to be provided, made available to the public and maintained through a management regime with details to be approved by the Council.</p>	<p>£434 per house / £316.46 per flat for capital costs</p> <p>£325 per house / £236.98 per flat for maintenance</p>	<p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</p>	<p>Necessary as improvements to the 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 Ashford Local Plan policies COM1, COM2, IMP1 and 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 space 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>3.</p>	<p><u>Outdoor Sports</u></p> <p>Contribution towards replacing and renewing the existing 3G</p>	<p>£1,589 per house / £1,158.65 per flat for capital costs</p>	<p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be</p>

	pitch adjoining the site, and /or other facilities in the area, plus maintenance thereof	£326 per house / £237.71 per flat for maintenance	phase.	<p>maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 and 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>
4.	<p><u>Strategic Parks</u></p> <p>Contribution off site towards investment at Conningbrook Lakes Country Park</p>	<p>£146 per house / £106.46 per flat for capital costs</p> <p>£47 per house / £34.27 per flat for maintenance</p>	Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.	<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 Ashford Local Plan policies COM1, COM2, IMP1 and 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>
5.	<p>Allotments</p> <p>Contribution towards investment in off-site allotment sites within 1km of the development, including private, public and community sites</p>	<p>£258 per house / £188.13 per flat for capital costs</p> <p>£66 per house / £48.13 per flat for future maintenance</p>	<p>Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.</p>	<p>Necessary 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>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in</p>

				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.
6.	<p>Undertaking by the applicant to recycle all disposal receipts towards repaying the previous forward-funding provided for the delivery of the primary School at John Wallis Academy campus.</p> <p>Provide written evidence of the terms of disposal and receipts (including any overage or other deferred consideration) for the Oak Field (site 1) and the former Linden Grove school site (site 2) and evidence of how the receipts have been used to repay the forward-funding.</p>	Applicable to all disposal receipts, whenever received	Within 3 months of disposal of each part of the former Linden Grove School and Oak Field sites	<p>Necessary as the non-provision of new affordable housing on this important site is only acceptable in planning terms in order to fund (retrospectively) the replacement facility for the former Linden Grove Primary School on this site; the new primary school on the John Wallis campus, Stanhope, Ashford is an acceptable replacement; and the waiving of on-site affordable housing is predicated solely upon the recycling of 100% of the proceeds from the disposal of the Oak Field and former Linden Grove school sites into the delivery of a new primary school at the John Wallis Academy campus, Stanhope, Ashford.</p> <p>Directly related as the loss of this important education facility is only</p>

				<p>acceptable in planning terms if a replacement facility is provided; and that facility has already been provided upfront elsewhere on the wider site.</p> <p>Fairly and reasonably related in scale and kind as the replacement education facility is an acceptable replacement for the former Linden Grove school.</p>
7.	<p>Primary Schools</p> <p>Project: Towards Phase 2 of Finberry Primary School</p>	<p>£4,535.00 per applicable house</p> <p>£1,134 per applicable flat</p>	<p>Contribution for each phase to be paid as follows:-</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 the proposal would give rise to additional primary school pupils. There is no spare capacity at Finberry school and 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>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</p>

				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.
8.	<p><u>Secondary Schools</u></p> <p>Project:- Towards Phase 2 Additional 2FE provision at the new Chilmington Green Secondary School, and/or provision of new secondary education places within the relevant group of schools</p>	<p>£4,687.00 per applicable house</p> <p>£1,172.00 per applicable flat</p>	<p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</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 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 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</p>

				<p>dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
9.	<p>Libraries</p> <p>Contribution for additional bookstock for the Stanhope library that serves the local area.</p>	<p>£48.02 per dwelling and per extra care unit</p>	<p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as more books required to meet the demand generated and 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>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 the amount calculated, is based on the number of dwellings.</p>
10.	<p>Health Care</p> <p>Extension / refurbishment / upgrade of the following:-</p>	<p>£177,125 (based on population growth of 545 will require 41m² based on NHS standard of 12 patients</p>	<p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of</p>	<p>Necessary as additional healthcare facilities required to meet the demand from additional occupants that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1</p>

	<ul style="list-style-type: none"> • Kingsnorth Medical Practice, • Hollington Surgery, • Sydenham House Medical Centre, • Ashford Medical Partnership, • St Stephen's Health Centre <p>and/or</p> <ul style="list-style-type: none"> • towards new general practice premises in the Ashford Stour Primary Care Network area 	<p>per square metre. At current build costs of £3,000 psm this equates to £136,250 plus a further 30% allowance for development fees)</p> <p>Regarding the Indexation:</p> <p>A) The £3000 psm is based on the average cost of a new surgery building in 2018/2019</p> <p>B) the NHS would typically look at the BCIS All-In Output Price Index, and also General Building Cost Index</p>	<p>25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>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>
11.	<p>Community Learning</p> <p>Project:- Additional portable IT and Equipment to enable the re-configuration and greater</p>	<p>£34.45 per dwelling and extra care unit</p>	<p>Contribution for each phase to be paid as follows:- Half the contribution upon occupation of</p>	<p>Necessary for community learning space available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p>

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	use of rooms at the Ashford Adult Education Centre		25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
12.	<p>Youth Services</p> <p>Project:- additional equipment at Ashford North Youth Centre.</p>	£27.91 per dwelling (Extra Care Units are not applicable)	<p>Contribution for each phase to be paid as follows:-</p> <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary for youth services space available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
13.	<p>Adult Social Care</p> <p>Project:- Changing Place Facility in the vicinity</p>	£47.06 per dwelling	<p>Contribution for each phase to be paid as follows:-</p>	<p>Necessary for social care available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and</p>

			Half the contribution upon 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 the community learning and skills service.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
14.	<p>Voluntary Sector</p> <p>Contribution towards investment in voluntary sector projects within 1km of the site</p>	£15,337.38 total	Contribution for each phase to be paid before occupation of 75% of the dwellings in that phase.	<p>Necessary 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' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector and the additional 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.</p>

15.	<p><u>Public Art</u></p> <p>Contribution towards the cost of retaining artist(s), embedded within the design team of the new Ray Allen Children’s Centre, and the incorporation and delivery of public art within it</p>	£59,657.10 in total	No less than 6 months prior to submission of reserved matters application for the new Ray Allen Children’s Centre	<p>Necessary in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p>Directly related as would improve the design quality of the development and would be visible to occupiers.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
16.	<p><u>Custom/Self Build Housing</u></p> <p>Provide and market serviced plots</p>	5% of house plots	Phased during delivery of the development	<p>Necessary as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to Policy HOU6 of the Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p>

				Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough.
17.	<p><u>Accessible and adaptable Housing</u></p> <p>Level 2 access homes (M4(2)) to be provided on-site</p>	20% M4(2) across the whole site	All accessible and adaptable homes for each phase are to be identified on a plan and provided before the occupation of 75% of open market dwellings in that phase	<p>Necessary as providing a mix and type of housing required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as the accessible housing would be provided on-site</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>
18.	<p><u>Affordable Housing</u></p> <p>Contribution towards provision of offsite affordable housing elsewhere in the borough, in lieu of onsite provision of the relevant proportion namely 20% of the non-flatted</p>	Total cost of offsite provision of 20 units = £654,188 at current costs	From any Deferred Contributions received.	<p>Necessary as the sum collected would provide housing off site for those who are not able to rent or buy on the open market pursuant to Local Plan Policy HOU1, IMP2, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the amount</p>

	<p>dwellings as affordable housing (shared ownership) as required by policy HOU1.</p>			<p>requested is calculated as the cost of providing policy compliance, but it has been demonstrated that it would not be financially viable to deliver policy compliant affordable housing onsite.</p> <p>Fairly and reasonably related in scale and kind based on the viability appraisal submitted by the applicant and external advice sought from the Council's Viability Consultants.</p>
19.	<p><u>Deferred payments Mechanism</u></p> <p>Mechanism to monitor sales/rental values to ensure that 40% of any rise in values above those predicted in the Council's Consultants' viability appraisal, is paid to the Council towards the Affordable Housing contributions above that are deferred (but subject to Head 6 above)</p>	<p>Up to the value of all deferred contributions (index linked).</p>	<p>To be paid if the circumstances prevail.</p>	<p>Necessary, directly related and fairly and reasonably related in scale and kind for the reasons set out above and pursuant to Ashford Local Plan 2030 Policies HOU1 and IMP2 and the Planning Practice Guidance</p>
20.	<p><u>Monitoring Fee</u></p>			<p>Necessary in order to ensure the</p>

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	Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	planning obligations are complied with. Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.
Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs. If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.				

Conclusion

25. Following the previous deferral of this application, I am content that the issues raised by members have now been satisfactorily addressed.
26. Despite the position of KCC H&T, I regard the alleged ‘fallback’ position of Linden Grove school potentially becoming operational again, to be unrealistic. Crucially, the applicant’s updated Transport Technical Note, has now accounted for all the trip generation associated with the new John Wallis Academy Primary School. KCC H&T have considered this updated assessment, with the school trips correctly accounted for, and they are satisfied the traffic data demonstrates the impact on the local highway network would not be severe, provided the proposed amendments to the Kingsnorth Road /Tennyson Road mini-roundabout are carried out. This matter is proposed to be addressed by planning condition 39 recommended below, and I therefore still consider that the proposals are in accordance with policies HOU3a (e) and TRA7 of the Local Plan.
27. With regards to the provision of affordable housing, the viability position for the proposal has been reassessed by the applicant and the Council’s independent advisor since the application was last considered by the Committee. This has indicated a deterioration in the scheme viability since it was last assessed to the point where it is now agreed that the development could not sustain the provision of any affordable housing and remain viable at current values.
28. However, it is considered appropriate for the Council to seek the potential for deferred contributions towards affordable housing off-site should sales values rise sufficiently in the future to enable the scheme to repay the balance of the forward funding of the new school at the John Wallis Academy and generate additional value beyond that. Therefore, this now forms part of the revised set of Heads of Terms for the Section 106 Agreement listed in Table 1 above.
29. Recommendation A below refers only to consultation on the Viability Assessments produced by the Applicant and the reports produced by Bespoke Property Consultants advising the Council on their content as these have only recently been made public. If required, any comments received in response to this consultation up to the date of the Planning Committee will be reported to Members in an Update report.

Recommendation

- A. Subject to the Head of Planning & Development or the Strategic Development & Delivery Manager considering any representations received from the consultation expiring on 16/07/2020, that relate to any material planning considerations not already addressed within the report or any update report or otherwise at the Committee meeting, and;**
- B. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 in terms agreeable to the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit.**
- C. Grant Outline Planning Permission, including approval for the three proposed accesses onto Stanhope Road, with all other matters, (including all further vehicular, pedestrian and cycle accesses to and through the site) to be dealt with as reserved matters, subject to the following conditions and notes:**

Commencement

- 1) Standard time conditions.
- 2) Phasing Plan of construction of residential units and children's centre to be submitted and agreed.
- 3) Children's Centre tied into phasing of the whole development so that it is constructed and open to use before the existing Children's Centre can be demolished.
- 4) Development carried out in accordance with the approved plans including all parameter plans.

Highways and Parking

- 5) Parking and cycle parking to be retained
- 6) Details of cycle parking facilities

- 7) Provision of site access prior to occupation of any dwellings
- 8) Provision of footway to be constructed on the northern highway verge between the application site and the signalled crossing.
- 9) Provision of other highway infrastructure / works (i.e. signalled crossing)
- 10) No development shall commence until the highway works, including proposed double yellow lines on Stanhope Road (as set out in drawing number 12861 H-03 Revision P2) have been secured through a traffic regulation order. The double yellow lines shall be implemented prior to the occupation of the first dwelling on the site.
- 11) Car barns/PD restrictions
- 12) Provision of final wearing course
- 13) Construction Management Plan
- 14) Visibility splays
- 15) Details of any pedestrian crossings, speed restriction measures and segregation of the pedestrian / cycleway and vehicular access onto Stanhope Road including levels and sections through and details of road markings and barriers and final surface finish.
- 16) Details of highway infrastructure / services.
- 17) Details of final surface finish for roads, driveways, cycleways and footpaths and parking areas
- 18) Details of a new east west footpath and cycle link connecting the two parts of the application site and integrating with all adjacent the main streets, cycleways and footpaths.
- 19) Details of continuous footpath and cycle link along entire south side of Stanhope Road, including tree planting, parking spaces.
- 20) Details of traffic calming measure Stanhope Road to provide pedestrian crossing points
- 21) Grampian Condition - Replacement parking, JWA existing car park. and secure availability of parking.
- 22) Grampian Condition - Details of a minimum of 118 replacement car parking spaces in Stanhope Sports Centre car parking

23) Grampian Condition Details of car parking for a minimum of 38 spaces in Stanhope Road to serve the new Ray Allen Children's Centre. and 36 further on street perpendicular parking adjacent to site 2.

24) Parking Strategy Condition

Uses

25) Limit on residential tenure mix of up to 99 (2 ,3 and 4 bed) houses and up to 106 (1 and 2 bedroom) flats including

26) Restriction in use site 2 a maximum of 64no. Extra Care Unit (C2 use), plus no more than 205no. C3 dwellings and public open green space

27) Restriction in use site 1- Ray Allen Centre, 2 junior football pitches, MUGA, and open space

28) Any conditions required by Sports England

29) Details of location of at least two 7-a-side sized junior football pitches and unobstructed associated overrun areas around fringes of both pitches.

30) Details of location and replacement changing rooms

31) Details, and the timescale for the replacement surface of the 3G AstroTurf at Pitchside in agreement with ABC

32) Details location and timescale for the replacement toilets directly serving the Pitchside 3G pitch in agreement with ABC.

33) Details of a direct level access route from base of existing primary school access ramp connecting through Oak Field connecting to Stanhope Road and aligned with any potential new crossing points.

34) Pedestrian/cycle route from Oak field to eastern housing site secured

35) Footpath along south side of Stanhope Road behind parking and respecting the protected trees.

36) Details of pedestrian access from JWA car park to 3G pitch.

37) Details of the pedestrian access to The Limes public footpath

38) Details of potential improvements to the surface of the footpath and access road adjacent to entrance to The Limes, that links the site to Kingsnorth Road.

39) No development shall commence until details of mitigation scheme consisting of double yellow lines on Tennyson Road at the Kingsnorth Road / Tennyson Road mini-roundabout (as set out in drawing number 12861 H-05 Revision P1) have been secured through a traffic regulation order. All related works including the double yellow lines shall be implemented prior to the occupation of any of the residential units hereby permitted.

Sustainable Design

40) Sustainable designs for housing and Ray Allen Centre in accordance with policy ENV11.

Residential

41) Details of residential space standards including minimum garden sizes

42) Refuse storage details

43) Level thresholds

44) Electric car charging points

45) Water efficiency condition pursuant to policy ENV7

46) Dwellings used for C2 purposes only

47) Removal of PD rights for extensions and alterations and outbuildings

48) Reserved matters (appearance) shall limit scale of dwellings to 2 or 3 storey form with any 4 storey elements kept to an absolute minimum.

49) Architectural details for the dwellings

50) Materials/samples to be submitted

51) Joinery, colour finish and depth of reveals

Landscaping & Open Space

52) Details of hard and soft landscape proposals including all open spaces

53) Protection of TPO trees

54) All boundary treatment including open spaces.

- 55) If two replacement sports pitches require the loss of the existing oak tree on Oak Field then 2 replacement semi mature specimens (no less than 5metres in height) will be planted in an agreed central location
- 56) Reserved matters shall include details of the extra care facility secure boundary treatments and landscape buffer to back of houses and no balconies overlooking.
- 57) Reserved matters shall detail a landscaped buffer to new residential units adjoining Courtside pitches and to backs of properties adjoining the rear of homes in The Limes adjoining the site, to avoid disruption from floodlights and any methods necessary to mitigate noise.
- 58) Details of management strategy for green spaces and landscaped buffers to be submitted
- 59) Open space designed in accordance with Secured By Design.

Drainage & Disposal of Foul water and flooding

- 60) Reserved matters shall include Integrated SUDs
- 61) Sustainable Surface Water Drainage Scheme relating to SPD Kent County Councils Drainage and Planning Policy Statement.
- 62) SUDs Verification Report
- 63) Protect or divert sewers
- 64) Surface Water drainage/run off
- 65) Foul water and sewerage disposal for site and in relation to Ray Allen Children's Centre

Others

- 66) Broadband
- 67) Contamination and remediation / verification report
- 68) Lighting Design Plan
- 69) Noise control measures / mitigation
- 70) Air quality mitigation measures
- 71) Archaeology

72) Standard approved plans condition

73) Standard enforcement condition.

74) Ecological, mitigation and biodiversity enhancements

75) External Lighting

76) Dark skies

Note to Applicant

1. Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/agent responded by submitting amended plans, which did not address all the outstanding issues, and an objection was raised.,
- 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.

2. EA Informatives

- UK Power Networks
- Others to be clarified.

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 18/01861/AS)

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