

<b>Application Number</b>	19/01330/AS	
<b>Location</b>	Former ADAS Offices, Olantigh Road, Wye, Ashford TN25 5EL	
<b>Parish Council</b>	Wye with Hinxhill	
<b>Ward</b>	Wye with Hinxhill	
<b>Application Description</b>	Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space	
<b>Applicant</b>	Tele property Investments Ltd	
<b>Agent</b>	Union 4 Planning	
<b>Site Area</b>	2.67ha	
(a) 34/4 R	(b) R	(c) KCCH&T X;KCCE X; KCCH X;KCCLLFA X; KCCDC X,OS X, EH X; AONB/X, SW X

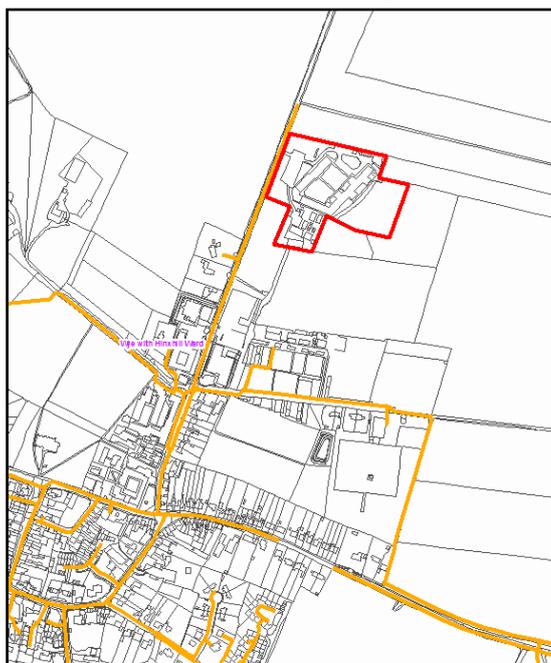
## Introduction

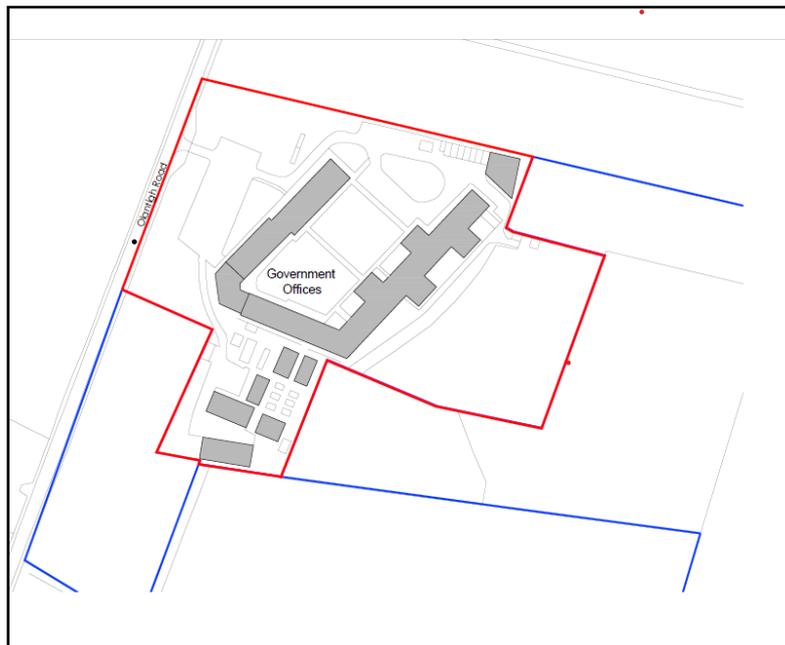
1. This application is reported to the Planning Committee because it is a major application. The scheme is currently the subject of an appeal against non determination. Consequently the Council cannot now issue a decision however this report seeks the endorsement of members in respects of the reasons to contest the appeal.

## Site and Surroundings

2. The site comprises a previously developed site lying outside the identified built confines of Wye and centres around the former ADAS office / laboratory building and associated outbuildings and greenhouses. The buildings were formerly used by ADAS (Agricultural Development and Advisory Service) until subsequently used as administrative buildings until 2009. The building has been vacant for some while and the site is now overgrown. The buildings comprise a mixed single and two storey flat roof structure, broadly 'U' shaped and with single storey brick built outbuildings to the north and derelict greenhouses to the south of the main building. The site slopes uphill away from the road. It is surrounded by good tree cover and along the front boundary with the highway, is bounded by a brick wall.

3. The site lies to the north of the village of Wye, it abuts the Olantigh Towers historic park and garden along the northern boundary which surrounds the Grade II Listed Olantigh terraces and stable block some distance to the north. To the south west the site borders a group TPO (7/2016/W1 – Mixed native broadleaf mixed with rare exotic woodland species) which stretches south along the road frontage to the nearby Wye School and the site adjoins the school fields on the southern boundary. To the east of the site lies an area of mixed woodland.
4. The whole site and surroundings lie within the North Downs AONB with far reaching views from the road frontage at least, particularly to the west . Most of the site is occupied by the office building and greenhouses whilst to the east lies a raised area of what now appears to be scrubland and is referred to as Donkey Field.
5. The site contains an existing vehicular and pedestrian access onto Olantigh Road (with a separate pedestrian access some 50m's to the south of the main access) which also forms part of the National Cycle route (no 18) with a number of connecting footpaths and bridleways within the vicinity of the site. An informal footpath runs adjacent to the boundary wall to the site from Wye village.
6. The plans below shows the site in relation to the village and include a more detailed site plan below in figure 1.





**Figure 1 – Site location plans**

## **Proposal**

7. The scheme proposes the demolition of all buildings on site and the erection of 20 two storey houses . 16 of the houses would be detached, each with a detached 1 ½ storey garage. There would also be 2 pairs of semi detached houses – each house with an integral garage. The scheme would be set in a broadly triangular layout with a central green space. The houses would include development on what is currently vacant land to the east of the offices and on the ground occupied currently by the green houses.



**Figure 2: Site Layout**

8. The house sizes would range from the 4 x 3 bed semi detached units, 8 x 4-bedroom detached units and 8x 5- bedroom detached units. The design would present a generally traditional design approach with brick, tile hung and weatherboarded elevations and pitched tiled roofs utilising clay tiles. The design approach is aimed at reflecting the eclectic mix of dwelling types in Wye itself. The scheme aims to incorporate 4 different character areas, being the entrance, the green, the farmstead and country house road: seeking to provide a different identity within each area. An assessment of Wye identifies a red brick vernacular with traditional detailing being prevalent and incorporating Kent peg tiles and timber boarding. These details are included in the variety of individual house designs developed.



**Figure 3: Streetscape: From the access to the edge of Donkey Field**

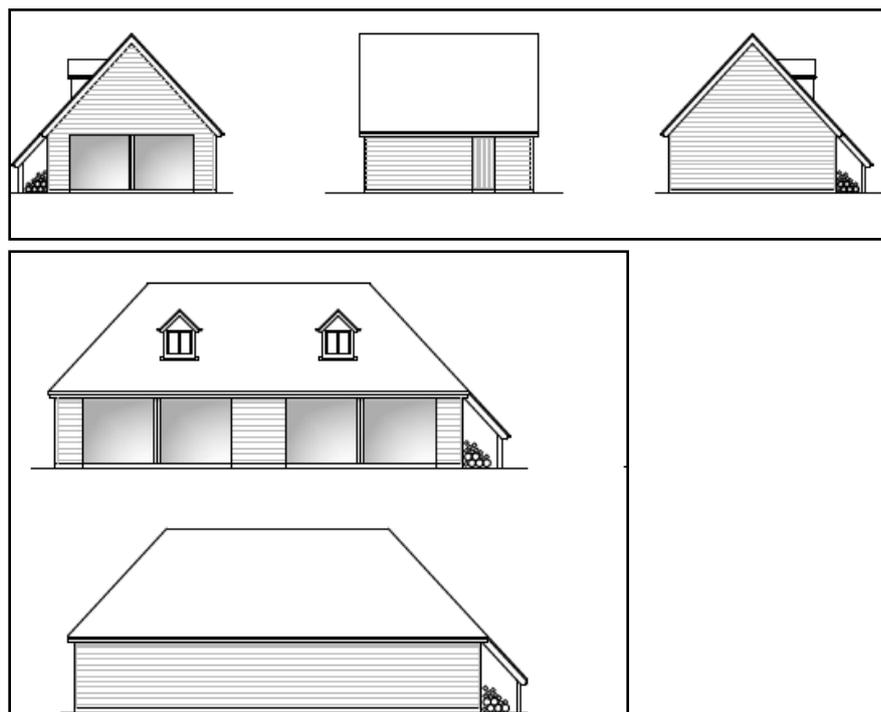
9. The scheme would be at a density of 8dph and with a footprint of 34432sq m, compared to the footprint of existing buildings which is currently 4023sq m.



**Figure 4: House Type A1 (3 bed semi) and C1 (5 bed)**

10. The proposed garages would range from modest single detached garages to a number of double and even quadruple garages which incorporate internal storage space (dormer windows suggesting first floor storage). The largest two houses on the site would have quadruple garages each with dormer

windows at first floor suggesting first floor storage as well as some external storage/log stores. All would have weatherboarded elevations and pitched tiled roofs. The proposed dormers would be a traditional pitched roof design.



**Figure 5: Double and Quadruple Bay Garage Design**

11. The landscape masterplan (shown in figure 6) below indicates that existing trees would be retained where possible to be protected during construction and supplemented by a range of new tree, shrub and hedgerow planting. The emphasis would be on planting of native species with the central green planted with large canopy trees and under planted with native daffodils. Smaller ornamental species would be planted around the main housing area. Adjacent to the eastern boundary on the highest part of the site, an area is identified which would remain outside individual gardens, be fenced off with post and rail fencing and retained as open planted space to be managed by the adjacent two landowners. This would be grassed over and planted with a mix of ornamental and semi ornamental trees. The inside wall running along the road frontage would be planted with climbing rose and clematis using new trellis panels.



**Figure 6: Landscape Masterplan**

12. The access road through the site would be resin bond gravel, with blue yard paving for the garage forecourts and entrances adjacent to the access road, and resin bound gravel on individual driveways and garage forecourts elsewhere. Low level bollard lighting is proposed around the site with some seating proposed on the green.
13. It is noted that bird and bat roosting bricks would be incorporated into building elevations, to be advised by the project ecologist.
14. The refuse strategy identifies that all houses would place their bins adjacent to the access route on collection day, with the three houses in the farmstead having an allocated bin collection point to deposit the bins awaiting collection.
15. The following documents were submitted to support this application:
  - **Arboricultural Report** Reports that there are protected trees on an adjacent site. A total of 32 individual trees, 5 tree groups and 2 woodland areas have been assessed.
  - **Arboricultural Impact Assessment** Ten trees , one hedgerow and three groups of trees to be removed. An incursion into the RPA of 9 trees and 2 woodland areas which will need a method statement to inform the most appropriate method of construction.
  - **Bat Survey and Mitigation Strategy** The main part of the building is used by brown long eared bats as a maternity roost. A European Protected Species licence will be need to move the roost. A mitigation

strategy is proposed including a pre demolition survey, briefing to contractors and planting of appropriate plant species.

- **Dormouse Mitigation Strategy**      **Dormice were found on site along the northern boundary only.** A mitigation strategy is needed to minimise disturbance and an application needs to be made to Natural England for a licence.
- **Preliminary Ecological Appraisal**      Provided a scoping assessment and to assist demonstrating compliance with wildlife legislation. The initial assessment identified where further survey work was needed and as supported by the additional surveys.
- **Reptile survey**      The survey recorded slow worms and common lizards. The scheme would result in the loss of habitat but enhancements to Donkey Field should enable the retention of the population on site.
- **Design and Access Statement – Part 1 and 2**      Seeks to show that the scheme is a suitable response to the site and its setting within the countryside. It sets out the procedures that have been undertaken and discussions with both the District and Parish Councils including as part of the Masterplan process. It concludes that the scheme provides an appropriate response to its location.
- **Foul and surface Water Management**      Identifies that the site is previously developed land lying within Flood Zone 1. The existing site is connected to the public sewerage system via a pumping station and rising main. A pumping station is proposed within the site with a new rising main to connect to the existing public sewer in Olantigh Road. Surface water will be dealt with by means of soakaways, permeable paving and soakaways.
- **Landscape and Visual Appraisal Parts 1, 2 and 3**      Identifies that this is carried out as part of a non EIA development which considers only the nature of the potential effects in terms of beneficial adverse or neutral. The scheme is considered to have a medium to high capacity to accommodate the development without risk of adverse impacts upon key landscape and visual resources.
- **Planning Statement**      Sets out the relevant planning considerations considered against the relevant planning context. It is concluded that the development of the site would accord with government policy, meeting an identified housing need.

- **Schedule of Accommodation** Specifies the housing mix proposed
- **Transport Assessment** The assessment considers the impacts arising from the proposed scheme but a cumulative assessment has also been carried out as part of the Masterplan procedures to include consideration of the other applications under consideration for this site.
- • The site is considered in terms of its proximity to the village and its facilities and services. It identifies the site as being within 15 minutes walk of many local amenities.
- • A new village entrance would be provided to the north of the site with traffic speed reductions proposed. A new enhanced footpath would be provided to connect the site to the village along Olantigh Road.
- • The cumulative impacts of the development of this and other sites is considered to be acceptable upon the surrounding highways network.

## Planning History

19/00002/AS	Screening opinion for development of 20 dwellings on land at former ADAS site.	EIA not required
18/01009/AS	Prior approval for proposed lower and upper ground floors from B1a office use to 52 C3 dwellings (resubmission of 15/01602/AS).	Undetermined
15/01602/AS	Prior Approval for proposed change of use of lower and upper ground floors from B1a office use to 52 C3 dwellings.	Prior App Not required

### Other Wye College sites:

19/01370	Land Adj Occupation Road Erection of 40 dwellings	Appeal lodged against non determination
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17/00567/AS

Conversion of former college buildings to  
provide 38 dwellings

Appeal lodged against  
non determination

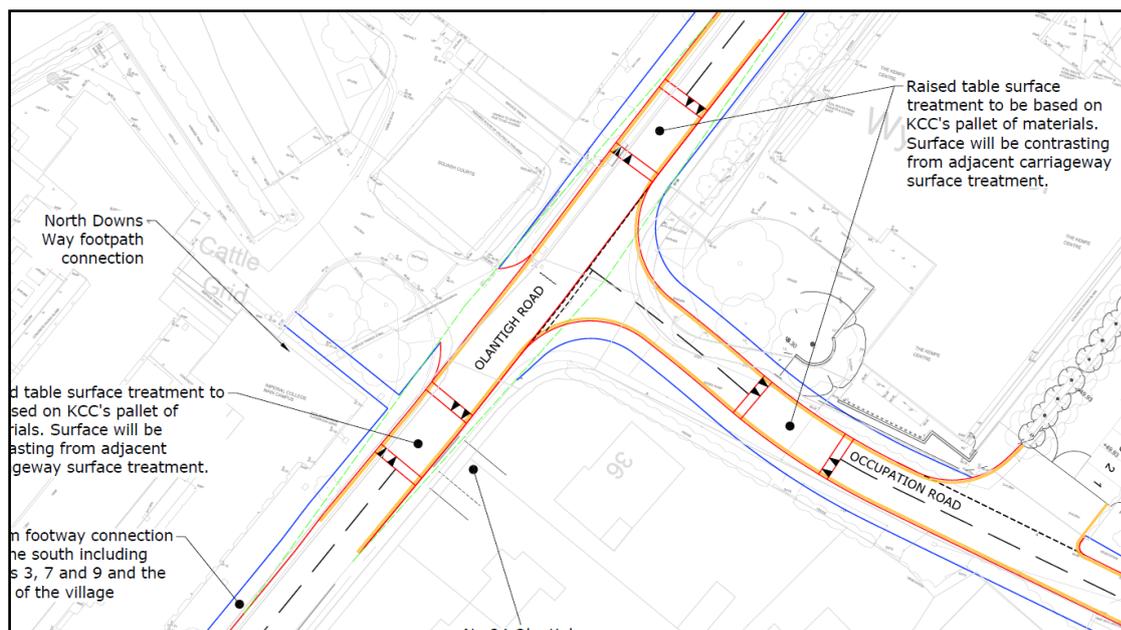
## Consultations

**Ward Members:** Cllr Ovenden is a member of the Planning Committee.

### KCC Highways and Transportation:

No objection, noting that the volume of traffic during peak hours would be significantly reduced compared to the previous office / laboratory use. They state that in conjunction with identified housing sites in Wye that the impact on the public highway would be acceptable and that whilst garages do not count towards off street parking requirement sufficient spaces exist in front of the garage to ensure that the parking provision is acceptable. The only adverse comment notes that visitor parking is allocated together on the site – which is likely to be unrealistic in terms of future use by visitors to the site and that two spaces should be moved to the north of the site.

Footpath improvements required to the path along Olantigh Road, a revised junction arrangement for Olantigh Road junction with a raised table, traffic calming and pedestrian crossing features and a revision to the speed limit on Olantigh Road accompanied by new village gateway and localised road narrowings to help reduce traffic speeds. Kent Highways and Transportation do not raise objection to the scheme subject to securing these changes as part of a legal obligation.



**Figure 7: Proposed Olantigh Road/Occupation Road Highways Works**

(Officer comment: Plan 30827/AC/086 was subsequently submitted which showed 2 relocated visitor parking bays as requested. Whilst the majority of the highway is to be private, plan 30827/AC/085 identifies a small area at the site entrance which would be adopted).

**KCC Ecological Service:**

The additional surveys requested have been supplied but concerns are raised regarding the following matters:

- In respect of the dormouse population it is noted that mitigation would be provided in the form of additional planting along the eastern edge of the site. Concern is however expressed about the long term management of this site and the fact that direct access to the area of land is only available through the adjacent residents gardens – who may refuse access to the management company. This needs to be clarified.
- A maternity Bat roost has been identified on site with a new bat loft being proposed for the roof of the garage on plot 16 being provided prior to the demolition of the building which houses the existing roost. Revised details do not seem to now make provision for a roost.
- Breeding populations of slow worms and common lizards were recorded within the site. It has been confirmed that they will be translocated to the area currently occupied by Donkey Field to the east of the site, but concerns regarding access to this site are re-iterated.
- Only limited mitigation/enhancement measures are proposed. It is recommended that the proposed bird/bat boxes could be incorporated into the majority of the buildings on site.

Conditions are suggested relating to an ecological mitigation strategy, management plan, requirement that no demolition be undertaken until a replacement bat roost is provided and details of lighting.

(Officer Comment: The concerns regarding access to the area where dormouse and reptile mitigations would be located and the issue of bat roosting boxes could be addressed by means of an appropriate condition).

**KCC Heritage:**

The site lies adjacent to Olantigh Towers Park and Wye to the south is a medieval market town with Roman or earlier origins. Accordingly there is potential for multi period remains to survive on this site and an appropriate condition is recommended.

**KCC Flood and Water Management:**

Comment that the Foul and Surface Water Management Strategy submitted has been reviewed and subject to the use of appropriate conditions relating to submission of a detailed sustainable surface water drainage scheme and submission of a verification report regarding the above, no objection is raised.

**KCC Developer Contributions:**

See planning Obligations Below

**ABC Open Space / streetscene**

Request that contributions are sought under the Green Spaces SPD and as required by development plan policies.

**ABC Environmental Health (Refuse):**

No objection subject to comments regarding the need for the developer to pay for the bins required for this scheme and that if the roadway is not adopted then an indemnity needs to be signed prior to the collection of any waste.

**AONB Unit:**

Notwithstanding the brownfield nature of the site we consider it disappointing that the applicant has requested the use of the vacant building credit and is not proposing any affordable housing within the scheme: there being a general shortage in rural areas. This is particularly so in the AONB where house prices are generally higher than the regional average. Whilst the primary purpose of AONB designation is to conserve and enhance the natural beauty of the landscape, a secondary purpose is taking into account the needs of land based and rural industries and the economic and social needs of communities. The provision of affordable housing falls within this category.

Initially concern was expressed regarding the 2 large units on Donkey Field and additional LVIA evidence was requested. Upon receipt of this information the AONB unit advised that they would not be particularly visible, but welcomed the commitment to provide additional tree planting along the eastern boundary to further limit any views.

**Southern Water:**

Confirm that foul sewage disposal can be provided. No objections subject to a condition regarding the provision and long terms maintenance of SuDS.

**Wye Parish Council:**

A holding objection to the scheme.

**Representations:** 34 neighbours consulted; 4 objections and 2 general comments received raising the following objections:

- Concern that demolition may not be capable of taking place during an appropriate timeframe for bio diversity protection
- Concern about surface water drainage and run off and potential flooding of the sewer system
- Inadequate assessment by the applicant of the traffic impacts – and the conclusion that it would have no impact. Particular concerns is expressed regarding the lack of analysis of the increased traffic on the potential for queueing or overuse of rural roads as required by Neighbourhood Plan Policy WPN3
- Concern regarding potential flood risk

- The whole drainage plan should be available before determination of the scheme in order to assess impacts.
- Lack of access to the TA
- Lack of local infrastructure and services for the additional housing
- Highways safety concerns due to increased traffic
- Access to the station could only be reached by driving
- Harm to wildlife
- This is no longer a brownfield site
- The application increased the footprint of development absorbing Donkey field which is a significant local amenity
- It is outside a walkable distance to the village
- Development here would place pressure on Olantigh estate
- The scheme in conjunction with the Occupation Road site would be in excess of the Neighbourhood Plan
- In conjunction with the Occupation road site a new road would be needed
- Potential asbestos risk to residents
- Poor design with no attempt to create dwellings that fit in with the features of the site
- Appropriate development is needed such as 5 large self build plots
- Over development
- Site splitting avoid a holistic assessment of impacts

General Comments received from an additional household raising the following additional comments:

- The Environment Agency have objected and approval should not be granted until concerns regarding controlled waters have been addressed
- Insufficient assessment of protected species including hazel dormouse, spider orchids, black veined moths all of which are known to live in the vicinity of Wye.
- The ecological scoping report fails to identify the pond in the garden of Middlefield Cottage
- Concern that any lighting scheme should respect the presence of bats
- Lack of clarity regarding mitigations proposed in Donkey Field

## **Planning Policy**

16. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
17. 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).

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

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU1	Affordable Housing
HOU5	Residential windfall Development in the countryside
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
HOU18	Providing a range and mix of dwelling types and sizes
EMP2	Loss or redevelopment of employment sites and premises
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a & b	Parking Standards for Residential Development
TRA4	Promoting the local bus network
TRA5	Planning for pedestrians
TRA6	Planning for cycling
TRA7	The road network and development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV3b	Landscape character and Design in the AONB
ENV4	Light pollution and promoting dark skies
ENV6	Flood risk
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology
COM1	Meeting the community's needs
COM2	Recreation, sport, play and open spaces
COM3	Allotments
COM4	Cemetery provision
IMP1	Infrastructure provision

19. **Wye Neighbourhood Plan (2016) (NP)**

WNP1A	Village envelope
WNP1b	Local Green Spaces
WNP1c	Views
WNP2	High Quality Design
WNP3	Traffic Impact
WNP4	Supporting Business
WNP5	Integrated housing

WNP6	Mixed Development
WNP9	Scale of housing development
WNP10	Density and layout
WNP11	The former imperial college London Campus at Wye

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

**Supplementary Planning Guidance/Documents:**

Residential Space and Layout SPD 2011– External Space Standards Only

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Affordable Housing SPD

Public Green Spaces and Water Environment SPD 2012

**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

**Village Design Statement:**

Wye Village Design Statement (2000)

**Other Guidance**

Wye Masterplan:

Is referenced in the Wye Neighbourhood Plan as the document to guide in more detail the future development of the former college campus land and buildings, including the application site. A steering group comprising representatives of ABC, the Parish Council and Telereal Trillium was formed to guide the preparation of the masterplan.

Following presentation to the Cabinet, the draft Masterplan has not yet been adopted either as Supplementary Planning Guidance or as informal guidance. Whilst its contents are of interest in respect of this site it can only carry very limited weight as a material consideration. The masterplan, at the stage at which it was reported to Cabinet, provided an illustrative site layout for 20 dwellings on this site in a layout not dissimilar to that now proposed. This was initially based on there being a prior approval fallback for 52 flats through the 'permitted development' conversion of the building on the site. The initial prior approval lapsed and a subsequent application to renew the prior approval was undetermined. Further evidence of the building's previous use indicated that it was not primarily an office building but a mix of laboratory and office accommodation and hence, in the Council's view, the 'permitted development' rights under which prior approval for conversion had previously been given were not applicable. This was reported to the Cabinet in autumn 2019 when the draft Masterplan was most recently considered by members. Therefore, no fallback position in respect of potential alternative forms of residential development on this site applies and is not a material consideration in respect of this application (or the draft masterplan).

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

21. 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 are considered of particular relevance:

#### 2. Achieving sustainable Development

#### 4. Decision Making

#### 5. Delivering a Sufficient Supply of Homes

#### 9. Promoting sustainable Transport

#### 11. Making Effective Use of Land

#### 12. Achieving Well Designed Places

#### 14. Meeting the Challenge of Climate Change Flooding and Coastal

#### Change

15. Conserving and Enhancing the Natural Environment

16. Conserving and Enhancing the Historic Environment

22. National Planning Policy Guidance (NPPG)

Nationally Described Space Standards

Vacant Building Credit 2018

## **Assessment**

23. The main issues are considered to be:

- The Principle of Development
- Landscape Impact
- Design and Impact upon visual amenities
- Impacts upon Heritage Assets
- Highways
- Ecology/Trees
- Housing
- Residential Amenities
- Drainage
- Planning Obligations

### **Principle of Development**

23. The application site lies within a site allocation identified in the Wye Neighbourhood Plan (WNP) that is a broad based allocation and does not identify either the use of the site nor the settlement confines in the vicinity of the site: It being anticipated that this would be completed by the Masterplan then under preparation (see above). Policy WNP6 refers to a mixed development scheme for the wider Wye College site including education, business, community infrastructure and some housing, and does not specify a

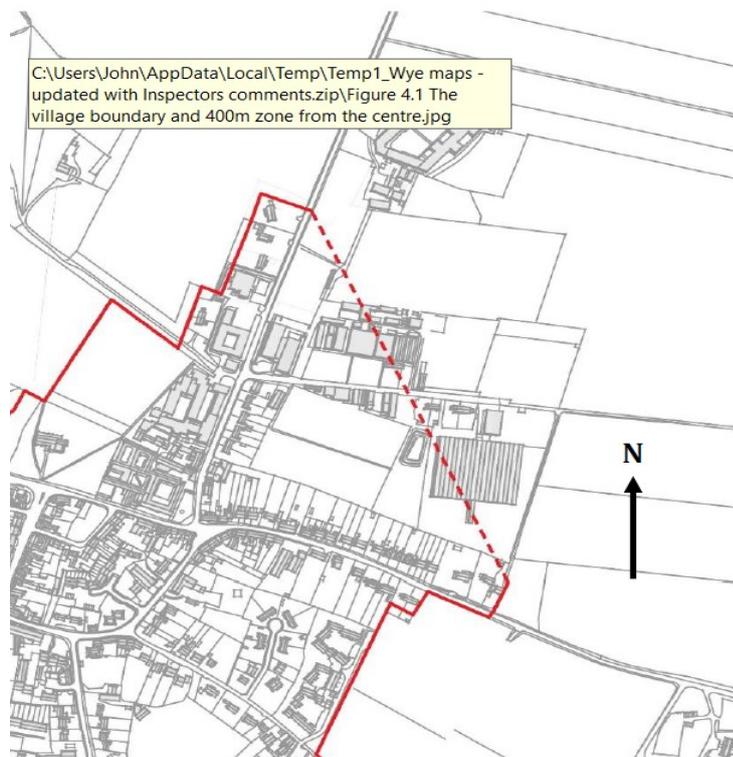
particular development for this site. The allocation identifies a total of approximately 50 houses across the whole former Wye College site.

24. A report defining the village confines around the Wye College site was taken to the Cabinet on 10th October 2019 proposed for use as informal guidance in conjunction with policies HOU3a and HOU5 of the Local Plan. The identified boundary excludes this site.
25. Since this allocation was not prescriptive in terms of the details of the allocation, it is considered appropriate to also consider this scheme against the relevant policies of the Ashford Local Plan. In accordance with the provisions of Policy HOU5 it is considered that this site lies in close proximity to the identified village boundary (145m from the site access) such that the proposed scheme should be considered against the first part of the provisions of Policy HOU5 - Residential Windfall Development in the Countryside, that is adjoining or close to the existing built up confines. This policy identifies the relevant criteria against which such development should be assessed. These matters are considered below and subject to compliance with these criteria, the principle of the residential development of the site in this context could be acceptable.
26. The Wye Neighbourhood Plan (NP) at policy WNP1a advises that development outside the village envelope will only be permitted in accordance with the development plan and national policies for development in the countryside and AONB.
27. The second matter that contributes to the assessment of the principle of development concerns the loss of an employment site.
28. Local Plan Policy EMP2 advises that in the villages, proposals for the loss or redevelopment of existing employment sites or premises will not be permitted other than in three specific circumstances:
  - The site is no longer appropriate for the continuation of the previous or any other employment use
  - The premises are replaced with the same sized or larger premises within or adjoining the same settlement
  - It has been shown that the units have remained unlet or for sale for a substantial time frame.
29. Following the cessation of use of the site by Imperial College a marketing exercise was held to assess whether there was any interest in continued education, research or related business uses of the site. This was undertaken on behalf of the College with a steering group involving the Borough and

- Parish Councils. Eventually it was agreed that a suitable educational or other use was not going to come forward and that the Master planning exercise should commence.
30. In accordance with Policy EMP2 therefore the site has been demonstrated not to be suitable for an ongoing commercial use and a change of use could be policy compliant.
  31. Finally the principle should be considered against the provisions of the Wye Neighbourhood Plan. Policy WNP6 identifies proposals for the former Wye College site as described above (para. 23). The WNP at Policy WNP11 refers to finding an appropriate use for the site subject to the concept of the 'walkable village'. Identifying at para 6.4 that any additional house building occurs only within walking distance and the edge of the existing envelope of the village, that is in the region of 400m from the village centre. Elsewhere, the WNP notes that due to the site's location outside the 5 minute walking distance from the village centre, that residential or intensive business use would not be appropriate on this site and that proposals to return the site to managed woodland or for renewable energy development have been strongly supported. It should be noted that whilst the WNP is supportive of the 5 minute walkable village concept, that neither Policy WNP11 nor indeed any other policy within the Plan specifically prohibits development that lies outside this distance.
  32. The WNP Examiner was broadly supportive of the walkable village approach identified in the WNP, but in respect of this site he did not consider it paid sufficient regard to the core planning principles in the NPPF to encourage effective use of land by reusing land that has been previously developed, providing it is not of high environmental value. He noted that the site lies in the AONB but is also well screened. He concluded that there is a difficult balance to strike on the future of the ADAS buildings and accordingly proposed changes to the WNP wording to address the tensions between the submitted Plan and the national planning guidance. Notably to allow flexibility for the masterplan to consider a fairly wide range of possibilities.
  33. The WNP was adopted in 2016 and its provisions need to be balanced against, amongst others, the more recently adopted Local Plan and the provisions of Policy HOU5. This policy requires that such sites be "*within easy walking distance of basic day to day services in the nearest settlement and/or have access to sustainable methods of transport to access a range of services*". Whilst the WNP identifies that distances of up to 400m are considered 'walkable', the Local Plan refers to 800m as a guide depending on context. This is a well recognised guide used in other guidance documents including the Manual for Streets (2007). The standards contained within a variety of documents including the Manual are commonly referenced by planning and highways practitioners and in turn the Planning Inspectorate as

providing acceptable and sustainable walking distances. Based upon the officers' attendance at this site, the village church can be reached in approximately 7-8 minutes at an average walking speed with the centre slightly beyond that.

34. Against those standards it is noted that a range of facilities would be available for residents of the site, within walking distance for most residents, although just outside the 5 minute walk deemed desirable by the NP. A range of facilities appear to be within 850m from the site including a local Food Store (with cash machine), Post Office, secondary school, pub, newsagent, take-away, church, library and butchers with the following facilities approximately 1.2km from the site - Station, surgery and dentist and pharmacy. The realistic walking time for most of these would be in excess of 5 minutes but not of such distance as to make the site unsustainable or indeed unlikely to be walked.
35. Taking account of the approach of the Masterplan, albeit unadopted, the proximity of the site to the village and a range of facilities and services, the need for more housing, the presumption in favour of the re-use of previously developed land and the overriding aim of providing for sustainable forms of development, it is considered that the principle of the use of the site for residential purposes would be acceptable. This is subject however to the site being used for an acceptable form of residential scheme where the impacts are appropriate to the sensitive area within which it lies. The figure below shows the extent of the built confines as set out in the Wye NP.



**Figure 8: Extract from Wye Neighbourhood plan**

### **Landscape Impact**

36. The NPPF advises that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the developments are in the public interest.
37. Local plan Policy ENV3b requires development in the Kent Downs and High Weald AONBs to have regard to the purpose of conserving and enhancing the natural beauty of the area. Specific guidance is provided of those factors relevant to such consideration including reference to form, scale, design the relevance of the AONB Management Plan and the need to enhance the special qualities, distinctive character and tranquility of the AONB.
38. It should be noted that the definition of whether a proposal is a major development is a matter for the decision maker taking into account its nature, scale and setting and whether it could have significant adverse impact on the purposes for which the area has been designated or defined. Issues identified for consideration of this matter include:

*(a) an assessment of the need for the development, including in terms of any national considerations and the impact of permitting or refusing on the local economy*

39. Under this caveat the consideration of the scheme is upon its impact upon the local economy. The proposed development would be a residential use and any need for the scheme would appear to be a local issue rather than one of national importance. The benefits to be derived in terms of the local economy would be two fold:

- benefits to the local economy during the construction phase
- once completed, benefits through increased patronage of local shops and facilities contributing to the local economy. The refusal of the scheme would result in the loss of these benefits with the latter representing the most significant ongoing impact.

*(b) the cost and scope of developing outside the designated area or meeting the need in another way*

40. The vast majority of the village and surrounding area lies within the AONB and provision of local housing is not identified to be met other than by developing in the AONB. In this context it is considered appropriate therefore to consider the impacts upon the landscape of developing a brownfield site against a greenfield site where potentially the impacts could be less.

*(c) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.*

41. It has previously been determined that an EIA would not be required for a development of up to 20 houses. The scheme would have little impact upon recreational opportunities available other than that it would place new residents in the AONB and vicinity of a public footpath network to increase accessibility to the AONB. In terms of impacts upon the environment there would appear to be little impact upon trees and biodiversity of the site and surroundings, with enhancements being proposed. The AONB unit have concluded that there would be little impact upon the wider AONB due to the well screened nature of this site. It is true that the extent of built form would extend beyond existing outer limits which is of concern and discussed elsewhere, and that the design and layout of the scheme is not considered appropriate for its AONB location on the edge of the village.

42. Overall however it is not considered that the scale or impacts are sufficient to result in this development qualifying as a major scheme in terms of paragraph 172 of the NPPF.

43. The Neighbourhood Plan at policy WNP1C highlights the importance of views into the village from the surrounding Downs, at WNP2 the need for sympathetic design which is appropriate to its location and landscape and at WNP8 the need for all development to respect the qualities of the Kent Downs AONB. WNP further emphasises the importance of the link between new development in the village and the impact upon views from outside the village. Finally WNP11 draws attention to the need for high quality landscaping that should be designed to enhance views from the AONB.
44. The site lies within a subdivision of the Stour Valley Brook to Chartham Landscape area where the key characteristics include:
- narrow lines of trees or overgrown hedges at field boundaries
  - traces of ancient field systems in the west
  - series of rough grassland dominated enclosed coombes
  - deciduous woodland patches
  - long views
  - wide flat floodplain

The overall landscape character objectives are to “*restore and maintain the hedges and lines of trees which produce the characteristic field pattern, and to enhance the visual and ecological quality of the river corridor*” and to “*conserve arable field margins*”.

45. The submitted Landscape Visual Appraisal (LVA) identifies those public vantage points from which the existing and proposed development would be visible. The assessment identifies that views of existing development is limited to glimpsed views through existing tree and shrub cover which becomes less visible at greater distance. The proposed scheme would replace a part single and part two storey development with the houses and garages of a maximum of 2 ½ storeys high. Apart from close views from Olantigh Road through the entrance gates, the assessment indicates that the new scheme, involving new tree and shrub planting, would remain of glimpsed views through vegetation with no more than a local effect upon the landscape and with a neutral impact.
46. Existing views into the site are available from surrounding land, and public footpaths and viewpoints. The existing buildings, are visible in the local landscape, but apart from when viewed through the access, in officers view, the site is not a significant visual feature in the surrounding landscape. This is, partly due to the fact that existing buildings make use of the level changes within the site (with the single storey wing at the rear of the site where the land rises) and partly due to surrounding tree cover.
47. The proposed scheme is considered to represent an over development of the site that would adversely affect the views into and out of the site, proposing a suburban scheme on this edge of village site. In essence it proposes too much built form that does not allow an informal spacious layout with sufficient

space between the houses (including their garage blocks) to allow the countryside and rural character into the site. Instead the views from inside the site would simply provide views of other houses rather than clear views of the countryside. A scheme with fewer houses and a different design approach would reduce the amount of built form on the site providing more opportunity to bring the countryside into the site as envisaged by the Masterplan and the AONB Management Plan and mitigating the impacts of the scheme upon the wider AONB and views around the site.

48. The scheme should not have to result in the loss of existing trees unless for reasons associated with their quality. The site is large enough to provide for a scheme of up to 15 houses that could avoid any existing tree losses other than due to their quality. The losses would be to the detriment of the surrounding landscape and contrary to the provisions of the Development Plan.
49. Whilst the right type of planting in the AONB would be welcomed (and the view of the AONB Unit is that the proposed scheme would provide an acceptable form of planting), the scheme should not have to rely upon a planting scheme to mitigate the adverse visual impacts upon the surrounding AONB. Rather the scheme should be designed in a manner that would not cause unacceptable harm with landscaping used to further assimilate it within its context. These impacts arise due to the number of units being proposed and their design and layout.
50. The Masterplan considered landscape issues around the wider Wye College site, identifying that *“the site presents a relatively sunken and discrete site, contained by mixed woodland on its eastern boundary to the fields, and mature 25m high Arboretum woodland and mature beech trees along Olantigh Road. The double roof height of the ADAS building and water tower are evident in views”*. The document further identifies that *“the opportunity exists to select housing typologies that can exploit the average 3m level differences between the embankment and plateau and thus reduce their impact in this location by one storey”*. Elsewhere the landscape strategy identifies that the scheme must not *seek to impose a suburban character* onto this edge of village location and that it should *bring the countryside right into the heart of the new development through the creation of strong linear green spaces..a characteristic of the village*. Two potential ‘spaces ‘ are identified in the Plan to fulfil this approach – one on the southern boundary and one broadly along the access road of the proposed scheme. Due to the number of units proposed this scheme is unable to deliver this objective.
51. Overall it is considered that the proposed scheme would not represent the high standard of design required by the Development Plan and other advice such as to conserve and enhance the landscape and scenic beauty of the AONB, contrary to established local and national policies.

## **Design and Impact upon visual amenities**

52. Local Plan Policies SP1, SP6 and HOU5 seek development that is in accessible and sustainable locations, making best use of brownfield sites. It must conserve and enhance the landscape, create the highest quality design promoting a sense of place through the built form and the relationship of buildings with each other and the spaces around them and preserve or enhance the setting of the nearest settlement and include an appropriately sized and designed landscape buffer to the open countryside.
53. Policy WNP2 requires high quality design seeking to create local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the Kent Downs AONB.
54. The Wye Village Design Statement (2000) identifies a number of relevant principles, including :
- the approaches to the village are considered to be important and should be welcoming and in keeping with the historic character of the village.
  - Designs based upon a confused mix of architectural styles that mimic but lack the integrity of genuine historic buildings should not be considered.
  - Design layouts should incorporate traditional local boundary treatments
  - All materials should be sustainable and of highest quality embodying sustainable credentials in choice of source and materials
  - Roads should be appropriate to the rural character of the village
  - Easy safe access by foot and bicycle should be incorporated into new developments and make provision for people friendly network of safe routes within the village suitable for non car users
  - Take advantage of the land form for significant new developments on the edges of the village, particularly when visible in long views
  - Any significant new developments should include new green spaces
55. The Wye Masterplan identifies the key features of the proposed scheme for 20 houses, but that no longer accords with the Council's approach: it not being considered that a scheme for 20 houses could be accommodated on the site in a manner that accords with the policies for a site in this location. The Masterplan concludes the following in general design terms:
- Distinctiveness can be achieved by designs that respond to local characteristics in a contemporary way
  - Take advantage of the topography, and landscape features with a landscape led approach
  - Integration into the wider movement networks within Wye with enhancement of green spaces around the improved network.

- New built development to reflect the overall landscape and movement strategy to be developed
  - Design and principles to reflect the Wye Village Design Statement and form and layout to have regard to local precedents in Wye.
56. During the Masterplan process an illustrative scheme for 20 dwellings similar to that now considered was favourably reported to Cabinet. That however was based upon the then established fallback position for a development of 52 flats within the existing buildings on site. In addition to the existing building on site such a scheme would have required on site parking and potentially other hard surfacing and/or built form to support the proposed use, for instance a refuse store/collection point, cycle store etc. Against that quantum of development a scheme of up to 20 units was considered potentially acceptable and sustainable, subject to the application details. However a significant change arose when that fallback position dropped away. At that point a lesser scale of development was considered more appropriate to respond to the character of the site and its location in relation to the village. It should be noted that the Masterplan was not an application for the 20 units illustrated, it merely showed an illustrative layout for 20 units which would still have been subject to discussion during the application process to finesse a scheme that would be suitable for the edge of village location in the Kent Downs AONB.
57. The impacts upon the wider landscape are considered above however this is not the only issue against which the acceptability of the scheme within this landscape is assessed. The character of the scheme from within the site is also of importance. Discussions that took place as part of the Masterplan process envisaged a scheme of a wholly different character to that subsequently proposed – with the opportunity identified to provide “*something unique and high quality that follows the placemaking rules and codes of Wye*”. In the determination of this scheme whilst a design of such quality would be preferable, this scheme actually needs to demonstrate that it would conserve and enhance the surrounding AONB, it does not have to be unique. The appellant has submitted a scheme that would undoubtedly be a nice place to live for future residents, but which does not meet the high standard required, in officers view, such as to conserve and enhance the character of the AONB.
58. The existing site does not feature a building of any architectural merit whatsoever, but the design does have benefits in terms of its response to the wider area insofar as it is contained on a smaller part of the site than the proposed scheme; the shape of the building offers opportunities to bring the countryside into the site and the separation from the boundaries is greater than now proposed. The area utilised by the greenhouses offers such a light weight and modestly scaled development form that of the proposed houses and garages and the latter would have a greater impact upon that part of the site. The existing site is not considered so unattractive and harmful to the

AONB (albeit it is now in disrepair) as to demand a replacement scheme that would cause greater impact upon the surrounding area.

59. A number of concerns remain about the proposed scheme:

- i) - The number and spread of buildings proposed – 20 houses and 13 detached garage blocks ranging in size from the three bed terraces with attached single garages to large detached 5 bedroom family homes with quadruple garage blocks. Whilst a modest green space is proposed at the centre of the scheme, around which many of the houses would be centred, it would nevertheless result in the buildings around the site being of such proximity and orientation to each other as to provide a suburban character scheme with little lateral spacing between most of the units – the space not occupied by housing being occupied by garaging. It is an objective that development close to or on the edge of a village such as this reflects the edge of village location rather than simply taking a development form that would be appropriate to a village location and transporting it to the countryside. In this location given the proximity to the arboretum and the woodlands to the north a more appropriate setting would be one of housing set within a woodland setting. The Masterplan refers to *bringing the countryside right into the heart of the new development through the creation of strong linear green spaces* but that cannot and does not happen due to the quantum of development proposed. Not only does this represent a missed opportunity in officers' views but it fundamentally does not offer a development type that corresponds to its close proximity to the edge of village location surrounded by trees and woodland in the AONB.
- ii) The scale of the proposed garaging is considered excessive – many appear to include additional ground floor storage space as well as some external storage for log piles and similar. They are all enclosed, encouraging storage rather than car parking and the majority appear to provide sufficient space at first floor to provide ample storage, including one or more dormer windows in each block. Many of the garage blocks appear more akin in scale to small scale dwellings rather than ancillary domestic buildings adding to the general street clutter and less spacious layout around the site. An open car barn approach could, for instance, reduce the scale of the garaging and if open would offer views through opening up the site, particularly at the site edges. Additionally some of the garage have large areas of hardstanding immediately adjacent to the access road adding to the suburban character of the site.
- iii) Some glimpsed views would be possible from some houses within the scheme beyond the houses on the outer edges of the site. This quantum of development would though prevent meaningful views

into/out of the site for any house not already on the edge of the scheme and would prevent views through the scheme from one side to another due to the layout and lack of internal spacing. The scheme would also miss an opportunity to link the site to the surrounding countryside and to bring the countryside into such sites to assimilate them properly within their context.

- iv) The Masterplan identifies that the scheme should not develop the whole wider site, but should prevent development on Donkey Field. This part of the site is on rising land and has potential to be more visible within the surrounding landscape. Whilst the floorspace proposed would be less than that already on site, the development of housing onto Donkey Field would extend development beyond the outer boundaries of existing development. The two largest houses and accompanying garages have been chosen to place on this part of the site. Whilst their siting has been chosen to minimise views and additional planting is proposed to screen them in shorter views, their general scale and positioning on Donkey Field should be avoided to help the development assimilate more comfortably into the surrounding AONB.
- v) The Masterplan references the rise in levels across the site advising that a suitable scheme could use the change in levels to reduce the height of proposed development. The lowest part of the site upon which housing is proposed is adjacent to the entrance with the two largest houses partially on Donkey field being at the highest level across the site. The reduction in height referred in the Masterplan was in order to prevent the visual impact of development upon the surrounding area. The Village Design Statement also references taking advantage of the land form for new development particularly when long distance views are available. The existing development already does this – with the front part of the main block being two storey in height with the rear part, where the land level rises, being single storey. The proposed development would by contrast be two storey's across the whole site - the houses having relatively steep pitched roofs and three of the units with flat crown roofs. As a guide to their scale all would appear tall enough to accommodate second floor accommodation if desired, subject to relevant changes to provide light/ventilation etc, most likely to be in the form of dormer windows rather than just rooflights –thus potentially adding to the bulk and mass of development.
- vi) The scale of these dwellings would not respond to the changing land levels across the site, rather that part of the site currently occupied only by single storey development (apart from the water tower) would accommodate 7 – 8 good sized two storey house (with tall rooflines)

and associated garages. Submitted photographs of the site show that the existing building is visible above the adjacent tree line, albeit not creating a significant impact. An additional floor of accommodation plus the roof forms proposed would have a greater impact upon the landscape.

- vii) The design of the proposed access road has been reduced in scale compared to the earlier iterations, but viewed from Olantigh Road would still appear as a suburban 'estate' with the design and layout of enough of the 'estate' visible to reinforce this assessment.
  - viii) A reduction in the number of dwellings and garages would allow greater levels of structural planting within the site such as to reinforce its connection to surrounding wooded areas.
  - ix) The Urban Design vision in the Masterplan references the use of less structured layouts such as this, referencing the use of integrated landscaping and referring to the use of 'clusters of rural farmsteads' as a means to avoid a more regular and suburban approach to the site layout. Such an approach has been included in the southernmost part of the site where three dwellings are clustered around a central courtyard. The approach isn't entirely convincing insofar as the entrance into this cluster needs to be more tightly enclosed to echo a typical farmstead courtyard.
60. As part of the Masterplan process a number of suggestions were made by officers about the design and layout for 20 units with concern expressed about the need to consider the layout of units and the character of the entrance and access road, the materials, use of details that provide a landscape setting of the site, such as boundary treatment, road surface, gates, etc. Some of these details could be dealt with by condition such as gates, boundary treatment etc but many are fundamental to the character of the design and site and have not been included in this scheme. Overall it is considered that the proposed scheme would result in the over development of the site in the extent that it could not respond to the requirements of development in this location close to the edge of the village and within the AONB where development must conserve and enhance its surroundings. It is not considered that the scheme would be policy compliant nor secure the aspirations of the NPPF.

### **Impact upon Heritage Assets**

61. Local Plan Policy ENV13 supports proposals that would preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their setting unless it

can be demonstrated that there would be substantial public benefits to outweigh the harm or loss.

62. In this instance the site lies immediately adjacent to the woodland within Olantigh Towers, a Grade II Registered Park and Garden. A footpath runs parallel to the site boundary inside the adjacent woodland and it is possible to get glimpsed views of the site from the woodland. Therefore the site does have a potential impact upon the setting of the adjacent heritage asset.
63. The impact of the development of the site was considered as part of the Masterplan which although it has not been adopted nevertheless had proposed a quantum of development which it is considered could be accommodated on the site without adversely affecting the setting of the adjacent asset. The existing glimpsed views are of the single storey buildings that lie on the northern site boundary with glimpses of the water tower and the corner of the two storey part of the existing building. However they are only glimpses through the trees. The proposed scheme would remove the existing buildings on the boundary and the water tower and would provide space for new planting close to the boundary with the asset. Accordingly therefore even though 5 houses are proposed facing onto that boundary it is not considered that the scheme would have an unacceptable impact when viewed from inside the site.
64. In terms of the setting viewed from outside the site this is a previously developed piece of land with a significant sized building already on the site. On balance it is considered that the proposed development would not adversely impact on the setting of the heritage asset.

## Highways

65. Local Plan Transport policies seek to ensure that new development that generates significant levels of traffic must be well related to the primary and secondary road network, that traffic movements to and from sites can be accommodated to avoid severe cumulative residual impacts, provide sufficient off street parking and would promote sustainable forms of travel including provision for cycling and planning for pedestrians.
66. The scheme would utilise the existing access into the site from Olantigh Road creating a 4.8m wide circular route round the site to access the proposed houses. The submitted information indicates that the peak level traffic attending the site during its previous use was greater than that anticipated resulting from the proposed use (42 trips compared to 11 in the am peak and 31 trips compared to 12 in the pm peak). The development of this site has been assessed in combination with the other Wye College sites and the cumulative impacts upon the highways were found to be acceptable (the

NPPF sets the test for cumulative impact very high and requires the harm needs to be severe).

67. It is intended that the site access and roads would be adopted by the Highways Authority and the submitted layout is acceptable with the circular route providing ease of access for service vehicles. The submitted details show safe access for a refuse vehicle and therefore by default a fire tender. The visitor parking layout has been amended to accommodate initial concerns about its spread around the site and is now acceptable.
68. Footway improvements are proposed on Olantigh Road to link with the existing footway on the west side of Olantigh Road to ensure safe pedestrian passage. Additionally a revision of the speed limit on Olantigh Road is proposed providing a buffer with the 30mph limit alongside a new village gateway and localised road narrowing to help reduce traffic speeds. This will help make turning movements safer in and out of the site as well as improved pedestrian safety. The proposed gateway would lie 155m to the north of the access into the site. A revised junction arrangement for the Olantigh Road/Occupation Road junction is also proposed with raised table traffic calming and pedestrian crossing features. The details required for these improvements could be required as part of the S106 obligation and S278 agreement regarding works to the highway.
69. The scheme would provide sufficient off street parking for both residents and visitors and no objection is raised in this respect.
70. On this basis and subject to the completion of a S106 obligation to secure the highways improvements agreed, no highways safety or capacity issues would be raised. However the obligation referred to has not been provided and therefore constitutes a reason for objection to the scheme on the basis that it would not provide the safety improvements required to ensure a safe and satisfactory highways environment for future residents of the site. This would render the scheme unsustainable and unacceptable.

### **Ecology/Trees**

71. Local Plan Policy ENV1 advises that schemes that conserve or enhance bio diversity will be supported, whilst where harm to biodiversity cannot be avoided appropriate mitigation will be required. Normally mitigation will be required on site unless special circumstances dictate that an off site model is more appropriate.
72. Local Plan Policy ENV3a & b draws attention to the contribution trees and woodlands make to the landscape character seeking their retention and protection. Attention is drawn to the pattern and composition of trees and woodlands as a landscape characteristic.

73. In this instance the submitted preliminary ecological appraisal has been supported by bat, dormouse and reptile surveys /mitigation assessments. The site is not identified as being part of nor directly adjacent to any statutory designated sites and none are located within 1km of the site. The site is identified as a mixture of built up area, improved grassland and broadleaved, mixed and yew woodland. It is concluded that:

- The paucity of ponds in the general area (some are identified) it is judged unlikely that greater crested newts would be on site
- The site offers suitable habitat for reptiles and slow worms and common lizards were recorded on site. The scheme would result in the loss of reptile habitat but it is anticipated that subject to the enhancement of Donkey Field to the east that the population could be retained on site. Prior to any works commencing a translocation exercise would take place.
- The site has high potential to support breeding birds within the buildings trees and scrubs
- The site has potential to support the hazel dormouse due to connections to suitable woodland and the Wye and Crundale SSSI just over 1km to the east and they were found on the site. Most of the vegetation beneficial to dormice would be retained on site although it is recognised that fragmentation of the habitat potential, predation from domestic cats and increased artificial lighting could have potential adverse impacts. A licence would be required from Natural England to undertake the works proposed and a mitigation strategy would need to be submitted as part of that application. It is suggested that vegetation removal should be done in a phased manner to minimise impacts and that new planting should maximise native planting to replace that removed. Long term monitoring will be required.
- No signs of badgers were identified during the site survey
- The bat survey identified bats using the existing buildings as a maternity roost which would require a licence for its removal. The mitigation proposed would be assessed by Natural England as part of the licence process but a bat loft is proposed in the garage to plot 16, prior to the demolition of the existing roost, additionally new planting would take place that would be beneficial to bats.
- The site has potential for hedgehogs and common mammals such as rabbits, moles, voles and foxes.

74. The submissions have been assessed by the County Ecologist who has expressed concerns regarding the provision of appropriate landscaping to mitigate impacts upon dormice and the ability to retain the proposed reptile mitigation area for its intended use rather than an extension of the residential gardens adjacent. It is considered that suitable landscaping could be secured by means of a condition and the necessary management of the land on Donkey Field that lies outside the residential gardens could be secured by means of a legal obligation. Accordingly it is considered that the proposed ecological impacts could be mitigated in a satisfactory manner and the scheme would therefore accord with the Development Plan.
75. Concern has been expressed locally about the potential impacts of this scheme when taken in conjunction with that proposed within the wider Wye College site upon the Wye and Crundale Downs Special Area of Conservation. It contains a priority habitat type "orchid rich sites" being an area with an assemblage of a rare, scarce and uncommon orchids and retaining about 50% of the national population of the late spider orchid.
76. The impacts of the schemes proposed at both this site for 20 dwellings and at the Occupation Road site for 40 dwellings were the subject of two separate requests for a Screening Opinion in terms of the potential for the schemes to be required to submit an Environmental Impact Assessment (EIA). In respect of both sites it was concluded that there was no need for an EIA submission. The advice from the County Ecology team on the application in respect of this site advised that there are no statutory designated sites within or nearby to the boundary of the development and the site does not fall into an ecologically designated 'sensitive' area. The unit advised that they were satisfied that the development was unlikely to have a significant impact on biodiversity. Natural England commented that the landscape and visual impacts should be considered in conjunction with other relevant scheme but in terms of the impacts on protected species advised that they do not hold information on this matter and are therefore unable to advise.
77. At the same time an application was submitted for a screening opinion at the Occupation Road site. The assessment of these two schemes was therefore carried out alongside each other and in fact also recognised that other development in the area had been approved. However it was concluded that taking all that into account that the impacts would not give rise to significant environmental effects through accumulation. Since these sites are not physically joined and any development approved could be carried out separately of any other scheme it was not considered appropriate to try to conjoin the sites for the purposes of a combined EIA Screening opinion.
78. The scheme(s) was not considered to be EIA development. Whilst concern has been expressed that the whole WYE3 site should be appraised at the same time development proposals are not available for the whole site and that

approach is therefore impossible. However, should permission be granted for development on part of the site, that does not prevent the cumulative impacts being considered as further development comes forward for consideration. Therefore on the basis that it was subject to a full assessment last year and officers are not aware of any material changes to the circumstances against which they were assessed it is not considered appropriate to now seek to suggest that the combined impacts are different to those previously assessed.

79. In respect of trees, there are concerns regarding the impact of the scheme upon trees on the site considering that not all the losses could be justified. Particularly in respect of several good quality mature specimens which make a positive contribution to the site and area and which only appear to need removing due to the layout proposed. At least one of these has potential to be a veteran tree, another is a high value Beech tree forming part of a belt along Olantigh road, whilst a third appears to be approximately 75-100 years old and of considerable stature. Additionally concern is expressed about the proximity of some of the houses to protected trees along the south west boundary. The proximity of proposed houses to the trees in the farmstead part of the scheme is of concern with the close proximity leading to pressure to carry out works to reduce the scale of trees in due course. The loss of trees where it could be avoided and potential works required due to the proximity of trees to proposed housing, as well as potential impacts upon future residents should be avoided – it not being in the interests of the character of the area nor future residents amenities.
80. When conflicts such as this cannot be avoided it suggests the over development of the site and supports the contention that fewer houses would be more appropriate for the site. The loss of trees and potential for future pruning / crown lifting of trees would be detrimental to the visual amenity of the area and exacerbate the visual harm already identified. It constitutes a deemed reason for refusal.

## **Housing**

81. Local Plan Policy SP2 identifies that the identified housing target will be met through a combination of committed schemes, site allocations and windfall sites, such as this. This site forms part of an allocation within the wider former Wye College site.
82. Local Plan Policy HOU1 sets out the Council's affordable housing strategy which in the case of development on this site seeks a total affordable housing contribution of 40%, with 10% being affordable/socially rented accommodation and 30% being affordable homes including a minimum of 20% being in shared ownership. Flexibility in approach is identified in the event that independently verified viability evidence is provided to establish

that it is not possible to provide this level of accommodation, including the provision of an off site financial contribution in lieu of on site provision.

83. Policy HOU18 requires developments of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs.
84. The most recent housing monitoring report identifies that the Council can demonstrate a 5 year housing land supply. Therefore whilst additional housing would meet an identified need, the relevant Development Plan policies are still up to date and the need for housing does not therefore outweigh the harms identified elsewhere in this report.
85. Regarding housing mix In this instance the scheme would provide a mix of 3, 4 and 5 bedroom homes - the majority being the larger 4 and 5 bedroom units. The Wye with Hinxhill Housing Needs Survey (August 2018) identified a need for 21 respondents in need of affordable housing, split into 8 x 1 bed, 7 x 2 bed and 6 x 3 bed units.. The NP identifies that the household survey identified a strong preference for a balanced mix of housing types in any development.
86. On the basis that this is a previously developed site, the Vacant Buildings Credit (VBC) is a factor in the assessment of the provision of affordable housing. The existing buildings have a floorspace of 3,961sq m's gross floor area, whilst the proposed houses have a floor area of 3,432sq m. This includes all buildings on the site including the greenhouses. Whilst they are in varying states of repair, they all have foundations and a level of structural integrity to justify the use of their floorspace within the VBC scheme. Therefore applying the VBC, no affordable housing needs to be provided. This is a Government incentive to bring forward previously developed sites in a viable way.
87. The proposed scheme does not provide any smaller housing (ie less than 3 bed), only 4 x 3 bed houses with the majority being larger 4 and 5 bed homes with no affordable housing. Whilst it is not the range and mix as set out in the Needs Survey the site needs to be developed at a low density (lower than proposed) for it to work in terms of landscape impacts as set out above. This will almost inevitably mean larger houses are required. Such houses are still important as it allows residents to upsize thus in turn freeing up the stock of smaller houses.
88. The housing mix and the lack of affordable housing in this instance and on this specific site is acceptable.

## **Residential Amenities**

89. The NPPF seeks a high level of amenities for existing and future users resulting from new development.
90. The standard of housing proposed would meet the standards required by the Nationally Described Space Standards providing comfortable homes on the edge of an attractive village. The scheme is also policy compliant in respect of external amenity space. The proposal complies with policies HOU12 & 15 of the local plan. Pedestrian access to the village and nearby services and facilities would not comply with the walkable village approach of the Wye NP, but would nevertheless provide a range of services and facilities available within a 715 minute walking distance. This may result in some occupants driving to reach those facilities, but this is not so far as to comprise an unsustainable location which would prevent residents walking to the village if they so choose. Overall this is considered an acceptable and sustainable location to live which would not be harmful to residents' amenities by virtue of the distance from the village centre.
91. In terms of the impacts upon any other residents within the village, there is sufficient space between this and the nearest other dwellings to prevent any adverse neighbour impact through overlooking or the development appearing overbearing or oppressive.
92. The proposed development is acceptable in terms of residential amenity on existing and future residents.

## **Drainage**

93. Policy ENV8 requires new development to protect the quality and quantity of groundwater resources.
94. The existing site is connected to the public sewerage system via a pumping station and rising main. As part of the proposed scheme a new pumping station is proposed within the site with a new rising main to connect to the existing public sewer in Olantigh Road.
95. Surface water drainage within the site will be dealt with by means of soakaways, permeable paving and soakaways.
96. In this instance the site has been assessed by the Kent Lead Local Flood Authority who advise that the Foul and Surface Water Management Strategy submitted is acceptable and that they support the continued use of the infiltration on site, highlighting that infiltration testing has already been undertaken. It is recommended that this matter be dealt with by condition should permission be granted to secure details of the results of the infiltration

testing undertaken on site and details of a sustainable surface water drainage scheme, prior to commencement of any development other than demolition.

### **Planning Obligations**

97. 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
98. I recommend the planning obligations in Table 1 would be required should the Committee resolve that it would have granted 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 advise that planning permission would be granted if the Council had the ability to issue a decision.

## Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (£)	Trigger Points (£)	
<b>Potentially applies to any size/scale of residential development</b>				
	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: To be informed by the Parish council</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 IMP2, 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>
	<p><b><u>Local Highways</u></b></p> <p><i>Site specific project:</i>                      S278 Agreement to secure off site works in relation to the site access, Occupation Road/Olantigh Road</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 , KCC Highways guidance and guidance in the NPPF.</p>

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	Junction, Olantigh Road Speed limit reduction and traffic calming and footway improvements.			<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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<b>Applies to sites of 11 dwellings or more</b>				
	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>	
	<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards extra care accommodation in the Borough</p>	£146.88 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> to meet the demand that is generated and must be maintained to ensure compliance with 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 occupiers would have access to the proposed care</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>

	<p><b><u>Allotments</u></b></p> <p><i>Project:</i> To be informed by reference to the Parish council</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<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 IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers may 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>
	<p><b><u>Cemeteries</u></b></p> <p><i>Project:</i> Borough wide provision and maintenance of facilities</p>	<p>£284 per dwelling</p> <p>£176/unit commuted maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as cemeteries 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, COM4, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b></p>

				considering the extent of the development and the number of occupiers and the extent of the facilities to be maintained and the maintenance period is limited to 10 years.
	<p><b><u>Children’s and Young People’s Play Space</u></b></p> <p><i>Project:</i> Identified with reference to the Parish council</p>	<p>£649 per dwelling for capital costs</p> <p>£663 commuted sum per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><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 IMP2, Public Green Spaces and Water Environment SPD, and guidance 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>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock for the Wye Library for the new borrowers generated by this development</p>	<p>£55.45. per dwelling</p>	<p>Half the contribution upon occupation of 25% of the</p>	<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>

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			<p>dwelling and balance on occupation of 50% of the dwellings</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>
	<p><b><u>Primary Schools</u></b></p> <p>Projects:                      Primary Education: Towards new Conningbrook primary School</p> <p>Primary Land:                      Towards the new 2FE Primary School site at Conningbrook</p>	<p>£4,535.00per dwelling</p> <p>£2,363.00/dwelling</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 accommodation specifically for the elderly.</p>
	<p><b><u>Secondary Schools</u></b></p> <p>Projects:</p>		<p>Half the contribution upon</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 IMP2, Developer Contributions/Planning Obligations SPG,</p>

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	<p>1. <i>Towards Norton Knatchbull Expansion</i></p>	<p>£4,115.00 per dwelling</p>	<p>occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>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>
	<p><b><u>Community Learning</u></b></p> <p>Project: Towards IT Equipment for the new learners at Ashford AEC.</p>	<p>£34.45 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> the equipment identified is needed to provide adequate levels of pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. .</p> <p><b>Directly related</b> as children of occupiers could attend the AEC 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</p>

				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><b><u>Strategic Parks</u></b></p> <p>Project:</p> <p>Specific Hub projects (COM2):                  Discovery Park                  Conningbrook Park</p>	<p>£146 per dwelling for capital costs</p> <p>£47 commuted sum per dwelling for maintenance-</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 IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <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>
	<p><b><u>Voluntary Sector</u></b></p> <p>Project: To be identified with reference to the Parish Council</p>	<p>£87 per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<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 IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary</p>

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				sector and the additional services to be funded will be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.
	<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources for Ashford district Youth Service</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 IMP2, 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 and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
<b>Area / Site specific potential requirements</b>				
	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amount (s)</b>	<b>Trigger Points</b>	
	<b><u>Public Art</u></b>			<b>Necessary</b> in order to achieve an acceptable design

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	<i>Project:</i> To be identified following discussion with the Parish Council	£141/unit Total £6,768	Upon occupation of 75% of the dwellings	<p>quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and IMP2 (if applicable) and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	<b><u>Waste:</u></b>  Project: Towards new waste floor at the Ashford Waste Centre	£237.54 per dwelling		<p><b>Necessary: In order to secure adequate waste services for future residents</b></p> <p><b>Directly Related:</b> Future residents will utilise waste collection services</p> <p><b>Fairly and Reasonably related in scale and kind:</b> the calculations are based upon site specific data and requirements.</p>
<b>Applies to all</b>				
	<b><u>Monitoring Fee</u></b>  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	<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>

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			(if not one-off payment)	
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[Notices](#) must be given to the Council and County Council at various stages in order to aid monitoring. All contributions are [index linked](#) in order to maintain their value. The Council and County 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

99. 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 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

100. 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

101. The proposed scheme would result in a scheme for 20 houses with associated access, garaging, landscaping and provision of a small green open space on this site lying just outside the identified village boundary.
102. The site is considered within the Wye Neighbourhood Plan where it is considered that both the location of the village confines boundary and individual site allocations/uses of the former Wye College site should be determined by a Masterplan. The WNP identifies this would be adopted as Supplementary Planning Guidance. Consequently the WNP does not specify a particular use for this site or quantum of development. Whilst it is appreciated that the WNP envisaged that the development principles of this site and others nearby would be resolved by a formally adopted Masterplan, the site allocation is therefore only a broad based allocation.
103. Consequently it is appropriate to also assess the scheme against the Local Plan. The first part of policy HOU5 of the Ashford Local Plan refers to residential windfall development in the countryside for unidentified sites adjoining or close to the existing built up confines of identified settlements including Wye. This site is considered to lie in close proximity to the nearest part of the identified village boundary such as to qualify as a site close to the boundary and therefore for consideration under the first part of this policy.
104. Concern has been expressed by the local community individually and through the Neighbourhood plan process about the use of this site for amongst others a residential use, due to the distance from the village centre and the relevant facilities and services. The ‘walkable village’ to which the WNP refers would

limit new development to closer proximity to facilities than many other policy documents would allow i.e. the adopted Local Plan (guide of 800m dependent on context). The WNP Examiner encouraged flexibility in this respect and there is no specific policy that prevents development that would be more than 400m from the village centre. The site access lies approximately 780m's from the church with other village centre amenities close by. The existing pedestrian access would be improved along Olantigh Road to respond to this scheme. Taking account of the established approach to make the best use of previously developed land this site is considered acceptable for future development. A commercial use has been previously considered and discounted and accordingly it is considered that this is an acceptable location for new residential development.

105. The site lies within the AONB and accordingly great weight should be given to the conservation and enhancement of the area. A development scheme for *up to 20* units has been considered in some detail pursuant to the Masterplan, which although unadopted does nevertheless provide guidance on how the site could be developed. The most recent iteration of this guidance considered that a scheme of only *up to 15* units as acceptable - officers being unable to identify a scheme for 20 units that would meet the test of 'conserve and enhance' as well as having concerns about the implications of the changing 'fallback' situation relating to the use of the existing buildings (prior approval for the conversion to 52 flats). Given the location of the site in relation to the walkable village, but recognising the issue of utilising PDL, it was considered that a smaller scheme should be considered.
106. The proposed scheme for the reasons set out above is not one that would respond to many of the design criteria considered necessary to ensure the conservation or enhancement of a site in this location – which needs a scheme which reflects the rural location rather than one which has a more suburban character to it. Accordingly it is not considered that the scheme would comply with either local or national policies in this respect.
107. It is considered that the scheme would provide an acceptable living environment and standard in respect of internal and external space for future residents and not adversely impact upon existing local residents.
108. The scheme would require a number of highways changes to ensure that the scheme would provide a safe highways environment including some changes to road speed at the village entrance to the north of the site and including an improved pedestrian access to the village to the south of the site. Road junction improvements are also proposed. Subject to these highways changes it is considered that the scheme would be acceptable. The combined impact of this and other sites within the former Wye College site have been considered and their combined impacts are considered acceptable in

highways safety and congestion terms. The test in the NPPF is that severe harm needs to be demonstrated.

109. A number of infrastructure and affordable housing contributions have been identified as necessary to satisfy the impacts of the scheme upon the surrounding area. It is significant that no affordable housing is proposed, however this is in response to the utilisation of Vacant Building Credit – a Government's approach designed to encourage the redevelopment of brownfield sites. Under this initiative the existing floorspace to be lost can be offset against that to be built and, as in this instance, can result in the complete removal of any need to provide for affordable housing. A regrettable outcome but nevertheless policy compliant. However even accepting this fact a S106 obligation would still be required to secure a number of other infrastructure obligations, as identified above and that has not been secured. Accordingly this represents an objection to the scheme.
110. There would be some adverse impacts upon existing trees on the site. Some would be lost and others lie in such close proximity to have potential to adversely affect residents' amenities. The likely result would be to result in a call for works to prune back the trees. On a site in this location it should be possible to provide a site layout that avoids such conflicts and this adds to concerns about the amount of development proposed. The loss of trees and potential pressure for works to be undertaken to these trees would be detrimental to visual amenity.
111. The site potentially, in combination with others identified by the Masterplan could result in a greater amount of housing being provided than identified in the Neighbourhood Plan and concern has been expressed by this locally. Housing allocations at a neighbourhood or borough wide level are not a maximum figure. To set a maximum figure would fail to be NPPF compliant and stifle the Government's key aim to boost the supply of housing (all the more prevalent currently). The Council can currently demonstrate a 5 year housing land supply.
112. On balance it is considered that whilst the principle of development could be acceptable, the proposed scheme would not conserve and enhance the character of the AONB and would be harmful in terms of visual amenity. It would be contrary to the provisions of both local and national guidance, resulting in an unsustainable form of development. Whilst a decision cannot be issued to this effect, members are requested to confirm their agreement to the following objections to the scheme as the decision that would have been taken had the opportunity arisen.

## Recommendation

The Council cannot issue a formal decision so the following are recommended to represent the deemed reasons for refusal the appeal will be contested upon:

1. The proposed scheme, would result in the over development of the site, which as a result of the number of units, layout, scale and design would not conserve or enhance the character of the site nor surrounding Kent Downs Area of Outstanding Natural Beauty, causing harm to the character of the AONB and resulting in an unsustainable form of development. The proposal would be harmful to the visual amenity of the area. This would be contrary to the provisions of Policies SP1, SP6, HOU5, ENV3a & ENV3b of the Ashford Local Plan 2030, Policies WNP1a, WNP1c, WNP2, WNP6, WNP8 and WNP11 of the Wye Neighbourhood Plan and the provisions of the National Planning Policy Framework and National Planning Practice Guidance
2. The proposed scheme would adversely affect trees within and adjacent to the site through either their loss or as a result of close proximity to proposed housing to them and the resultant likely pressure to prune / crown lift that will cause harm to the trees future potential. Insufficient evidence has been provided to justify such works that result from the over development of the site. This would be to the detriment of the visual amenity of the site and surroundings. This would be contrary to Policy ENV3A of the Ashford Local Plan 2020, Policy ENP2 of the Wye Neighbourhood Plan, the AONB Management Plan and the provisions of the National Planning Policy Framework.
3. In the absence of a completed S106 Obligation relating to the infrastructure contributions required to offset the impacts generated by the proposed scheme, the proposal does not comply with Policy IMP1 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.
4. A completed legal obligation has not been provided to secure the identified highways works considered necessary to provide a safe highways environment in the vicinity of this site leading to concerns about highway safety. This would be contrary to the provisions of policies HOU3a and HOU5 of the Ashford Local Plan and the provisions of the National Planning Policy Frameworks.

### And:

That the Strategic Development and Delivery Manager and the Development Management Manager be delegated authority, in consultation with the Director of Law and Governance, to handle the appeal; to enter into discussions with the appellant and others regarding planning conditions, section 106 obligations and

other matters as necessary or beneficial; to agree arrangements providing for all appropriate obligations to be payable.

## **5. Note to Applicant**

1. S106
2. Working with the Applicant

### **Working with the Applicant**

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which did not address all the outstanding issues and an objection is proposed
- 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 19/01330/AS)

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