

Application Number	21/01292
Location	Wye College Land and Buildings, Olantigh Road, Wye Kent TN25
Grid Reference	
Parish Council	Wye with Hinxhill
Ward	Wye with Hinxhill
Application Description	Residential development of 40 dwellings with associated access road car park and open space (Re- submission of 19/1327 AS.)
Applicant	Tele property Investments Ltd
Agent	Union 4 Planning
Site Area	2.02ha

a) 2/1R	(b)-	(c) KCCH&T/X, KCCED/X, LLFA/x, KCCPROW/X EP/X,ES/R,HS/X,ABC/c/X,K F&R/XEA/X, NE/R, NHS/X KP/X, SW/R, BHS/X
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Introduction

1. This application is reported to the Planning Committee because it is a major application. Last year a scheme that was largely identical to this (with the exception of very minor layout details and details relating to the package treatment plant now submitted) was reported to the Planning Committee when it was determined that had an appeal not already been lodged, permission would have been refused for reasons relating to the character and impact of the scheme upon the AONB and surrounding countryside, the lack of a S106 obligation to secure infrastructure contributions and required highways works. Following a subsequent public inquiry the appeal was dismissed, but only in relation to matters surrounding the Stodmarsh impacts.
2. This scheme includes the same plans and elevations as previously considered, with the exception of a minor alteration to the layout of the parking court at the north-west corner of the site and the provision of an underground PTP and small associated control kiosk. The application is accompanied by the same suite of supporting environmental and technical

reports as submitted and agreed at the Inquiry, with the exception of an updated report in respect of on-site ecology. The original Decision Notice and Inspectors decision notice in respect of the appeal on this site and the two other sites the subject of the combined inquiry are attached at Appendix 1.

3. In view of the very recent appeal decision and the weight that must be attributed to it and given the similarities with the appeal scheme, this report will outline the relevant policies for consideration in respect of the individual issues, with a brief summary of the Councils original approach, thereafter referencing the Inspectors specific findings in that respect and the current conclusions.

Site and Surroundings

4. The site was formerly part of Wye College and lies immediately to the north of Occupation road and the East of Wye Free School, within the North Downs AONB on Grade 2 Agricultural Land, in an Area of Archaeological Potential.
5. The westernmost part is partly occupied by a range of commercial glass houses and small single storey modern buildings previously used for



central part of the site
east part (proposed
is Wye School
to the west lies the
glass units, dwellings

Figure 1: Site Plan

Proposal

- The scheme proposes the clearance of existing buildings on the site and the redevelopment with 40 dwellings with associated access, internal estate roads, open space, SuDS and associated landscaping.



Figure 2: Site Layout

- The scheme proposes 4 x 2 bed units, 23 x 3 bed units (8 terraced, 10 semi-detached and 5 detached), 8 x 4 bedroom units and 5 x 5 bedroom units. The scheme is arranged around a broadly circular route through the site with the larger houses generally located in a cluster to the easternmost end of the site and the smaller houses to the western end of the site. The scheme comprises a mixture of terraced, semi-detached and detached units whilst off street parking is provided with a mixture of parking spaces and garaging. An area of open space (Strawberry Field) identified as a grazing meadow is located on the easternmost part of the site with a small car park for those using the nearby North Downs Way and other surrounding public footpaths around the area. The scheme would involve the development of the hitherto undeveloped Weather Station field.
- The scheme would produce a mix of 2-storey houses with traditional brick, tile hung and weatherboard elevations with pitched tiled roofs. The surrounding area has a materials palette of red brick, Kent peg tiles and timber boarding and these materials would be used on this site. The southern edge of the site would be used to provide an enhanced landscape strip with planting and a SuDs feature as well as the PTP, whilst the boundaries to the west and north would rely upon such additional planting as could co-exist in residential gardens – some of which are relatively modest in scale. The easternmost part of the site is shown as open meadow land with a well planted eastern boundary with the adjacent Wibberly Way footpath. A landscaped and planted area is proposed to separate the larger houses from the more densely

developed part of the site to the west. All the houses would meet the Nationally Described Space Standards and all houses would provide sufficient



Figure 4: Selected Elevations

9. The following documents were submitted to support this application:
- Arboricultural Report
 - Arboricultural Impact Assessment
 - Bat Survey and Emergence Strategy
 - Construction Environmental Management Plan
 - Design and Access Statement
 - Environmental Assessment and Preliminary Risk Assessment
 - Foul and Surface Water Drainage Strategy
 - Highways Update Report
 - Landscape and Visual Appraisal Parts 1, 2 and 3 Including Lloyd Bore LVIA Addendum
 - Nutrient Neutrality Report
 - Landscape Management Plan
 - Landscape Management Strategy
 - Planning Statement
 - Report to Inform the HRA
 - Reptile Survey and Mitigation Strategy
 - Schedule of Accommodation
 - Surface Water Management Strategy
 - Transport Assessment
 - Vacant Building Credit

Planning History

19/01327/AS Residential Development of 40 dwellings with associated access road, car park and open space.

Refused and appeal
Upheld – See
Appendix 1

19/00001/AS Screening opinion for the erection of 40 dwellings
EIA not required

14/0019/EIA/AS Screening opinion for the redevelopment of the wider Wye College site by Imperial College.

No objection

Other Wye College sites:

19/01330/AS Demolition of former ADAS officers and laboratories and erection of 20 houses with ancillary garaging, access, parking and landscaping.
Appeal lodged against non determination

17/00567/AS Conversion of former college buildings to provide 38 dwellings
Appeal lodged against non determination

Consultations

KCC Highways:

No comments received but their comments in respect of the same scheme previously were as follows:

No objection, subject to 6 conditions being imposed relating to:

- Construction management plans,
- highways condition survey,
- provision and retention of parking spaces,
- provision and retention of cycle parking facilities,
- completion of footpaths, and carriageway including a turning head, drainage, visibility splays, lighting highways structures
- off site highways improvements works in relation to revisions to the Occupation road. Olantigh Road junction, Olantigh Speed limit reduction and traffic calming and footway improvements.

KCC Public Rights of Way:

No comments received but their comments in respect of the same scheme previously were as follows

PROW AE109 passes through the proposed site and forms part of the proposed site access off Olantigh Road and forms part of the North Downs Way National Trail. Whilst I welcome the intention to retain the public path on its original alignment and provide segregation from estate traffic, Drawing Ref 0004 refers to the “original route changed to pedestrian walkway”. This must be amended to reflect the paths legal status as a public bridleway. There must be no encroachment upon the existing width of this bridleway including the full width over the block paved section (not just the footway to the side.

Works have recently been undertaken on a length of bridleway from Olantigh Road without the relevant consultations and the County Council does not accept ongoing maintenance or liability associated with this work.

I request the following conditions:

- the surface of Bridleway AE`109 through the site to be upgraded with a new bound surface, the specification to be approved by this department prior to alterations being made
- a contribution of £12,668 be secured through S106 to improve the surface of footpath AE112 in the vicinity of the development
- appropriate measures are installed to prevent vehicular access for the eastern end of the site onto the bridleway to

KCC Economic Development:

The County Council are seeking S106 contributions in respect of the following matters and the details of which are set out in Table 1 below:

- Primary Education
- Primary Land
- Secondary Education
- Community Learning
- Youth Services
- Libraries
- Social Care
- Broadband – can be dealt with by condition

KCC: Flood and Water Management:

Refer to the need for on site infiltration testing which can be addressed by means of an appropriate condition

Environmental Protection:

Acknowledge the submission of a Phase 1 Environmental Assessment and request that the details of a more specific Phase 1 Assessment be secured by condition which will inform the Phase 2 assessment required.

Two additional conditions are proposed regarding the discovery of unexpected contamination and electric vehicle charging points and a number of informatives relating to hours of work, burning of wastes and dust emissions.

Environmental Services – Refuse:

Comments regarding the need for the access road to be of a standard to support RCV's, the requirement to pay for provision of new service (ie full set of bins), collection being on alternate weeks, standards relating to any refuse collection point and the need for a full refuse sweep showing vehicle tracking for the RCV.

OFFICE COMMENT: This can be dealt with by condition/informative.

Housing Services:

Set out the affordable housing policies with a requirement for 40% of houses to be delivered on site.

The offer of 2 shared ownership units is noted but it is stressed that this is not policy compliant.

OFFICER NOTE: Due to the application of Vacant Building Credit this offer is compliant with Government Policy.

ABC Culture:

S106 contributions for Culture requests are already agreed.

Comments made regarding the need for Public Open Space provision within the site, to provide green infrastructure and natural corridors through the site with appropriate conditions to allow for hard and soft landscaping details.

SuDS should be delivered as part of the landscape infrastructure and not be a highly engineered feature.

Refuse collection points within open space would not be acceptable.

Kent Fire & Rescue:

No objection

Environment Agency:

No objection subject to conditions regarding the following matters:

- Investigation regarding potential contaminated land, submission of a verification/ remediation strategy, means of dealing with any unexpected contamination found, surface water drainage strategy, piling strategy (if proposed).

It is noted that foul drainage will ultimately be discharged to the local sewer network and that no infiltration to the environment is proposed. We have no objection to these proposals but would ask to be re-consulted should this change.

NHS Primary Care:

Seek a S106 contribution of £41/976 towards refurbishment, reconfiguration and/or extension of wye Surgery and /or towards anew general practice premises, citing limited capacity within the existing premises to accommodate growth in this area.

Kent Police:

Recommend the 'Secured By Design' initiative for this scheme and should include attention to the following details:

- Potential access concerns regarding the public access route between plot 40 and the Grazing Meadow with trees along this route providing places for individuals to congregate: this would be better if the route linked the school playing field to the east of the Grazing Meadow to the visitor car park thus not providing an area to congregate near the dwellings
- Perimeter boundary and divisional treatments should well established and required to any front garden corner plots. Rear garden boundaries should be a minimum of 1.8mhigh.
- Parking courts should include natural surveillance
- Windowless elevations should be avoided
- Lighting should be approved by a professional lighting engineer and bollard lighting should be avoided)(not providing light at the right height and being easily obscured)

- Secure bin storage
- Windows and doors to meet relevant security standards and ratings
- New tree planting should not obscure lighting or interfere with natural surveillance potential
- Recommend CCTV and signage to cover the visitor car park to prevent anti social gatherings

Natural England:

Request further information regarding potential impacts upon Stodmarsh SSSI, SPA, SAC and Ramsar site. Seeking evidence that proposed efficiencies are feasible and available to this scheme

Additional information has been provided by the applicants and NE advise that some of the additional information provided may address some of their concerns but the issue of a private treatment plant connecting to Wye WwTW still remains an issue. Given that the calculations provided are unpinned by this approach, any mitigation will also be reflective of this and potentially insufficient. NE always advised that this approach should not be adopted.

At the time of writing this report further information submitted by the applicant is still under consideration by NE. Accordingly it cannot be confirmed that the details submitted thus far are acceptable to them.

If the Council is to approve the scheme contrary to this advice we are required to notify NE of the permission, the terms upon which it is proposed to grant it and how, if at all, we have taken account of NE advice. We must allow a further 21 days before the operation can commence.

Southern Water:

Can provide sewage disposal but do not accept the discharge from a PTP into the system

If a SuDS scheme is proposed full details should be submitted to the LPA of that scheme.

British Horse Society:

Object to the use of the public bridleway to provide access to the site which will increase traffic on the bridleway. If the council is minded to approve this scheme it is requested that separate provision is made for equestrians and other bridleway users.

Representations:

2 letters received raising the following issues:

- Development on currently greenfield sites
- Increase congestion and night time traffic levels

- Queries the need for the car park in Strawberry Field
 - Potential additional flooding and drainage concerns emanating from the number of homes and proposed highways works
 - Light pollution
 - Loss of outlook resulting from tree removal
 - Adverse impact upon the landscape
 - No white houses: which would be visually very prominent in the landscape (ie Havillands)
 - Harm to local bio diversity, bats and birds particularly
 - This scheme has already been refused
-
- It is encouraging to see a well written rebuttal in respect of the Stodmarsh issue: Natural England the Env. Agency and Southern Water should be responsible for addressing this issue and protecting the environment.

Wye & Hinxhill Parish Council: No comment received

Ward Members: No comments

Planning Policy

10. 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)
11. 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
HOU3a	Residential windfall within settlements
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
TRA3a	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

12. **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

13. 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
Public Green Spaces and Water Environment SPD 2012
Affordable Housing SPD

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins
Informal Design Guidance Note 2 (2014): Screening containers at home
Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Village Design Statement :

Wye Village Design Statement (2000)

Other Guidance

Wye Masterplan:

The Inspector concluded that the draft masterplan carries no weight as a statement of development plan policy because it has not been adopted and there is no timetable for such adoption. Consequently the provisions of that document, as relating to this site, are not addressed further.

Government Advice

National Planning Policy Framework (NPPF) 2019

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

National Planning Policy Guidance (NPPG)

Nationally described space standards

Assessment

15. The main issues are considered to be:
- The Principle of Development
 - Landscape Impact
 - Design and Impact upon visual amenities
 - Highways
 - Ecology/Trees
 - Housing
 - Residential Amenities
 - Open Space
 - Drainage
 - Planning Obligations

Principle of Development

16. The Council originally concluded that the site lies within the broad based allocation (WNP11) for the redevelopment of the former College campus identified in the Wye Neighbourhood Plan (WNP). That allocation however does not identify either the use of the application site nor the settlement confines in the vicinity of the site: It being anticipated that this would be completed by the Wye Masterplan. Accordingly the site was also considered against policies HOU3a and HOU5 and it was concluded that “the principle of residential development is acceptable subject to compliance with policies HOU3a and HOU5”.
17. The Inspector acknowledged the objections by some participants in the Inquiry to the use of the site, but concluded that “*Part of the site is previously developed land. The central part of the site is not previously developed. However, it is land adjoining the built up confines to which ALP Policy HOU5 applies. The proposals comply with the criteria of HOU5 in all respects but one. In principle, I consider that the parts of the appeal site that are proposed for development are in a suitable location for housing.*”
18. *However, Policy HOU5(f)(vi) also states that development should not adversely affect the integrity of international and national protected sites for nature conservation, in line with Policy ENV1. For reasons discussed below, the appeal scheme does not meet that criterion so it would not accord with Policy HOU5(f)(vi) in this respect.”*
19. Accordingly it is concluded that the principle of the site for housing is acceptable and policy compliant subject to resolution of the potential Stodmarsh impacts.

Landscape Impact

20. The council considered the scheme against the background of its location in the AONB and policy ENV3b of the Local Plan and policies WNP1c, WNP2, WNP08 and WNP11 of the Wye Neighbourhood Plan
21. It was originally concluded that the proposed scheme would represent an over development of the site that would adversely affect the views into and out of the site, proposing a scheme of suburban character on this edge of village location. It 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. The proposal would erode and suburbanise this semi rural site that lies between the village and the countryside beyond

22. The Inspector concluded that *“The redundant buildings detract from the landscape character of the site itself and its surroundings. However, this is a relatively localised impact. In middle and longer range views the impact of the vacant buildings is limited by vegetation and the presence of buildings on the northern fringes of Wye. The proposals would not increase the total footprint of buildings on the site but development would extend further east, into the meteorological station field. The Strawberry Field would be retained as meadow with additional planting along its northern and eastern boundaries. I consider that the replacement of the existing buildings with well-designed houses in a landscaped setting would result in an enhancement of the landscape character of the site itself. This would be a localised effect. Having regard to the previously developed nature of part of the site, together with the location on the edge of the settlement, I consider that the appeal scheme would have a neutral effect on the landscape character of the wider AONB”*.
23. In view of the Inspectors findings it must be concluded that the scheme proposed would have a neutral impact upon the AONB and its surroundings such as to be acceptable in this regard.

Design and Impact upon visual amenities

24. WNP2 of the Wye Neighbourhood Plan and the Wye Village Design Statement. In combination these policies seek to (amongst other aims):
- make best use of brownfield sites in sustainable locations
 - 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
 - preserve or enhance the setting of the nearest settlement
 - to include an appropriately sized and designed landscape buffer to the open countryside.
 - designs should conform to the Wye context.
 - roads should be appropriate to the rural character of the village
25. It was concluded that the scheme would essentially constitute over development with insufficient space for structural landscaping, too great a density to reflect the looser more open forms of development on the village edges, provide insufficient space within the scheme and provide an insufficiently large boundary to the interface with the adjacent countryside.
26. The Inspector noted that:
- *The proposals would achieve a coherent pattern of development with a legible and accessible layout. The green spaces within the developed*

area would not be large in area but they would create an attractive and distinctive public realm

- *The Strawberry Field, which is proposed for ecological mitigation, would also provide a green setting in visual terms.*
- *There would be a good range of unit types which would be beneficial in terms of mix and integration. It would also allow for variety in the street scene.*
- *The plans show that the main routes would incorporate changes of alignment to avoid long, straight views. Some buildings would be sited close to the street to create pinch points, thereby providing variety, visual enclosure and traffic calming. The proposed parking court would be small in scale, bounded by houses and landscaping. Its layout would be convenient and secure. To my mind this represents a reasonable design choice, enabling the inclusion of some smaller houses that*
- *The access road would have landscaped open space on one side and there would otherwise be sufficient landscaping in and around the site.*

In essence he concluded that *“the appeal scheme would achieve high quality design, as required by the Framework and the development plan, and would not result in harm to the Kent Downs AONB or the character and appearance of the area generally”*

27. The changes proposed are to the parking layout to accommodate the PTP in the parking court to the north west corner of the site, but these are minor and would not materially affect the original design and layout. A small above ground kiosk is proposed alongside the car park(2m x1.1m x 0.9m) but the scale of this is so modest and if painted dark green in colour it could blend satisfactorily within the planting belt) as to make no material difference to the previous scheme and this current scheme.
28. Accordingly the design is considered acceptable and policy compliant.

Highways

29. The Council did not raise objections in respect of highways matters. It was noted that 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.
30. The scheme would create a new access to the site from Occupation Road which would run in a loop around the site extending approximately across two thirds of the site. The access route through the site would include 11

unallocated roadside parking spaces around the site whilst at the easternmost end of the site it would lead to a car park providing 15 spaces for local walkers. Satisfactory levels of off street parking would be provided through a mixture of communal parking spaces, parking on private driveways and private garages (as an extra resource)

31. Infrastructure improvements are proposed with a new junction arrangement for Olantigh Road/Occupation road to improve visibility splays to the south from Occupation road, including a 30mph speed limit and a new village gateway entry treatment is proposed to the north of the ADAS site. These works would slow down traffic speeds on Olantigh Road, provide junction inter-visibility, improve pedestrian crossing facilities and provide an improved pedestrian connection to the sites.
32. The impacts upon the surrounding highways networks in the local area have been assessed in combination with the other Wye College sites and the cumulative impacts upon the highways were found to be acceptable. The test for cumulative impacts of traffic from different developments in the NPPF is high. It requires the decision maker to be able to demonstrate that the harm is deemed 'severe'.
- 33.. Subject to the completion of a S106 obligation to secure the highways improvements agreed, no highways safety or capacity issues are raised.
34. The Inspector simply noted that "*the transport has been properly taken into account and is not a matter that weighs against any of the appeals*"
35. That situation has not changed and the scheme is considered acceptable subject to the completion of a S106 agreement to secure the necessary highways improvements.

Ecology/Trees

36. Local Plan Policy ENV1 advises that schemes that conserve or enhance biodiversity 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.
37. Local Plan Policy ENV3a & ENV3b 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.
38. The Council previously noted concerns regarding impacts upon reptiles and their translocation and the potential for adverse impact upon breeding birds

with further information being desirable. The lack of space for structural tree planting was also noted. Finally concerns from objectors to the scheme of the potential combined impact of development on this site and the ADAS site were noted in respect of potential impact upon the Wye and Crundale SAC.

39. On balance it was considered that the issues of concern could be addressed by means of appropriate conditions or were not of sufficient merit to warrant a refusal.
40. The Inspector concluded in respect of "*The Wye and Crundale Downs SAC that there is not likely to be a significant effect on this site in respect of any of the appeal schemes, either alone or in combination with other plans or projects*" *In respect of general ecology concerns he concluded that "Measures of mitigation and biodiversity enhancement were identified. These could be secured by appropriate planning conditions"*
41. As a result of the age of the survey work previously carried out updated work has been confirmed to show that the results and conclusions originally drawn have not changed.
42. Accordingly subject to appropriate conditions no objections are raised in this matter.

Housing

43. The Committee report made reference to policies SP2, HOU1 and HOU8 in respect of housing targets, affordable housing and the housing mix proposed. No objections were raised in respect of any of these matters.
44. In the intervening period between the Committee decision and Public Inquiry the Council announced that its delivery of housing had fallen below the required levels to provide a 5 year housing land supply. This matter was dealt with at the Inquiry through the Statement of Common Ground where both parties acknowledged the shortfall and left it to the Inspector to draw his own conclusions about the importance of this fact.
45. The Inspector noted that the Council could not provide a five year supply of deliverable housing sites and Paragraph 11(d) of the Framework is therefore engaged. However, he concluded that, due to the significant effect on the Stodmarsh SAC, the tilted balance did not apply in this case. Essentially the lack of a 5 year housing land supply did not outweigh the harm.
46. The Council's Housing position remains the same as last year insofar as it still cannot demonstrate a 5 year housing land supply. However the position in regard of the impacts upon Stodmarsh have not changed and this shortfall is still not considered to be such as to engage paragraph 11(d) of the

Framework and the lack of supply does not therefore outweigh the harms resulting from the impacts upon the Stodmarsh SAC.

47. The application does trigger the need for the provision of affordable housing in accordance with policy HOU1 of the Local Plan. However, as this is, in part, a previously developed site, the application of the Government's Vacant Buildings Credit approach is relevant here. By 'offsetting' the extent of the existing built floorspace on the site, the requirement for affordable housing arising from this application is significantly reduced.
48. Two units for shared ownership housing in accordance with our housing policies would be secured through the S106 obligation and the scheme would upon completion of that obligation be policy compliant.

Residential Amenities

49. The NPPF seeks a high level of amenities for existing and future users resulting from new development. It was considered by the Council that the scheme would not cause any adverse impacts upon surrounding residents such as to be unacceptable.
50. Potential impacts from the adjacent MUGA's on future residents of the scheme were considered acceptable subject to the use of appropriate conditions. Overall, the proposed development was found to be acceptable in terms of residential amenity on existing and future residents.
51. This matter was not addressed at the Inquiry and this remains the Council's position.

Open Space

52. Policy COM2 identifies the Borough wide targets for the provision of new recreation, sport, play and open space recreation. The trigger for the provision of new open space is 50 units.
53. In this instance it was identified that the Council had no policy which would allow us to amalgamate two separate sites, such as this and the ADAS site such as to generate sufficient volume of development to require provision of facilities. No space was therefore considered to be required in order to be policy compliant. That position has not changed.

Drainage & Impacts upon Stodmarsh

54. Policy ENV6 deals with flood risk whilst ENV8 addresses issues associated with water quality and ENV9 sustainable drainage issues.

55. In this instance the site lies in Flood Zone 1 which is land at the lowest risk of flooding and there is no anticipated risk of flooding arising from the proposed scheme.
56. The sustainable drainage scheme would utilise a mixture of permeable paving/surfaces, soakaways and permeable paving. The details submitted have been assessed by the County Council Lead Local Flood Authority who are satisfied that the scheme could be acceptable, subject to details to be provided pursuant to an appropriately worded condition. This is a common way of dealing with such matters and subject to the use of an appropriately worded condition no objections are raised to this aspect of the scheme.
57. The site falls within the 'Stour Lower' Operational Catchment Area. The Council has received Standing advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
58. The effect of the advice implies that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh Lakes.
59. The Inspector was the Competent Authority to carry out the Appropriate Assessment as part of the Planning Inquiry. By the time the inquiry commenced the appellant had submitted evidence to support their use of a package treatment plant on site which, in simple terms, would discharge clean water into the mains sewage system. It was also discussed that the PTP could discharge directly to the environment without being connected to the public sewerage system. However, there was no evidence before the Inquiry that would exclude the potential for a hydrological connection between the appeal sites and the designated sites in that scenario and that scenario was not taken further.
60. The Inspectors conclusions on this matter are set out at paragraphs 144-155 of the Decision Notice. In essence he noted that: *the nutrient budgets show small increases in Nitrogen (N) at both sites, a small increase in phosphorous (P) for Appeal B (this site) and a decrease in P for Appeal C (ADAS). The appellant's assessment was that, taken together, mitigation measures would outweigh any small positive budgets for P and N, thereby achieving nutrient neutrality. The PTPs would use a biological nutrient removal system which does not require the addition of chemicals. The calculations assume that the PTPs would remove 98.84% of P and 89.05% of Nitrogen from the wastewater leaving the sites. The justification for those factors comes from data relating to a demonstration plant at Petersfield in Hampshire which has been operating within a larger WWTW complex since 2014.*

61. However there was no evidence before the Inquiry about the ongoing performance of PTPs. The appellant was not able to point to any examples of PTPs that have been installed to address concerns about nutrient enrichment in sensitive environments. There was limited information before the Inquiry as to what the future management arrangements might be. Notwithstanding the suggested conditions, the Inspector concluded that *“there was not sufficient certainty that the PTPs would ultimately be controlled by a body with the expertise and resources required to maintain them in a way that would deliver the high level of performance that is being relied on to provide mitigation.”*
62. Drawing all this together, it was concluded that the evidence provided insufficient certainty that the proposed PTPs would deliver nutrient neutrality, either at the outset or over the lifetime of the developments. Having regard to the precautionary principle, the Inspector could not exclude the risk of a significant effect on the conservation objectives of the designated sites. .
63. As part of this application, the applicants have submitted details of the proposed PTP which would be located beneath the parking court in the north west corner of the site with small changes to the layout of the parking spaces to accommodate access to service chambers and with a small above ground kiosk (2 x 1.1 x 0.9m in size) located within the boundary planting along the western boundary by the car park. Additional details seeking to address the Inspectors concerns have been submitted and these have been assessed by AECOM on behalf of the Council and also by Natural England. In neither case is it agreed that the details submitted thus far provide sufficient clarity or confidence that the proposed PTP would deliver nutrient neutrality. However this matter remains under discussion.
64. Work commissioned by the Council has commenced on identifying a package of strategic mitigation measures that it is hoped would enable relevant developments within the Borough’s River Stour catchment (where the NE advice applies) to come forward on a ‘nutrient neutral’ basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development
65. Apart from this issue, this proposal is considered to be otherwise acceptable (subject to conditions). The Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE’s views. As matters stand, it has not been demonstrated that the proposed PTP would offer a solution to the impacts anticipated, but subject to further scrutiny that may change or there is potential for an off-site package of mitigation measures in order for this proposal to achieve ‘nutrient neutral’ status. and in the absence of such measures (or any others) having been identified and

demonstrated to be deliverable, it is not possible to conclude that the scheme would be acceptable in respect of this issue now.

66. Therefore It is possible for the Council to consider a resolution to grant permission subject to the submission of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment.

Planning Obligations

67. 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
68. With the exception of the provision of affordable housing I recommend the planning obligations in Table 1 would be required should the Committee resolve that it would grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all considered 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.
69. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Potentially applies to any size/scale of residential development				
	<u>Outdoor Sport</u>			
	<u>Capital Contribution</u>	£870.43/dwelling	Upon occupation of 75% of the dwellings	<p>Necessary in order to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers of the scheme would be expected to use outdoor sport facilities</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and potential new users.</p>
	<u>Project:</u>	£34,817 total		
	Pitches	£20,324 total		
	Changing Rooms	£517.75/dwelling		
	Maintenance – Pitches	Total £20,710		
	<u>Indoor Sport</u>			
	<u>Project:</u>	£542.35/dwelling	Upon occupation of 75% of the dwellings	<p>Necessary and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, and guidance in the NPPF.</p> <p>Directly Related as occupiers of the scheme</p>
	Artificial pitches	£2,943 total		
	Sports Halls	£18,751 total		

				would be expected to use indoor sport facilities Fairly and reasonably related in scale and kind considering the extent of the scheme and potential new users
	<p><u>Informal/Natural Green Space</u></p> <p>Project: Informed with reference to the Parish Council</p>	<p>£362 per dwelling for capital costs</p> <p>£325 commuted maintenance cost per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

Applies to sites of 10 dwellings or more or 0.5ha or over

	<u>Affordable Housing</u>			
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	In accordance with table within Policy HOU1	2 shared ownership units	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
Applies to sites of 11 dwellings or more				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	Provide on- site 20% of all units.	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of</p>	<p>Necessary as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on 3 of housing units to be provided</p>

			50% of the dwellings not required to be built in accordance with the standard.	
	<p><u>Adult Social Care</u></p> <p>Project: Specialist care accommodation, assistive technology systems, adapting community facilities, sensory facilities within the Borough</p>	<p>£146.88 per dwelling Total £5,875</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><u>Allotments</u></p> <p>The provision of improved fencing (including rabbit), 'Grass guard'</p>	<p>£258 per dwelling for</p>	<p>Upon occupation of</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must</p>

	<p>type surfacing for all-year round user parking areas, improved access and construction of raised beds for wheelchair users, water supply provision and conservation allotment plot mapping and boundary marking and other land management measures at Beanfield and/or Churchfield allotments and/or towards the extension of Beanfield allotment I</p>	<p>capital costs £66 per dwelling for maintenance</p>	<p>75% of the dwellings</p>	<p>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>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Cemeteries</u></p> <p>The creation of direct and accessible access, a new garden of remembrance, hard and soft landscaping, signage, seating and related works at Churchfield Burial Ground, Wye (including the cost of the preparation of any necessary landscape design and management plan.</p>	<p>£284 per dwelling £176/unit commuted maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary 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>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and</p>

				kind 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><u>Children’s and Young People’s Play Space</u></p> <p>Project:</p> <p>The acquisition of additional land adjacent to Lady Joanna Thornhill Endowed Primary School playing field, clearance design and implementation of infrastructure works and the installation and maintenance of play equipment and/or the installation of an all weather surfaced area in the vicinity of the play equipment and/or improvements to and maintenance of the existing play facilities (0 – 13 years) at the village hall recreation ground, or another scheme to be identified within the parish Informed with referenced 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>Necessary as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Community Learning</u></p>			

	<p>Project: Towards additional resources for the new learners at Ashford AEC.</p>	<p>£16.42/dwelling Total 656.80</p>		<p>Necessary 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>Directly related as children of occupiers could attend the AEC school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Health Care</u></p> <p>Project: Refurbishment, reconfiguration and /or extension to the Wye Surgery</p>	<p>Total £41,976</p> <p>Based on a formula employing occupancy</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on</p>	<p>Necessary as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p>

		rates and dwelling numbers.	occupation of 50% of the dwellings	<p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
	<p><u>Libraries</u></p> <p>Contribution for additional resources and bookstock at Wye Library</p>	<p>£55.45/dwelling</p> <p>Total £2,218</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><u>Primary Schools</u></p> <p>Project: Towards the provision of the new Conningbrook Primary</p>	<p>£4,535 per dwelling</p>	<p>Half the contribution</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan</p>

	<p>School pursuant to the hybrid permission 19/00025/AS or section 73 permission or linked planning obligation; or other facility the County Council shall in its absolute discretion determine</p> <p><i>Land:</i> Project: Towards the new 2FE Primary School site at Conningbrook Park, Kennington pursuant to hybrid permission 19/00025/AS or any section 73 permission</p>	<p>Total £181,400</p> <p>£2363.92 per dwelling</p> <p>Total £94,557</p>	<p>upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Secondary Schools</u></p> <p>Project: Towards the expansion of Norton Knatchbull, Hythe Road, Ashford</p>	<p>£ 4,115.00 per dwelling</p> <p>Total £164,600</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. .</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be</p>

				<p>funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Strategic Parks</u></p> <p>Project:</p> <p>The provision and maintenance of Specific Hub projects (COM2) at the Strategic Parks as identified in the adopted Ashford Local Plan</p>	<p>£146 per dwelling for capital costs</p> <p>Total £5,840</p> <p>£47 per dwelling for maintenance</p> <p>Total £1,880</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development</p>

				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><u>Voluntary Sector</u></p> <p>Project: Project: Contribution towards groups active within the village and local area.</p>	<p>£87 per dwelling</p> <p>Total £3,480</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
	<p><u>Youth Services</u></p> <p>Project: Additional resources for Ashford District Youth Services</p>	<p>£65.50/dwelling</p> <p>Total £2,620</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the</p>	<p>Necessary as enhanced 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>Directly related as occupiers will use youth</p>

			dwellings	<p>services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
Area / Site specific potential requirements				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amount (s)	Trigger Points	
	<p><u>Public Art</u></p> <p>Project: To be agreed with the PC: potential work in association with the North Downs Way</p>	<p>£141/unit</p> <p>Total £6,768</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary in order to achieve an acceptable design 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>Directly related as would improve the design quality of the development and would be visible to occupiers.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>

	<p><u>Custom/Self Build</u></p> <p>Project: Provision of two serviced plots</p>	<p>5% as serviced dwelling plots</p>	<p>TBA</p>	<p>Necessary as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to HOU6 of Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>
<p>Applies to all</p>				
	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and</p>

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

Human Rights Issues

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

Working with the applicant

- 71 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

72. The proposed scheme accords with the Councils policies regarding the sustainability of the location on the edge of the village of Wye on land that has been, partially at least, previously developed.
73. The site is located within the Kent Downs Area of Outstanding Natural Beauty and views of the site would be visible from surrounding land. It is considered that the scheme would provide an acceptable design and layout and with sufficient scope for landscaped buffers and internal planting as to not unacceptably impact the general character and amenities of the surrounding AONB.
74. At this point evidence has not been submitted to demonstrate that the proposed package treatment plant would overcome previously expressed concerns regarding the impact upon the Stodmarsh Lakes SAC, SPA and Ramsar sites and consequently it has not been demonstrated that the scheme would not cause potential significant impacts upon these environments. However The Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations, including preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE’s views. Therefore It is possible for the Council to consider a resolution to grant permission subject to the submission of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in order to reach that assessment.

75. No matters were raised by the Planning Inspector in the public inquiry held at the beginning of 2021 relating to the previous scheme (other than those relating to Stodmarsh impacts) that would be unacceptable in relation to the Development Plan. Overall it is considered that subject to the approach to Stodmarsh discussed above and the completion of a S106 Obligation that the scheme is acceptable.

Recommendation

(A) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and the following conditions

(B) Permit

Subject to the completion of an appropriate S106 Obligation and planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials
4. Boundary Treatment
5. No gates/fences, etc other than approved
6. Construction hours
7. Slab levels
8. Construction Management plan
9. Highways conditions survey
10. Parking prior to occupation
11. Footpaths/Carriageway provision prior to occupation

12. Electric charging points
13. Off Site works
14. Landscape plan
15. Landscape Management Plan
16. Identification of Tree Removal
17. Tree protection – Retained Trees/shrubs
18. Retained tree identification
19. Preliminary ecological appraisal
20. Site wide ecological Management and monitoring plans
21. Biodiversity Mitigation strategy
22. Reptile translocation details
23. Lighting Details
24. Bird Nesting Season
25. Provision of visitor car park and signage
26. Surface water drainage scheme
27. Verification report
28. Details of infiltration testing
29. Details of foul/surface water discharge
30. Details of PTP including noise levels and cabinet details
31. Contamination: Specific Phase 1 Study
32. Contamination: Unexpected contamination
33. Broadband
34. Residential compliance with Part M Building Regulations.
35. Secured by Design

Informatives:

Provision of bins

Dust emissions

Burning of waste

Notes to Applicant

1. S106
2. Working with the Applicant

3. S278 Agreement to secure off site works in relation to the site access, Occupation Road/Olantigh Road Junction, Olantigh Road Speed limit reduction and traffic calming and footway improvements.

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 application was acceptable as submitted and further information was sought as required. The applicant/ agent responded by submitting additional information but did not fully address all outstanding queries.
- The application was dealt with without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

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

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