

<b>Application Number</b>	21/01293/AS	
<b>Location</b>	Former A.D.A.S Offices, Olantigh Road, Wye, Ashford TN25 5EL	
<b>Grid Reference</b>		
<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) -	(b) -	(c) KCCH&T/X,KCCE/X, KCCH/X,LLFA/X, KCCDC/X,ABCOS/X, ABCEP/X,ABCES/X, SW/R NE/R

## Introduction

1. This application is reported to the Planning Committee because it is a major application. It was last reported to the Planning Committee on 16<sup>th</sup> March 2022 when it was deferred for consideration of the following points:
  - (i) Changes to the National Planning Policy Framework introduced in the July 2021 revision
  - (ii) A clearer explanation of the current relevance of the Vacant Building Credit to the provision of Affordable Housing
2. Last year a scheme that was largely identical to this (with the exception of details relating to the package treatment plan (PTP) 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.

3. This scheme includes the same plans and elevations as previously considered, with the exception of a minor alteration relating to the provision of an underground PTP and small associated control kiosk (details submitted as part of the Inquiry). The application is accompanied by largely the same suite of supporting environmental and technical reports as submitted and agreed at the Inquiry, with the exception of an updated ecology statement and details regarding the PTP. 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 to application reference 21/01292/AS.
4. 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. The report has also been updated in the light of the July 2021 NPPF and a clearer explanation of the Vacant Building Credit issue has been included.

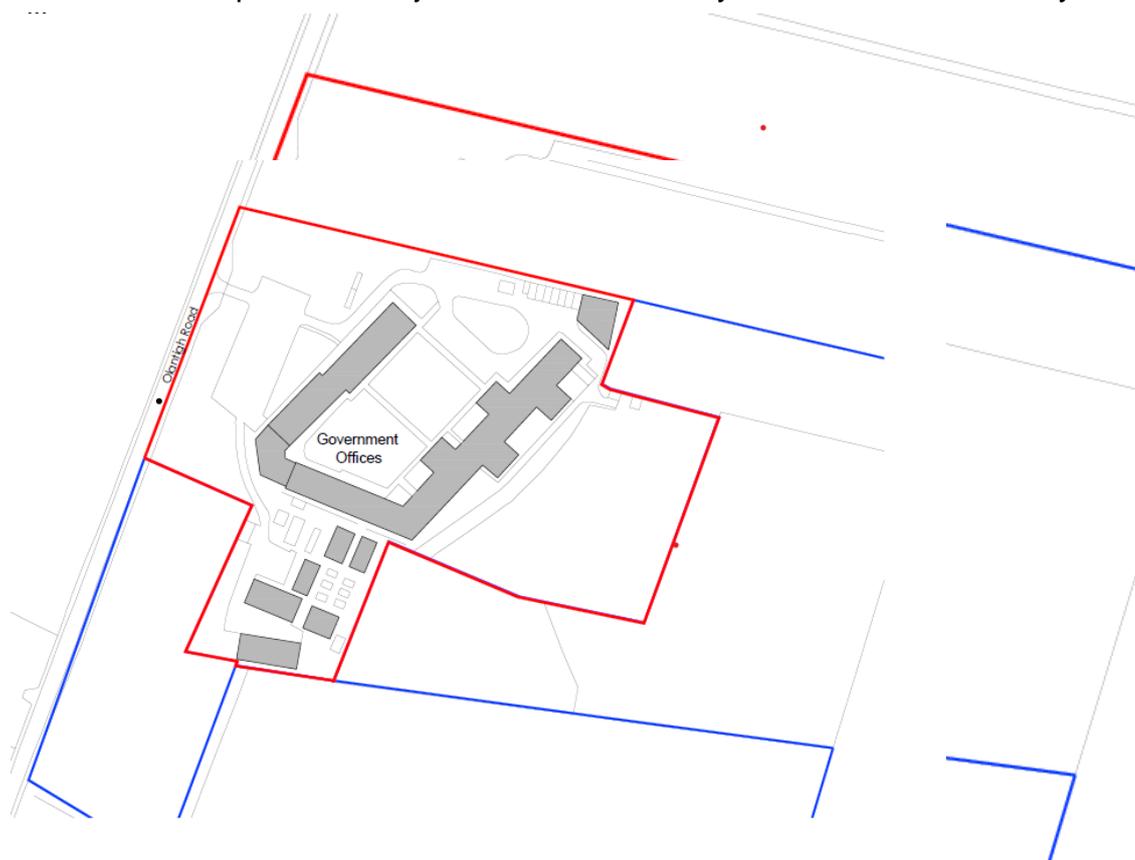
## Site and Surroundings

5. The site comprises a previously developed site lying outside the identified built confines of Wye and centres around the former ADAS office 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 office building has been vacant for some while and the site is now overgrown. The buildings comprise a mixed single and two storey flat roof building, broadly 'U' shaped and with single storey brick built outbuildings to the north and derelict greenhouses to the south of the office 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. The site is vacant and now overgrown.
6. It 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.

7. 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.
8. 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

9.



**Figure 1: Site Plan**

## Proposal

- 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 whilst the scheme would incorporate 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 adjacent to 5 houses and the remaining properties set around this central area. 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**

- The house sizes would range from the 4 x 3 bed semi-detached units, 8 x 4-bedroom units and 8 x 5-bedroom units. The design would present a generally traditional approach with brick, tile hung and weatherboarded elevations and pitched tiled roofs utilising clay tiles. The design 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: Sections**

12. The scheme would be at a density of 8dph and with a footprint of 3432sq m's, compared to the footprint of existing buildings which is currently 4023sq m's.



**Figure 4: Typical House Designs**

13. 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: Garage Design**

14. The landscape masterplan 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 on the eastern boundary 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.

15. 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 lighting is proposed around the site with some seating proposed on the green.
16. It is noted that bird and bat roosting bricks would be incorporated into building elevations, to be advised by the project ecologist.
17. 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.
18. The following documents were submitted to support this application:
  - Arboricultural Report
  - Arboricultural Impact Assessment
  - Bat Survey and Mitigation Strategy
  - Construction Environmental Management Plan
  - Dormouse Mitigation Strategy
  - Environmental Assessment (Phase 1)
  - Foul and Surface Water Drainage Strategy
  - Preliminary Ecological Appraisal
  - Nutrient Neutrality Report
  - Reptile survey
  - Design and Access Statement – Part 1 and 2

- Foul and surface Water Management
- Landscape and Visual Appraisal Parts 1, 2 and 3
- Landscape Management Plan
- Landscape Management Strategy
- Planning Statement
- Report to Inform the HRA
- Schedule of Accommodation
- Transport Assessment

## Planning History

19/01330/AS	Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space	Deemed refusal – appeal dismissed
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
87/01662/AS	Extension of agricultural implement store, potting shed for pathology department and grain storage and weighing area for soil science dept.	No objection
87/00003/AS	Erection of storage and implement building	

No objection

86/01784/AS Notice of proposed development by MAFF for a new glasshouse  
No objection

Other Wye College sites:

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

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

## Consultations

**Ward Member:** No comments received.

**Parish Council:** No comments received.

**KCC Highways and Transportation:** No objection, noting that the volume of traffic during peak hours would be significantly reduced compared to the previous office use, that in conjunction with identified housing sites in Wye that the impact on the public highway would be acceptable, that whilst garages do not count towards off street parking requirement that 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.

Conditions are required regarding the following matters:

- Construction management plan
- Provision of parking on site prior to occupation
- Provision of electric charging points
- Provision of footpath and carriageway prior to occupation
- Off site highways improvements
- Highways condition surveys

### **KCC Ecological Service:**

We advise that we are satisfied that sufficient information has been provided to enable ABC to understand the ecological interest of the site however we do have concerns with the implementation of the proposed mitigation. We accept that if the appeal is allowed we are satisfied that these concerns can be addressed via conditions

Accordingly, conditions are recommended to deal with the following issues:

- An updated landscape plan
- Mitigation Strategy
- Provision of a maternity roost for bats
- Lighting Details
- Management and monitoring plan

**KCC Heritage:**

The site of the proposed development lies adjacent to the Olantigh Towers Park. Wye, a medieval market town with Roman or earlier origins, lies to the south and there is potential for multi-period remains to survive on this site. The site has been partially developed already which may have had an impact on surviving remains. In view of the archaeological potential, I recommend a condition is placed on any forthcoming consent regarding an archaeological field evaluation and a further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable to be agreed with the LPA.

**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, the submission of a verification report and infiltration testing details regarding the above, no objection is raised.

**KCC Developer Contributions:**

See planning Obligations Below

**ABC Open Space**

See planning obligations below in Table 1.

**ABC Environmental Services:**

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, Collection would be on an alternate weekly basis with refuse and food waste collected week one, recycling and food waste collected week two, whilst there are spaces allowed for on road parking, it is essential that there is adequate .

**ABC Environmental Protection:**

I would request that a more detailed site specific Phase 1 assessment is carried out which will provide a baseline for a Phase 2 assessment. I therefore request that conditions be attached to provide details for a scheme to deal with contamination including any unexpected contamination found during construction

**Southern Water:**

The drainage strategy submitted indicates discharge of foul flows from a package treatment plant to public sewer. Southern Water cannot accept a discharge from a private sewage treatment works into public network as a mechanism to offset for

Nitrate neutrality. Treated flows from the package treatment plant should not be connected to the public foul sewer.

**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. 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.

**NHS Primary Care:**

Seek a S106 contribution of £24,192 towards refurbishment, reconfiguration and/or extension of Wye Surgery and /or towards a new general practice premises, citing limited capacity within the existing premises to accommodate growth in this area.

**Representations:**

None received

**Planning Policy**

19. 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), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016).
20. 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).

21. 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	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
ENV14	Conservation Areas
ENV15	Archaeology
COM1	Meeting the community's needs
COM2	Recreation, sport, play and open spaces
COM3	Allotments
COM4	Cemetery provision
IMP1	Infrastructure provision

22. **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 Camus at Wye

23. 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

**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) July 2021

24. The NPPF has had a number of revisions since inception in 2010. The latest was in July of 2021. The report to Planning Committee that led to a deferral of this application in March 2022 made reference to the earlier version of the NPPF (2019) and the appeal decision on the earlier application also made reference to the 2019 version as it predated the July publication date. It is therefore necessary to consider whether the changes to the NPPF in July 2021 would have made any difference to the recommendation. The applicants have helpfully summarised the changes as follows:
25. *“Section 12 of the NPPF sets out the Government’s policy on ‘Achieving well-designed places’ and paragraph 126 has been amended to require “the creation of high quality, beautiful and sustainable buildings and places.” In his detailed appraisal of the schemes, the Inspector found the design to be of high quality, noting that development would enhance the landscape character of the site, and he further confirmed that the proposals would accord with all of the design-related policies in the development plan.*
26. *Paragraphs 128 and 129 direct the Council to produce design guides and codes to “reflect local character and design preferences.” The Wye Village Design Statement was adopted in 2000 and was subsequently appended to the Wye Neighbourhood Development Plan on its adoption in 2016. Reference is made to the Design Statement in the appeal decision and it is clear that the Inspector considered the proposals to be in conformity with its principles.*
27. *Paragraph 134 advises that development which is not well designed should be refused. More importantly in this case, it states that “significant weight should be given to...[designs which] help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.” In his deliberations on the Occupation Road site, the Inspector found that the development would “be an improvement in visual terms” and in respect of the ADAS site, that “views...would be improved by the replacement of the existing buildings with well-designed housing.” On form and layout, Inspector Prentis noted that that it would be “informal...appropriate to this rural setting.”*
28. *Paragraph 131 sets out the importance of the contribution of trees to the character and quality of urban environments and requires that new streets are tree lined, that trees are incorporated elsewhere within the development, that new trees are secured and maintained and that existing trees are retained wherever possible. In his decision, Inspector Prentis recognised that the retention of trees and woodland around the ADAS site would “create a strong sylvan setting” for the development. At Occupation Road, the*

*Inspector found that the linear park along the southern boundary provided an important visual amenity and “would enable the tree-lined nature of the North Downs Way to extend most of the way to Olantigh Road.” The landscape masterplans submitted in support of the two current applications demonstrate that there will be significant tree planting undertaken as part of the development on both sites. Notwithstanding, a condition could be imposed on each permission to require the submission of further landscaping details for approval, if the Council wishes to exercise further oversight over the quantum and species of trees to be planted.*

29. *The remainder of design-related alterations to the wording of the NPPF concern plan-making and are therefore of no relevance to the determination of these applications.”*
30. It is concluded that none of the changes to the NPPF in July 2021 have any substantive impact on the assessment of the current application.
31. 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.

## **Assessment**

32. 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
  - 5-year housing land supply

- Residential Amenities
- Planning Obligations

### **Principle of Development**

33. The Council originally concluded that the site lies within the broad-based allocation (WYE3) and 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 where the impacts are appropriate to the sensitive area within which it lies.

34. The Inspector concluded that “*the site comprises previously developed land. The WNP does not allocate it for any particular use but it is close to the built up confines of Wye so ALP Policy HOU5 applies. I consider that the proposals comply with the criteria of HOU5 in all respects but one. In principle, I consider that this is a suitable location for housing. As this would be an appropriate reuse of the site, the proposals would accord with WNP11(h).*

*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 would not meet that criterion so it would not accord with Policy HOU5(f)(vi) in this respect”.*

35. The matter of non-compliance with Policy ENV1 and HOU5(f)(vi) is in respect of the Stodmarsh impacts . Accordingly, subject to consideration of those impacts, it is considered that the site would be an acceptable location in principle for new residential development of the scale proposed.

### **Landscape**

36. 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

37. 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 suburban scheme on this edge of village site. In

essence it proposed too much built form that would not allow an informal spacious layout with sufficient space between the houses and 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.

38. The Inspector concluded that *“The site comprises previously developed land and the scheme would result in a net reduction in built footprint and floor area. I consider that the replacement of the existing buildings with well-designed houses would result in an enhancement of the landscape character of the site itself. Due to the visually enclosed nature of the site, this would be a localised effect. There would be a neutral effect on the landscape character of the wider AONB”*.

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

39. The scheme was assessed against Local Plan Policies SP1, SP6 and HOU5 which seek development that is in accessible and sustainable locations, making best use of brownfield sites and Policy WNP2 requiring high quality design seeking to create local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the Kent Downs AONB. The Wye Village Design Statement (2000) was relevant identifying a number of relevant principles, including, amongst others, the importance of the village entrances, architectural style, traditional boundary treatments quality of materials and access by foot and bicycle.
40. A number of issues of concern were identified including the number of units, the manner in which they responded to the changes in land levels across the site, the excessive scale of some garaging, the lack of meaningful views of the countryside from within the site, the extension of development beyond the outer edges of existing built form and the appropriateness of the suburban character of the proposed scheme in this edge of village location.
41. The Inspector concluded that:
- “although the scheme would be inward-looking, with the houses facing the internal roads and green rather than facing Olantigh Road or the countryside that this is a reasonable design response to a site that is largely surrounded*

*by woodland and visually separated from other built development. Whilst seeking to draw the countryside into the residential enclave, as the Council suggested, would be one design approach, it is not the only approach. I consider that the proposed development would sit comfortably in the wider landscape whilst creating an attractive living environment for future residents. It is fair to point at that plots 7 and 8, containing the largest houses, would occupy higher ground on the eastern side of the site. However, this arrangement would not result in harm to the landscape of the AONB.*

*The Council would prefer to see 15 houses on this site rather than the 20 proposed by the appellant. However, there is no adopted policy in support of that preference. Although there was reference to 15 houses in a report relating to the draft masterplan, that carries very little weight as a statement of planning policy for the reasons discussed above. In my view the Council's preference for 15 dwellings is not, in itself, a valid criticism of the design quality of the appeal scheme."*

42. In respect of the impact upon visual amenities he concluded that:

*"The main locations where visual receptors would experience the proposals would be in the immediate vicinity of the site at the access from Olantigh Road, middle distance views from footpaths to the east (including parts of the North Downs Way) and longer views from the vicinity of Wye Memorial Crown.*

*Views from the site access would be improved by the replacement of the existing buildings with well-designed housing. That said, the development would not have a strong presence in the street scene of Olantigh Road because most of the houses would be set back from the site frontage. Moreover, the houses would face onto internal roads. The existing brick boundary wall and mature tree belt along the site frontage would be maintained. The approach to the village would therefore be largely unaffected.*

*There is limited ability to see the existing buildings in middle distance views from the east due to intervening topography and vegetation. The ridges of the proposed houses would be higher than the parapet level of the existing flatroofed structure but the eaves level would be lower. The roofscape of the proposed houses would, potentially, be visible, albeit any such views would be heavily filtered by existing vegetation. The roof ridges would be below the general level of the tree canopy in the vicinity of the site. There would be no impact on views of the far horizon, which is formed by high ground on the opposite side of the valley. I consider that there would be no material impact on those views".*

43. Accordingly it is considered that the design layout and impacts upon the surroundings are acceptable and compliant with the Development Plan. Changes to the NPPF in 2021 have not altered this conclusion (see comments at paragraphs. 24 – 30 above).

### **Impact upon Heritage Assets**

44. The original report considered this matter against Local Plan Policy ENV13 which 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.
45. It was concluded that there would be no adverse impact upon the adjacent heritage asset of Olantigh Towers.
46. The Inspector concluded that “*The appeal site is visually enclosed and I agree that there would be no harm to the significance of the heritage asset. For the reasons discussed below, I consider that the appeal scheme would achieve a high quality of design and would sit sympathetically in the wider landscape*”.
47. Accordingly no objections are raised in this respect.

### **Highways**

48. The original scheme was considered against 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.
49. 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 WYE3 sites and the cumulative impacts upon the highways were found to be acceptable.

50. It is intended that the site 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.
51. 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 to 155m's 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 of S278 agreement regarding works to the highway.
52. The scheme would provide sufficient off street parking for both residents and visitors and no objection is raised in this respect.
53. 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.
54. The Inspector noted that *“Each application was accompanied by a transport assessment which considered the availability of sustainable transport options and the effects of generated traffic on the road network. Transport improvements have been proposed, including a reduced speed limit and a village gateway on Olantigh Road, a new junction arrangement at the intersection of Occupation Road and Olantigh Road and footway improvements to improve pedestrian connectivity.*

*These are matters that could be secured by conditions. Neither the Council nor the Highway Authority has any objections on transport or highway safety grounds. I consider that transport has been properly taken into account and is not a matter that weighs against any of the appeals”.*

55. As previously, no objections are raised to this scheme subject to the completion of the S106 obligation.

### **Ecology/Trees**

56. The original scheme was assessed against Local Plan Policy ENV1 which 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.
57. Local Plan Policy ENV3a 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.
58. It was previously concluded by the Council that the development was unlikely to have a significant impact on bio diversity. The combined effects of this and the Occupation Road site were considered in terms of the impacts upon the Wye and Crundale SSSI just over 1km to the east but not found to be of concern. Concern was expressed regarding potential impacts upon trees on the site and in close proximity to proposed houses. However this matter continued to be discussed leading up to the PLI and those concerns were largely overcome through the re-siting of some of the houses.
59. The Inspector concluded that *“The Wye and Crundale Downs SAC is around 1.2km to the east of the closest of the appeal sites. It is designated for semi-natural dry grasslands on calcareous substrates. The appellant’s ecological report did not identify any impact pathways between the appeal sites and the designated site, concluding that the SAC could be screened out of further assessment under the Habitats Regulations. No party has disputed that finding. I conclude 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. 160. Each application was accompanied by ecological reports which assessed the presence or absence of important or protected habitats and species. Measures of mitigation and biodiversity enhancement were identified. These could be secured by appropriate planning conditions”*
60. Accordingly subject to appropriate conditions, no objections are raised on this matter.

### **Affordable Housing and Mix**

61. The original scheme was assessed against Local Plan Policies SP2, HOU1 and HOU18.
62. It was noted that the proposed scheme would not provide any smaller housing (i.e. less than 3-bed), only 4 x 3-bed houses with the majority being larger 4 and 5-bed homes with no affordable housing – it is not the range and mix that appears to reflect the identified needs of Wye or therefore to be compliant with Policy HOU18. On sites where the density of the scheme is important due to its environmental sensitivities, a scheme of fewer larger houses may be more appropriate than a greater number of smaller houses. However a scheme that encompasses a few smaller homes, either small houses or flats could be incorporated into this scheme, and still fit into the site and wider area in design terms. In terms of the lack of provision of affordable housing that is a direct result of the VBC, a Government initiative to encourage the redevelopment of brownfield sites. It does cause conflict with the affordable housing policies, but the VBC is applicable and the lack of provision of affordable housing is therefore compliant with the Development Plan. This point was challenged at the Planning Committee hearing of this case in March 2022 and the applicant has been asked to provide further justification for the application of VBC.
63. They have responded as follows:

*The Inspector determining the appeal schemes addressed the application of Vacant Building Credit (VBC) at paragraph 158 of his decision. His words “I see no reason to disagree with the Council’s conclusions on this matter” should not be understood to mean that he carried out no independent inquiry in respect of VBC; indeed, it is clear from this paragraph that he had the benefit of representations made by an interested party on this point. The proper construction of this sentence is that, notwithstanding the arguments presented by the interested party, the Inspector was not persuaded that the Council had reached the wrong conclusion. We submit that the Inspector was correct to reach this position.*

*Indeed, the Inspector notes at paragraph 157 of his letter that by the time of the inquiry, the Council had “agreed with the appellant that [the sites] are subject to the national policy on Vacant Building Credit (VBC)...The Council considers that the conflict with Policy HOU1 would, in each case, be outweighed by the application of national policy on VBC.”*

*The sites are clearly of the sort at which this policy is directed – being brownfield sites with currently vacant buildings – and there has been no change in policy (either national or local) or in circumstance since both the*

*Council and Inspector reached their conclusions in respect of VBC on the appeal schemes. The report to the Planning Committee meeting of 16th March 2022 confirms that VBC remains relevant to the current applications and that the proposals are policy compliant. The representations made at the meeting reiterate Mr Ransley's personal doubts as to whether use of the ADAS Offices has been abandoned, but contain no new evidence which was not before the Council and the Inspector when they reached their view that VBC applied to the proposals.*

64. 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's. 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, in applying the VBC, no affordable housing needs to be provided as part of this scheme.
65. It was previously considered that the scheme would provide a mix of units to potentially address at least a small part of the identified needs of the village. On balance, no deemed reasons for refusal were previously raised to the scheme in respect of housing matters. Overall, no objections are raised to the proposed scheme in terms of the provision of housing, its mix, standards or lack of affordable housing. In this respect, the scheme would still be acceptable.

### **Five-year housing land supply**

66. The Council was, at the time of the last application, able to demonstrate a 5-year housing land supply, although that changed before the Inquiry. However, the Inspector concluded that, due to the significant effect on the Stodmarsh SAC, the tilted balance in favour of granting permission where a 5 year housing land supply cannot be demonstrated did not apply in this case. The site is, in any case, within the Kent Downs AONB which would also disapply the guidance in paragraph 11 d of the NPPF.
67. The Council's Housing position remains the same as last year insofar as it still cannot demonstrate a 5 year housing land supply but due the circumstances described in para 57 above, this has no material impact on the decision to be made.

### **Residential Amenities**

68. The NPPF seeks a high level of amenities for existing and future users resulting from new development.
69. 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. 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 10-15 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 chose. 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.
70. It was previously concluded that the scheme would be acceptable both in terms of the impacts upon future residents amenities and those of existing occupants of the village. Nothing took place at the PLI that would impact this conclusion.

### **Drainage/Impact upon Stodmarsh**

71. Policy ENV6 deals with flood risk whilst ENV8 addresses issues associated with water quality and ENV9 sustainable drainage issues.
72. 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.
73. At the time of the previous decision the EA had expressed concerns regarding potential contamination of the groundwater sources during the construction process and the lack of evidence to demonstrate an acceptable approach. Officers concluded that if the scheme were considered to be acceptable this matter could be addressed through an appropriately worded pre-commencement condition and that this matter did not therefore have to be addressed by means of a reason for refusal.
74. 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.

75. 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.
76. 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.
77. 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.*
78. *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."*
79. 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.

80. As part of this application, the applicants have submitted details of the proposed PTP which would be located beneath the central green within the site and would have two small associated cabinets – one for the pump station (1.2 x 1.2 x 0.4m) and one for the PTP (1.2 x 1.1 x 0.8m) which would be sited towards the north west corner of the central green.
81. Additional details seeking to address the Inspector's 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.
82. 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.
83. Apart from this issue, this proposal is considered to be otherwise acceptable (subject to conditions). The Assistant Director – 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.
84. 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**

85. 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
86. I recommend the planning obligations in Table 1 are required. 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. This may be subject to change if at the point of issuing the decision, elements of the schedule are no longer justified. The wording of the recommendation is therefore worded accordingly to give delegated power to the Assistant Director – Planning and Development to determine what is justified at the point when permission is ultimately granted.

## Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Potentially applies to any size/scale of residential development</b>				
	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: the provision of additional informal natural green space/s within the Parish Council's administrative area</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p> <p>Total: £15,180</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>

Applies to sites of 11 dwellings or more				
	Planning Obligation		Regulation 122 Assessment	
	Detail	Amounts (s)	Trigger Points (s)	
	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>Provide on- site 20% of all units.</p>	<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 50% of the dwellings not required to be built in accordance with the standard.</p>	<p><b>Necessary</b> as would provide accessible housing pursuant to policies SP1 and HOU14(a) of LocalPlan 2030 and guidance in the NPPF</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably <b>related in scale and kind</b> as based on 3 of housing units to be provided</p>
	<p><b><u>Adult Social Care</u></b></p>		<p>Half the</p>	<p><b>Necessary</b> to meet the demand that is</p>

	<p>Project: Towards extra care accommodation in the Borough</p>	<p>£146.88 per dwelling  Total £2937.60</p>	<p>contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>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>Project: the provision of improved fencing (including rabbit), 'Grass guard' 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 Beanfied and/or</p>	<p>£258 per dwelling for capital costs  £66 per dwelling for maintenance  Total: £6,480.00</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</b></p>

	Churchfield allotments and/or towards the extension of Beanfield allotment I			<b>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><b><u>Cemeteries</u></b></p> <p><i>Project:</i> 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                      caoital cost</p> <p>£176 per dwelling                      commuted                      maintenance</p> <p>Total: £9,200</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> 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>
	<p><b><u>Children’s and Young People’s Play Space</u></b></p> <p><i>Project:</i> the acquisition of</p>	<p>£649 per dwelling</p>	<p>Upon</p>	<p><b>Necessary</b> as children’s and young people’s play space is required to meet the demand that</p>

	<p>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</p>	<p>for capital costs                  £663 commuted sum per dwelling for maintenance                   Total: £26,240</p>	<p>occupation of 75% of the dwellings</p>	<p>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>Health Care</u></b>                   Project: Refurbishment, reconfiguration and /or extension to the Wye Surgery</p>	<p>£24,192                  Based on a formula employing occupancy rates and dwelling numbers.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p>

			dwellings	<p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
	<p><b><u>Indoor Sport</u></b></p> <p>Project: Pending confirmation</p> <p>Artificial pitches</p> <p>Sports Halls</p>	<p>£1,472</p> <p>9,376</p> <p>£542.40 per dwelling</p>		<p><b>Necessary</b> 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><b>Directly Related</b> as occupiers of the scheme would be expected to use indoor sport facilities</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the scheme and potential new users</p>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock for the Wye Library 6 Upper Bridge Street Wye Kent TN25 5AF for the new borrowers generated by this development</p>	<p>£55.45per dwelling</p> <p>Total £1,109.00</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on</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>

			occupation of 50% of the dwellings	<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>Outdoor Sport</u></b></p> <p>Capital Contribution</p> <p>Project: Pending confirmation Pitches</p> <p>Changing Rooms</p> <p>Maintenance – Pitches</p>	<p>£7,326</p> <p>£10,158</p> <p>£869.70 per dwelling</p> <p>£10,340</p> <p>£517 per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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><b>Directly related</b> as occupiers of the scheme would be expected to use outdoor sport facilities</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of proposed development and potential use</p>
	<p><b><u>Primary Schools</u></b></p> <p>Projects:</p>		Half the	<p><b>Necessary</b> as no spare capacity at any primary</p>

	<p>Primary Education: Towards the provision of the new Conningbrook Primary 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>Primary Land: 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>£4,535 per dwelling Total £136,000</p> <p>£2,363.92/dwelling Total £47,278.47</p>	<p>contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><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: Towards the expansion of The Norton Knatchbull School Hythe Road Ashford Kent TN24 0QJ</p>	<p>£4,115.00 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and</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, Education Contributions</p>

		Total £90,800	balance on occupation of 50% of the dwellings	<p>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 the provision of IT Equipment for the new learners at Ashford Adult Education Centre Ashford Gateway Plus Church Rd Ashford Kent TN23 1AS</p>	<p>£16.42 per dwelling</p> <p>Total £328.40</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<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>Directly related as children of occupiers could</p>

				<p>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><b><u>Strategic Parks</u></b></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>£47 commuted sum per dwelling for maintenance-</p> <p>Total: £3,860</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</p>

				the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<p><b><u>Voluntary Sector</u></b></p> <p>Project: to be applied towards groups active within the vicinity of the Development</p>	<p>£87 per dwelling</p> <p>Total: £1740</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 sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	<p><b><u>Youth Services</u></b></p> <p>Project: Towards the provision of additional resources to the Youth Service operating in the vicinity of the Development</p>	<p>£65.50per dwelling</p> <p>Total £1,310</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of</p>	<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</p>

			50% of the dwellings	<p>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>		
<p><b><u>Public Art</u></b></p> <p><i>Project: towards the cost of conceptualising, commissioning and delivery of art in any media whose form function and meaning is created for the general public and which is to be visually and physically accessible to the public within the Parish Council's administrative area I</i></p>	<p>Dwellings x 2.4 x £141</p> <p>Total £6,768</p>	<p>Prior to occupation of 75% of the dwellings</p>		<p><b>Necessary</b> 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><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</b></p>

				<b>kind</b> considering the extent of the development.
<b>Applies to all</b>				
	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring and reporting upon compliance with the planning obligations</p>	<p>£1000 per annum until development is practically completed</p>	<p>First payment prior to commencement of development and on each anniversary thereof in subsequent years</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><b>Regulation 123(3) compliance:</b> 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><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## **Human Rights Issues**

87. 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**

88. 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**

89. 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.
90. The proposed scheme accords with the Council's policies regarding the sustainability of the location on the edge of the village of Wye on land that has been previously developed.
91. 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.
92. The proposed scheme would also be acceptable in terms of its impacts upon the surrounding highways network, heritage asset, neighbours amenities, and amenities of future residents.
93. 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 Assistant Director – Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations, including preparing or considering a draft Appropriate Assessment 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.

94. Matters raised by the Planning Committee in March 2022 have been addressed. 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 render this scheme unacceptable in relation to the Development Plan. Overall, it is considered that, subject to the approach to Stodmarsh discussed above and completion of a S106 Obligation, the scheme is acceptable.

## **Recommendation**

- (A) Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 deed of variation agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,**
- (B) PERMIT,**
- Subject to the Assistant Director – Planning and Development being satisfied that all developer contributions are still justified at the time of issuing the approval, subject to the completion of an appropriate S106 obligation and subject to planning conditions and notes, including those dealing with the subject matters identified below:**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials including hard landscaping
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. Tree Removal
17. Tree protection – Retained Trees/shrubs
18. Identification of tree removal
19. Preliminary ecological appraisal
20. Site wide ecological Management and monitoring plans
21. Bio diversity Mitigation strategy including in relation to Dormice
22. Bat maternity Roost
23. Reptile translocation details
24. Lighting Details
25. Bird Nesting Season
26. Access details to enhancement area (Donkey Field)
27. Heritage requirements
28. Surface water drainage scheme
29. Verification report
30. Details of infiltration testing
31. Details of foul/surface water discharge
32. Details of PTP including noise levels and cabinet details

33. Contamination: Specific Phase 1 Study
34. Contamination: Unexpected contamination
35. Broadband
36. Residential compliance with Part M Building Regulations.
37. Secured by Design
38. 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.

**Informatives:**

Provision of bins

Dust emissions

Burning of waste

**Notes to 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 //AS)

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