

Application Number	PA/2022/2851
Location	Land East of Ashford Road, Kingsnorth
Grid Reference	E600168 / N139123
Parish Council	Kingsnorth
Ward	Kingsnorth Village & Bridgefield
Application Description	Outline application for up to 15 dwellings, a replacement Medical Centre and Pharmacy, together with all necessary infrastructure to consider access.
Applicant	Malcolm Jarvis Homes Ltd
Agent	Mr Ian Bull
Site Area	5.10 Hectares

(a) 62/ 2'S', 15'R'	(b) PC - R	(c) EA - +; NE - X; KCC Her - X; KCC Bio - X; KCC EcoDev - X; KCC Highways - X; KCC SuDs - X; FC - +; KFR - +; KP - X; NHS - +; IDB - X; SWS - X; UKPN - +.
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Introduction

1. This application is reported to the Planning Committee because it is classed as a major application and therefore, under the Council's scheme of delegation, normally would require determination by the Planning Committee. However, in this instance, the application is now the subject of an **appeal against non-determination** following the expiry of the time period for decision. The Committee is asked to agree the Recommendation that is set out in the report: this will then form the Council's case for a Planning Hearing that the Planning Inspectorate will hold in October 2023.
2. On 22 May 2023 the applicants submitted an appeal to the Planning Inspectorate (PINS) against the non-determination of the application within the appropriate time period. The appeal Hearing is scheduled to run for one day on 10 October 2023. That date has been imposed on the Council by PINS. The pre-Hearing build-up, with which the Council must now comply, raises a number of resource and time constraint difficulties. It has required

this report to be made to the July Committee in order to comply with the tight timescales involved in presenting the Council's Statement of Case for the Inspector.

3. This report sets out the Recommendation that I would have made to Members when reporting the application to the Committee.
4. Obviously, the Council cannot now determine the application: that task falls to PINS given the appeal that has been made. This Report will form the basis of the Council's Statement of Case and assist with a required 'Statement of Common Ground' that will need to be agreed with the applicants. It will also inform negotiations on any draft s.106 agreement (or a unilateral undertaking) to be put before the Inspector at the Hearing as well as draft planning conditions for the Inspector's consideration.

Background

5. Outline planning permission for up to 15 dwellings, a medical centre and pharmacy, associated landscaping and infrastructure with all matters reserved except for access was refused by the Council on 16 April 2021 (ref: 21/00126/AS). The reasons for refusal are set out below;-

The proposal is contrary to policies SP1, SP2, SP6, SP7, S4, S5, HOU5, EMP1, ENV2, ENV3a and ENV5 of the Ashford Local Plan 2030 and central government guidance contained in the NPPF and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

- a. The development would result in the loss of a significant open buffer area, as identified in policy S4 as the 'green buffer' to separate settlements at the northern extent of the strategic site.
- b. The impact of development on the 'green buffer' would result in the coalescence of Kingsnorth village and the proposed Kingsnorth Green at site policy S4 - Land North of Steeds Lane and Magpie Hall Road and would result in the loss of individual character and identity, contrary to policy SP7.
- c. The development would fail to comply with policies ENV3a and ENV5 as it would not take regard to the pattern and distribution of settlements and existing landscape features that contribute to the definition of the local landscape character.
- d. Development is proposed on an area identified as a potential future addition to the Ashford Green Corridor within the Ashford Green Corridor Action Plan, contrary to policy ENV2.

- e. The development would fail to conserve and enhance the natural environment, would harm the character and appearance of the surrounding landscape, would not be safely accessed from the local road network, and would therefore fail to comply with policies HOU5 and EMP1.
 - f. The development does not propose mitigation against the further deterioration of the water quality of the Stodmarsh European designated sites.
 - g. Inadequate evidence has been provided to justify why potential primary healthcare site options within the South of Ashford Garden Community, and therefore within established strategic sites, have been discounted.
 - h. The proposed access would not meet an acceptable 50 metres stagger distance between the centre lines of the proposed junction at this site and the proposed access at S5 - Land South of Pound Lane and would cause harm to highway safety.
6. The applicant subsequently submitted an appeal against the Council's decision to PINS on 12 October 2021 (Appeal ref: APP/E2205/W/21/3284706). The appeal was heard at an appeal Hearing in June 2022.
 7. Prior to the appeal Hearing the County Council, as Local Highway authority, agreed a resolution with the applicant to the highway reasons for refusal (reasons 'e' (in part) and h"). This agreement was submitted to the Inspector via a Statement of Common Ground. These highway related reasons for refusal were consequently not considered by the Inspector at the Hearing.
 8. The appeal was dismissed on 10 August 2022. The Inspector concluded the following (with my underlined emphasis);-*"In conclusion, there would be some conflict with policies as set out, mainly relating to the scheme's green buffer location, and the impact on character and appearance, and conflict with the development plan overall. When weighed against the combined substantial benefits including the Council's housing land supply position this harm would be outweighed by the benefits. However, the scheme would adversely affect the integrity of Stodmarsh habitats sites and I have found that policies in the Framework that protect habitats sites provide a clear reason for refusing the development. Therefore, the appeal is dismissed."*
 9. I have set out in my report below further details of the Inspector's decision. A copy of the decision letter is provided as **Annex A**.
 10. The development subject of this report is the substantially same as that proposed previously in the application refused by the Council and dismissed

by the Inspector solely on grounds of nutrient neutrality. The only difference is the form of the mitigation strategy now proposed to address nutrient neutrality.

Site and Surroundings

11. The application site plan is shown in **Figure 1** below.

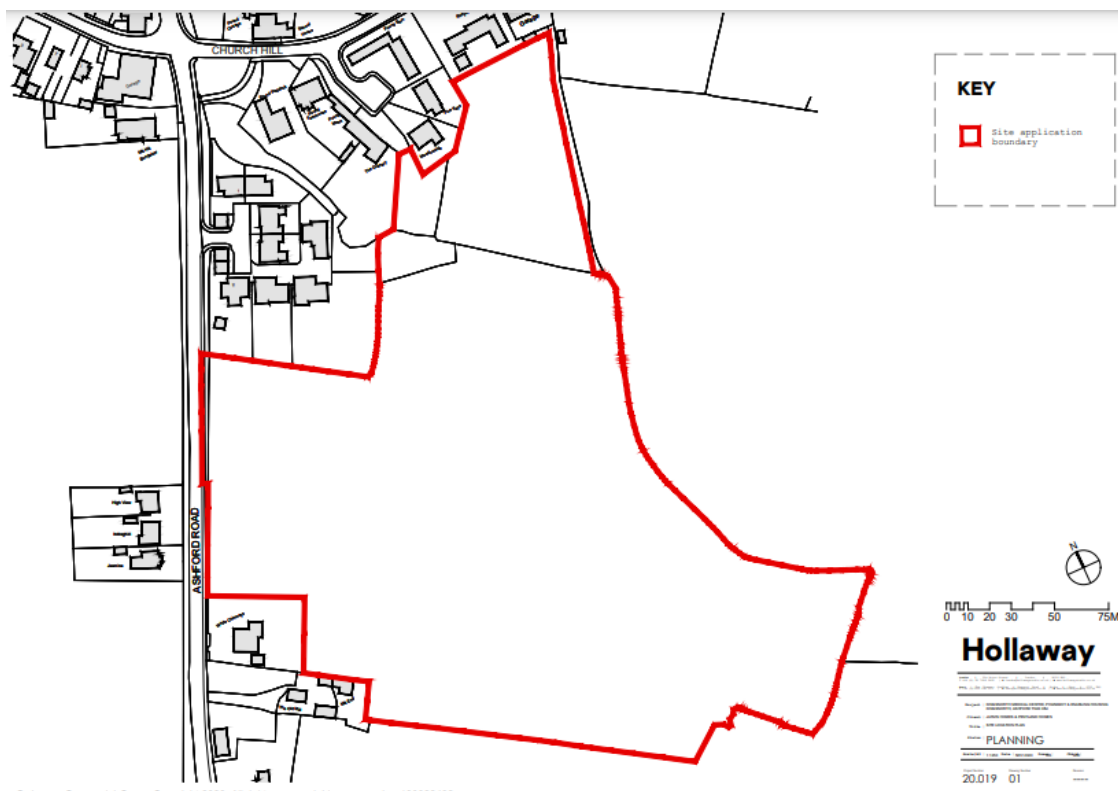


Figure 1: Application Site Plan

12. The site would be accessed from Ashford Road and comprises an area of undeveloped greenfield land. Adjacent to the site to the north is housing fronting onto Church Hill and Myrtle Court to the north-west with access to Ashford Road. To the west are properties fronting onto Ashford Road. To the west (beyond Ashford Road); south; and east are agricultural fields that are the subject of site allocations (S4 and S5) for residential development, refer to application ref: 15/00856/AS also on this agenda. The character of built development is generally of historic ribbon development, with the exception of the recent denser court-style housing development immediately north-west.

Proposal

13. The application is submitted in outline, with all matters reserved except for site access. The proposal is for up to 15 houses, a medical practice and pharmacy, with associated landscaping and infrastructure. The illustrative masterplan (**Figure 2** below) indicates that the medical practice (two-storeys

high) and pharmacy (one storey high) would be located in two buildings fronting Ashford Road with associated car parking proposed to the rear. The access road into the site would run in-between these two buildings.



Figure 2: Illustrative Masterplan

14. The houses and open space would be located to the east of the buildings fronting Ashford Road. The submitted parameter plans show the houses positioned in three groupings. The majority of the houses would be two storey high with pitched roofs, with a smaller area of one and a half storey high houses proposed in the south. Up to five of the houses would be provided as affordable housing. Due to the application being in outline, the exact number of houses at each height and their exact location, including the location of the affordable houses, is not yet known. The building heights parameter plan is provided in **Figure 3** below.
15. As can be seen, the south-eastern part of the site is identified as forming open space through which new paths would be provided with potential to forge a new connection eastwards towards the existing public right of way as well as southwards, into the development subject of application 15/00856/AS reported on this agenda, where land is shown in that application as forming an area of green space for community uses.
16. North of the proposed housing, the application site includes a green 'buffer zone' comprising open space and SuDS as well as a path connection through

to the residential area. **Figure 4 below** is taken from the applicant's Design and Access Statement and identifies this area.

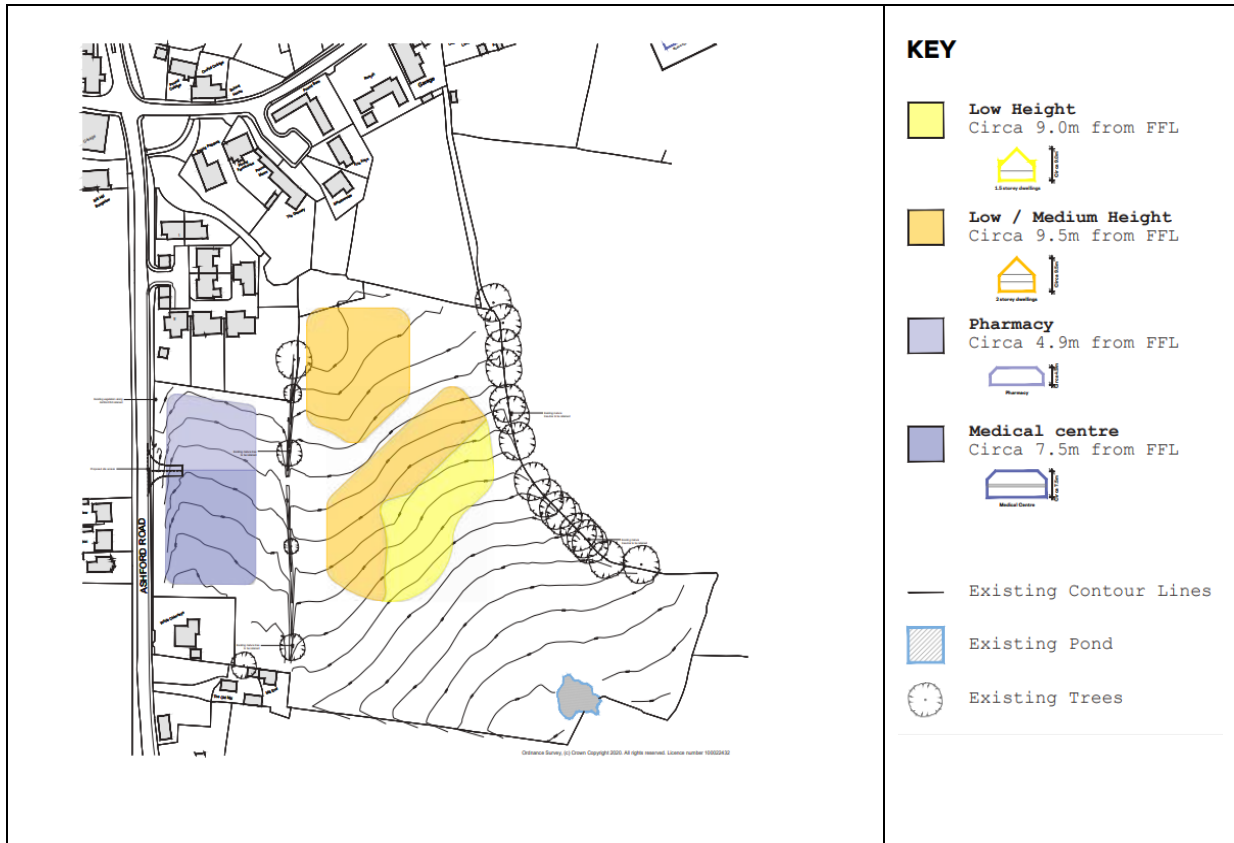


Figure 3: Building Heights Parameter Plan



Figure 4: Plan Showing Green Buffer Area

Supporting Documents

17. The following supporting documents were submitted with the application.
- Design and Access Statement
 - Ecological Scoping Survey
 - Ecological Scoping Survey Update
 - Flood Risk Assessment & Drainage Strategy
 - Great Crested Newt Report
 - Heritage Statement
 - Illustrative Masterplan
 - Nutrient Neutrality Assessment
 - Nutrient Neutrality Assessment and Mitigation Strategy Addendum - SuDS Guidance Update
 - Planning Statement
 - Shadow Habitats Regulation Assessment
 - Supporting Statement from Kingsnorth Medical Practice
 - Transport Statement

Other Relevant Planning History

18. 14/01175/AS - the formation of new vehicular access to field with 5-bar entrance gate - planning permission granted - 22 October 2014.
19. The following planning applications, currently being considered, relate to site specific Ashford Local Plan 2030 policies S3, S4 and S5, which are therefore relevant. Application 15/00856/AS below is no subject of an appeal against non-determination with an Inquiry date imposed on the Council by PINS in

October 2023 (please refer to the separate report on this agenda concerning that appeal).

Site Specific Policy S3: Court Lodge (ref 18/01822/AS) Outline planning application with all matters reserved for future consideration (aside from access) for the construction of up to 1000 new homes (C3), local centre comprising retail uses (up to 450 sqm A1-A5) flexible office space (up to 350 sqm B1) and community facilities including a primary school (2.4ha), a combined community hall and site management suite (up to 650 sqm D1). New means of vehicular accesses onto Pound Lane, Long Length, Magpie Hall Road, new pedestrian and cycle routes laying out of green infrastructure, including allotment gardens and areas of ecological habitats. Drainage infrastructure, earthworks and ancillary infrastructure. Site Specific Policy S4: Land North of Steeds Lane and Magpie Hall Road and Site Specific Policy S5: Land South of Pound Lane (ref 15/00856/AS) Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure. Provision of local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, waste water facilities, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks.

Consultations

20. The application has been subject to the following formal statutory and non-statutory consultation.

Parish Councils

21. **Kingsnorth** – support additional capacity for primary medical provision, however, consider the proposed location is not acceptable. The site is identified as part of a ‘green buffer’ in the Local Plan. It retains the identity of the historic village, provides a corridor for active travel, maintains ecological links and provides a key green space for residents. Concerns that green space to the north of the village and what is expected to come forward to the south will fragment that buffer. This would diminish the quality of green space for residents and habitat network for wildlife. The Parish Council provide more detailed comments on: the need for medical space - new ways of working; the

weight to be given to the Inspector's decision on the recent planning appeal; delivery of the medical centre; the separation of settlements issue (Local Plan Policy SP7); protected species; highway safety and Queen's Head crossroads traffic modelling; and; non-planning matters forming part of the applicants options appraisal.

National Consultees

22. **Environment Agency** – no response received.
23. **Natural England** – raise no objection subject to appropriate mitigation being secured to ensure the development does not have an adverse effect on the integrity of on Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site or damage or destroy the interest features for which the Stodmarsh Site of Special Scientific Interest (SSSI) has been notified. In order to mitigate these adverse effects and make the development acceptable, Natural England advise that the delivery and maintenance of the proposed sustainable drainage system (SuDS) should be appropriately secured.

Kent County Council

24. **Archaeology** – the applicant should provide an archaeological Desk Based assessment and set out the impact on any significant archaeology along with any impact on non-designated heritage assets. KCC recommend planning conditions, if planning permission is to be granted.
25. **Ecological Advice Service** – request further information in respect of Great Crested Newts (an environmental DNA survey of the pond within the site and details of any mitigation required, or a district level licensing agreement); an Outline Ecological Design Strategy that includes details about how biodiversity net gain would be achieved. KCC recommend planning conditions, if permission is to be granted.
26. **Economic Development** - seek financial contributions towards primary and secondary education, community learning, youth services, libraries and social care. KCC also recommend a condition to ensure high quality digital infrastructure is provided to serve the development.
27. **Flood & Water Management** – do not raise any objection. They provide comments about the future detailed design of the drainage strategy for the site and information required at detailed design stage. KCC recommend conditions to be attached to the planning permission, if granted.

28. **Highways** – advise that the methodology used to assess traffic generation and distribution is appropriate. KCC raise no objection, noting that trips from the medical centre and housing can be accommodated on the highway network. The access geometry is appropriate, as is the provision of a toucan crossing across Ashford Road.

Other Consultees

29. **Chilmington Management Organisation (CMO)** – the application infers that the medical practice will serve the whole of the South Ashford Garden Community (SAGC). The previous submission excluded Chilmington Green from the practice's boundary. This raises concerns about the potential impact on the Chilmington Green District Centre Hub. Express concern that this application might undermine the commitments agreed at Chilmington Green, affecting the viability of the community hub and the wider district centre. Suggest that if medical provision for Garden Community residents is to be provided on the application site, some residents would be required to drive, as the site is on the periphery of the SAGC. This does not support the environmental agenda of the SAGC. Active transport is included in the Transport Statement. It is important that sustainable transport measures are put in place to ensure suitable access from across the SAGC.
30. **Forestry Commission** – no response received.
31. **Kent Fire & Rescue** – no response received.
32. **Kent Police** – have made comments about how Crime Prevention Through Environmental Design can be incorporated into the detailed design of the development, if outline permission is granted, in particular in respect of site permeability; boundary treatment; shared surfaces; car parking; cycle and bin stores; lighting; landscaping and open space.
33. **NHS** – no response received.
34. **River Stour (Kent) IDB** – advise that the site lies outside of the IDB Drainage District. Note that surface water from the development would be discharged to an existing boundary ditch via an attenuation scheme. It is likely that any watercourse on this site will form part of the wider drainage network that discharges to the IDB District. The IDB request that a planning condition to ensure that a detailed drainage strategy is submitted that establishes the off-site implications for the proposed discharge to the boundary ditch, is attached to any grant of permission. It must be ensured that this drainage feature forms part of a contiguous network and is not a 'blind' feature with no onward connectivity.

35. **Southern Water** – advise that they can facilitate foul sewerage run off disposal to service the development.
36. **UK Power Networks** – no response received.

Residents

37. The application has been advertised by the display of a site notice, a press notice and notification letters sent to the occupiers of 62 properties in the vicinity of the site. 18 responses have been received, comprising 15 objections (including an objection from the Myrtle Court Residents' Group), 2 in support and 1 making general comment. The points raised are summarised below.

Objections

38. **Principle of development** - Further expansion of south Ashford is not warranted or needed. The development would result in unnecessary loss of Green Belt / loss of a designated green buffer. The site is not identified for development in the Local Plan. The medical centre would be better located on the neighbouring Court Lodge or Kingsnorth Green development sites.
39. **Highways & Transport** - The existing surgery is very accessible, the new location will be more difficult for existing patients to access, there is no direct public transport or safe walking routes.. Highway and pedestrian safety concerns relating to the proposed new access and vehicle speeds along Ashford Road. Increased congestion, noise and air pollution, risk of accidents. Building work will disrupt the school run. Insufficient parking proposed for the medical centre and pharmacy, forcing parking onto surrounding streets. Inadequate provision for delivery vehicles. TA trip analysis should be provided for the pharmacy use.
40. **Design & Appearance** - Kingsnorth will further loose its village character. Houses and a large car park not in keeping with the area. The height of development would not in keeping with existing properties. Concerns expressed about visual impact.
41. **Drainage & Flood Risk** - The existing drainage system can only just cope with current water levels, it will not cope with the additional development. There is already a high risk of surface water flooding in area. The development would reduce the size of the flood plain and drainage capabilities in the area.
42. **Residential Amenity** - impact on existing neighbouring residents in terms of loss of public space and the presence of development to the rear of their

homes - loss of privacy, anti-social behaviour, loss of security, impacts on quality of life.

43. **Ecology & Biodiversity** - the surveys undertaken are insufficient. Concerns expressed about the impacts on wildlife and ecology through the likely presence of domestic cats and as a result of light pollution from the development. Loss of wildlife habitats.
44. **Previous Appeal Decision** – It is considered that the previous appeal decision does not set a precedent - planning policy has moved, there is now greater focus on the wishes of local communities and moving away from strict housing numbers. The Inspector identified planning harm that would be caused by the development. The Habitats Regulations Assessment does not address the Inspector's concerns.
45. **Other issues** –
 - a. the development would set a precedent to build on green space.
 - b. An engineering solution should be found to enable the medical practice to extend/develop a new surgery on its existing site in the floodplain. The drainage issues on the medical centre's existing site should be better managed. No professional assessment of flood risk of the existing medical centre site has been undertaken.
 - c. The questionnaire sent to residents about the proposed development was misleading, it did not mention the proposed housing.
 - d. Impact of the development on house prices.
 - e. The new medical centre would not serve the existing community due to its location.
 - f. This development should not be considered in isolation from the Kingsnorth Green and Court Lodge developments. Why has the medical centre not been proposed as part of the Kingsnorth Green development?
 - g. If permission is granted, funding to deliver the medical centre should be formally secured before any pre-construction/construction activities start.
 - h. Is there space for future expansion of the medical centre on the application site?

- i. Nutrient neutrality - concerns about the proposed foul drainage strategy - the unmitigated nutrient impact is likely to be far more adverse than presented.

Support

46. Support for long term health care for all Kingsnorth and south Ashford residents. Support the medical centre developing and offering more community services. The pharmacy at Tesco cannot cope with the volume of customers and the new pharmacy should help relieve pressure there.

General Comments

47. More information is needed about parking for the new housing – would there be disabled parking? What would stop people visiting the medical centre/pharmacy and parking in the residential areas of the site? Would there be affordable housing/shared ownership housing? Would there be any bungalows? What would be the EPC for the houses; would they be fitted with solar panels?

Planning Policy

48. The Development Plan for Ashford Borough now 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 Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
49. The application site forms part of site allocation S4 (Land North of Steeds Lane and Magpie Hall Road) in the Ashford Local Plan 2030. This site allocation is located to the east of two other allocated sites known as S5 (Land South of Pound Lane) and S3 (Court Lodge), which are themselves located to the east of the Chilmington Green development that is under construction. Together, the developments comprise the 'South Ashford Garden Community'.
50. 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

SP7 - Separation of Settlements

S4 - Land North of Steeds Lane and Magpie Hall Road

S5 - Land South of Pound Lane

HOU1 - Affordable Housing

HOU5 - Residential Windfall Development in the Countryside

HOU14 - Accessibility Standards

HOU18 - Providing a Range and Mix of Dwelling Types and Sizes

EMP1 - New Employment Uses

EMP5 - New Employment Premises in the Countryside

EMP6 - Promotion of Fibre to the Premises (FTTP)

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV2 - The Ashford Green Corridor

ENV3(a) - Landscape Character and Design

ENV4 - Light Pollution and Promoting Dark Skies

ENV5 - Protecting Important Rural Features

ENV6 - Flood Risk

ENV7 - Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV11 - Sustainable Design and Construction – non-residential

ENV15 - Archaeology

COM1 - Meeting the Community's Needs

COM2 - Recreation, Sport, Play and Open Spaces

COM3 - Allotments

IMP1 - Infrastructure Provision

51. Site-specific policy S4 is set out in full below.

Policy S4 - Land North of Steeds Lane and Magpie Hall Road

Land north of Steeds Lane and Magpie Hall Road is proposed for residential development, with an indicative capacity of 400 dwellings. Development proposals for this site shall be designed and implemented in accordance with an agreed masterplan for the general layout and delivery of development and related infrastructure on the site. The masterplan shall include details of the following elements:-

- a. Design and layout principles – a series of models or codes that set out the prevailing scale and form of the urban environment to be created in each of the three separate areas of the site (north of the cricket ground; east of Bond Lane and west of Ashford Road). This will include the mean net residential densities to be created in each area as well as road hierarchies, streetscape treatments and building height to street width ratios;*
- b. Highway access proposals – details of junction arrangements on Ashford Road, Steeds Lane and Bond Lane;*
- c. Traffic management – details of any traffic / speed management measures proposed on any adopted highway within the site;*
- d. Ecology – Appropriate species and habitat surveys will be carried out. Results will inform ecological mitigation measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with policy ENV1. Particular attention to the conservation and enhancement of Isaacs Wood (Ancient woodland) will be required;*

- e. *Landscaping and open space – details showing where strategic areas of landscaping and open space will be provided, including the retention of a significant open buffer area between the northern extent of the built part of the development and Kingsnorth village as shown on the policies map, and between the eastern extent of the built part of the development and the site boundary;*
- f. *Drainage – the layout and treatment of surface water drainage through the use of SuDS should be provided as an integral part of the landscape design and open space strategy along with acceptable maintenance arrangements and, west of Ashford Road, be compatible with drainage proposals serving the proposed Court Lodge development. The development should provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider and provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes;*
- g. *Pedestrian / cycleway routes - provide a network of pedestrian and cycle routes throughout the development with connections to existing rural routes and public rights of way and to the new development at Court Lodge; and,*
- h. *Community facilities – Public open space and suitably equipped play areas needed to serve the development, taking the opportunity to create a sense of the heart of the community being based around the cricket field at the main traffic corridor – Ashford Road. A local convenience store should be located here in a way that can take advantage of passing trade. A specific set of projects related to the scale of needs arising from the development will be identified in consultation with the local community and the cricket club. It is expected that the cricket club will be retained for community use.*

In addition, the development shall also:-

- i. *Provide a proportionate financial contribution to the delivery of Highways England's scheme for a new Junction 10a and any other off-site highway improvements measures identified through agreed transport modelling in accordance with policy TRA8.*
- ii. *Provide a link road from the Ashford Road to the boundary with the adjoining Court Lodge Farm development.*

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD, 2009

Climate Change Guidance for Development Management, 2022

Dark Skies SPD, 2014

Fibre to the Premises SPD, 2020

Landscape Character SPD, 2011

Addendum to Landscape Character SPD, 2011

Public Green Spaces & Water Environment SPD, 2012

Sustainable Design and Construction SPD, 2012

Sustainable Drainage SPD, 2010

Other Relevant Documents

Ashford Landscape Character Study, 2005

Article 6(3) of the Habitats Directive; Habitats Regulations, 2017

Ashford Green Corridor Action Plan, 2017

NHS Ashford CCG Estates Strategy & Implementation Plan, Feb 2018

Government Advice

National Planning Policy Framework (NPPF) 2021

National Planning Proactive Guidance

53. 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:-

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Assessment

Planning issues other than nutrient neutrality

54. The application site is located within an area designated as a green buffer in Local Plan Policy S4 - Land North of Steeds Lane and Magpie Hall Road, the full wording of policy S4 is provided in the Planning Policy section of this report above.
55. The appeal against the Council's refusal of planning permission for a development substantially the same as proposed in this application was dismissed on the grounds that the development would adversely affect the integrity of Stodmarsh habitats sites. In his decision the Inspector concluded (with my emphasis) that:
56. *"The appeal site lies outside the settlement boundary and on an area of land identified as 'green buffer' as part of the site-specific allocation. The proposal would, therefore, be outside an area where the Local Plan focuses growth and would be a form of urban encroachment, diminishing the extent of the green buffer which is currently open and undeveloped. Nevertheless, the scheme's impact would be contained, and a large proportion of the green buffer would be retained, landscape impacts would be limited, and the resultant visual effects would be localised. The moderate harm to the character and appearance of the area I have identified means that I apply moderate weight to the conflict with policies SP1, SP2, S4, SP6, HOU5, SP7 and EMP1 of the Local Plan."*

57. *In respect of benefits associated with the proposal, the additional homes would align with the Framework's emphasis on boosting housing supply. Despite the relatively small number proposed, the Council are unable to demonstrate a five year supply of deliverable sites. As such, this matter carries significant weight in favour.*
58. *By the Council's own admission, the provision of health care facilities would be beneficial. Moreover, I have found that there is a pressing and urgent need for health care facilities in the area, and no alternative sites have been demonstrated as deliverable in the short term. The proposal would not only cater for existing residents and patients, but also future occupiers as a result of new housing developments envisaged in the Local Plan. As a result, these benefits carry substantial weight.*
59. *There would also be additional employment opportunities as part of the proposal due to the new medical facilities, as well as related education and training. These matters attract significant weight in favour.*
60. *The proposal would provide a relatively small number of affordable homes. It would provide temporary jobs during the construction phase and future occupiers would make both direct and indirect contributions to the local economy. The proposal could incorporate extensive areas of public open space and landscaping, as well as biodiversity enhancement. This would also benefit existing residents in the locality. Moreover, these areas could be designed to benefit pedestrian and cycle connectivity in the area. All these matters each attract moderate weight in favour.*
61. *In conclusion, there would be some conflict with policies as set out, mainly relating to the scheme's green buffer location, and the impact on character and appearance, and conflict with the development plan overall. When weighed against the combined substantial benefits including the Council's housing land supply position this harm would be outweighed by the benefits. However, the scheme would adversely affect the integrity of Stodmarsh habitats sites and I have found that policies in the Framework that protect habitats sites provide a clear reason for refusing the development. Therefore, the appeal is dismissed.*
62. Therefore, whilst the Inspector agreed with the Council, that the scheme would cause harm and would conflict with the development plan, he concluded, in the planning balance, that the benefits the development would deliver in the form of public open space, new health facilities and housing, including affordable housing, would outweigh the harm.
63. There have been no changes in local or national planning policy since the submission of the previous planning application and the Appeal decision

Therefore, the Inspector's conclusions in the appeal are a material consideration that carries significant weight in the Council's assessment of this application.

64. The development proposed on the site: - 15 dwellings, a medical centre and pharmacy; the proposed site access; and the amount of greenspace, is exactly that same as that proposed in the previous application considered by the Inspector. I note the comments made by residents in terms of the height of development but the proposed scale of buildings remains unchanged from the appeal decision.
65. I can, therefore, only realistically conclude that the decision reached by the Inspector about the planning acceptability of the development equally applies to this repeat application and that a refusal of the application on the same grounds as previously put forward by the Council could not, realistically, be able to defended at the appeal.
66. The Inspector placed "substantial weight" on the benefits of the proposed healthcare facilities in reaching his conclusion on the planning balance. This is, therefore, a material consideration in my assessment of the fresh application for development of the site.
67. As such I consider it necessary to recommend to the Inspector appointed to deal with the non-determination appeal to the effect that should the Inspector reach a similar planning balance conclusion a planning condition be attached to the outline permission to require that construction should commence on a maximum of five of the proposed dwellings before a contract has been let and construction has commenced on the proposed medical centre and pharmacy.
68. I am mindful that without such a condition then the circumstances could arise where the planning benefits that PINS has weighed in the planning balance exercise in support of a grant of permission do not actually materialise. My view is that the suggested five proposed dwellings represents a reasonable trigger but I have built into my Recommendation flexibility to be delegated to officers to adjust that trigger if necessary through the discussion on draft conditions which will be necessary with the applicant prior to and at the scheduled appeal Hearing.
69. It will be important to secure the provision of the Green Buffer space forming the northern section of the application site. This will assist in preventing the coalescence of new development with the existing village in accordance with Policy SP7 of the ALP 2030 as well as site allocation Policy S4. As Figure 2 in this report identifies, south of the proposed homes another large area of open space is proposed and, taken together with the development of the adjacent land forming application 15/00856/AS also on this agenda, helps further

deliver the aspired to green buffer in Policy S4. Clearly, the Inspector's decision on the previous appeal involves encroachment into the larger area of green buffer aspired to in Policy S4 but, nevertheless, the scheme does otherwise propose the realisation of green areas retained free of homes or other buildings to the benefit to residents as well as helping avoid coalescence. The hard and soft landscaping, SUDs and long term management proposals for such areas will need to be secured through a combination of s.106 obligations and planning conditions.

Nutrient Neutrality

70. The site is located within the Stour River Catchment. The River Stour feeds into Stodmarsh Lakes to the east of Canterbury. Stodmarsh Lakes are a set of lakes that are afforded a range of protection including, a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI). Parts are also designated a National Nature Reserve (NNR).
71. In July 2020, Natural England (NE) issued an Advice Note to Ashford Borough Council titled 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'. This Advice was then updated in November 2020 and again on 16 March 2022. The Advice note sets out that there are excessive nitrogen and phosphorus levels in the Stodmarsh Lakes, and so the water within the Lakes is in an unfavourable condition and has the potential to further deteriorate.
72. In line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development proposing overnight accommodation (including housing) within the Stour River catchment, and/or which would discharge to particular Waste Water Treatment Works within the catchment, should be the subject of an Appropriate Assessment (AA) under the Habitat Regulations.
73. The AA is required to determine the effect on the integrity of Stodmarsh Lakes. In order for an AA to conclude that there is no significant effect, the decision maker must be satisfied that the development can achieve nutrient neutrality.
74. Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (as amended) provides that: "In the light of the conclusions of the assessment, and subject to regulation 64 [which does not apply], the competent authority may agree to the plan or project [i.e. grant planning permission] only after having ascertained that it will not adversely affect the integrity of the European site"

75. In the case of planning appeals, the Inspector is the decision maker and the competent authority under Regulation 7 of the Conservation of Habitats and Species Regulations 2017 (as amended) and is therefore responsible for carrying out the AA of the appeal proposal, with the assistance of staff at the Inspectorate.
76. Therefore, the Inspector - having taken Natural England's advice into account – will need to be satisfied that there is no adverse effect on the integrity of the designated sites. The Inspector will also need to be satisfied that the mitigation measures necessary to achieve nutrient neutrality can be fully implemented and secured in perpetuity.
77. The applicant's nutrient neutrality assessment and mitigation strategy states that *"whilst the site is nitrogen neutral, it is not phosphorus neutral without mitigation. Sustainable Drainage Systems proposed across the site will reduce the nutrient loading in surface water from the development allowing it to achieve nutrient neutrality."*
78. The applicant's report has been reviewed by the Council's consultants, AECOM Ltd, who had produced a technical report dated June 2023, to inform any Habitat Regulations Assessment (HRA) made by this Council as the determining authority. AECOM advised that the applicant's nutrient neutrality assessment demonstrates that the development should be able to be nutrient neutrality using the proposed SuDS as mitigation. However, in order to ensure certainty for the AA, AECOM advised that further clarifications were required regarding the greenspace proposed on the site and the proposed management/maintenance of the on-site SuDS.
79. AECOM's advice was received after the applicant submitted the non-determination appeal. Consequently, the Council has not requested additional information from the applicant nor undertaken any further consultation with Natural England or the Environment Agency. The submission of the appeal means that the Council is no longer the competent authority under Regulation 7 of the Conservation of Habitats and Species Regulations (England and Wales). The role of Competent Authority passes, instead, to the Inspector who is therefore now responsible for carrying out the AA.
80. The Inspector will, having taken Natural England's advice into account, therefore need to be satisfied that there would be no adverse effect on the integrity of the designated sites, and that the mitigation measures necessary to achieve that outcome have been robustly assessed and are capable of being fully secured in perpetuity. Any further consultation with Natural England and the Environment Agency on such matters should now be carried out by the Planning Inspectorate.

Planning Obligations

81. Regulation 122 of the Community Infrastructure Regulations 2010 states 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
82. I therefore recommend that the planning obligations set out in Table 1 should be sought through the Hearing decision making process and s.106 agreement process. I have assessed them against Regulation 122 and consider that they all **are necessary** to make the outline development **acceptable in planning terms, are directly related to the development** and are **fairly and reasonably related in scale and kind** to the development.

Table 1 - Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's **committee** report are considered to be **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. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL compliance statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>30% affordable housing on-site, comprising:</p> <ul style="list-style-type: none"> • 10% for affordable or social rent. • 20% for affordable home ownership (of which 10% of the total dwellings should be shared ownership). <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>	<p>2 affordable rent units</p> <p>3 shared ownership units (2 units to be shared ownership and 1 to be either shared ownership or an affordable homes ownership product - to be agreed with ABC Development Partnership Manager)</p>	<p>To be constructed and transferred to Registered Provider before occupation of 75% of the general market units</p>

2	<p><u>Accessible and Adaptable Dwellings</u> Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% [total of 3 dwellings] of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>20% M4(2) across the whole site.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>
3	<p><u>Allotments</u> Project detail (off site):</p> <p>Financial contribution towards allotments within the Kingsnorth Parish or South Ashford Garden Community</p>	<p>£258.00 per dwelling for capital costs</p> <p>£66.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>Before occupation of 75% of the dwellings</p>
4	<p><u>Amenity Open Space Land</u> Project detail:</p> <p>To provide the Amenity Open Space Land, including footpaths to and through such spaces and the identified buffer zone in the northern area of the application site in accordance with the relevant reserved matters.</p> <p>The developer to ensure the Amenity Open Space Land is delivered available for use free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Amenity Open Space Land to be managed/maintained in perpetuity</p>	<p>On site: all those parts of the site comprising verges and all areas (not privately owned) in and around dwellings/medical centre/pharmacy buildings, excluding public open space/play space</p>	<p>The Amenity Open Space Land relevant to the dwellings to be provided before occupation of 75% of the dwellings in the relevant phase</p> <p>The Amenity Open Space Land relevant to the /medical centre/pharmacy buildings to be provided</p>

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	with management arrangements to be agreed with the Council.		before first occupation of the medical centre / pharmacy buildings.
5	<p><u>Art and Creative Industries</u> Project detail:</p> <p>Project within the Kingsnorth Parish</p>	<p>£338.00 per dwelling for capital costs</p> <p>Indexation: BCIS General Building Cost index 2019</p>	Before occupation of 75% of the dwellings.
6	<p><u>Children and Young People's Play Space</u> Project detail (off site):</p> <p>Financial contribution towards a site within the Parish of Kingsnorth in response to the Play Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified.</p>	<p>£649.00 per dwelling for capital costs</p> <p>£663.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	Before occupation of 75% of the dwellings.
7	<p><u>Indoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs'</p>	<p>£449.00 per dwelling for capital costs</p> <p>(capital only –</p>	Before occupation of 75% of the dwellings.

	identified in the Local Plan 2030.	contributions are derived from the latest Sport England England Calculator). Indexation: BCIS General Building Cost index 2019	
8	<p><u>Informal Natural Green Space</u> Project detail (off site):</p> <p>Financial contribution towards a site within the Parish of Kingsnorth in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified.</p>	<p>£434.00 per dwelling for capital costs</p> <p>£325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	Before occupation of 75% of the dwellings.
9	<p><u>Outdoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>£500.00 per dwelling for capital costs</p> <p>£358.00 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings.

		<p><i>(For capital contributions - calculations are derived from the latest Sports England Calculator)</i></p> <p>Indexation: BCIS General Building Cost index 2019</p>	
10	<p><u>Quality Monitoring</u></p> <p>Contribution towards monitoring, to ensure that the approach to design quality is delivered on site in accordance with the details approved as part of the planning permission, including any subsequent details approved pursuant to any conditions related to the planning permission.</p>	<p>One off payment of the following:</p> <p>£90.00 per dwelling</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>The total amount due will be payable on commencement of the development.</p>
11	<p><u>Strategic Parks</u></p> <p>Project detail:</p> <p>Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs</p> <p>£47.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building</p>	<p>Before occupation of 75% of the dwellings</p>

		Cost index 2012	
12	<p><u>Voluntary Sector</u> Project detail: Project within the Kingsnorth Parish</p>	<p>£87.00 per dwelling</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Before occupation of 75% of the dwellings.</p>
Kent County Council Planning Obligations			
13	<p><u>Adult Social Care</u> Project detail: Specialist Housing Provision in the District, adaptation of community facilities, technology and equipment to promote independence in the home, multi sensory facilities and changing place facilities in the vicinity of the development.</p>	<p>£146.88 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>
14	<p><u>Community Learning</u> Project detail: Contributions towards additional equipment and resources for Adult Education Centres locally</p>	<p>£16.42 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>
15	<p><u>Education Land for Primary</u> Project detail:</p>	<p>£590.95 per flat</p> <p>£2363.93 per</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance</p>

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	Contribution towards a new primary school site at Court Lodge or alternative location in the planning group	dwelling £0 for any 1-bed dwelling with less than 56 m ² gross internal area. Indexation: BCIS General Building Cost Index from Oct 2016	before occupation of 50% of the dwellings.
16	<u>Libraries</u> Project detail: Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area	£55.45 per dwelling Indexation: BCIS General Building Cost Index from Oct 2016	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.
17	<u>Primary Schools</u> Project detail: Towards new education places at the new 2FE Primary school at Court Lodge and/or within the Planning Group or neighbouring planning group.	Per Flat £1134.00 (New Build) Per Dwelling £4535.00 (New Build) £0 for any 1-bed dwelling with less	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings

		<p>than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	
18	<p><u>Secondary Schools</u> Project detail: Towards the provision of new secondary places at Chilmington Green and/or within the Planning Group</p>	<p>Per Flat £1172.00 (New Build)</p> <p>Per Dwelling £4687.00 (New Build)</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>
19	<p><u>Youth Services</u> Project detail: Towards additional resources for the Ashford Youth service to enable</p>	<p>£65.50 per dwelling</p> <p>Indexation: BCIS General</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of</p>

	outreach services in the vicinity	Building Cost Index from Oct 2016	the dwellings.
Other Obligations			
20	<p><u>Stodmarsh Mitigation - SuDS</u></p> <p>If the Inspector, as the competent authority, is satisfied that there is no adverse effect on the integrity of the designated sites, the Council requests that the mitigation measures necessary to achieve that outcome are robustly and fully secured. The following heads of terms are suggested.</p> <p>To provide SuDS on-site that will satisfy the objectives and requirements of the Appropriate Assessment in order to secure nitrogen and phosphorous neutrality for the Development and result in an absence of significant effects of the Development upon the integrity of the Stodmarsh Designated Sites taking account of the Natural England Nutrient Neutrality Guidance.</p> <p>To submit to the LPA for approval in writing the detailed design of the SuDS, including a monitoring, management and maintenance scheme (SuDS Proposal).</p> <p>The developer to appoint an 'Appointed Professional', at the developers cost, to inspect and advise the Council as to whether the SuDS have been satisfactorily completed</p> <p>The SuDS to be transferred to an approved body to monitor, manage and maintain in accordance with the SuDS Proposal, as long as the development remains in use.</p>		<p>To submit the SuDS Proposal to the Council for approval before the commencement of development.</p> <p>To complete the SuDS on site before the occupation of any dwelling.</p> <p>The SuDS to be monitored, managed and maintained in accordance with the SuDS Proposal, as long as the development remains in use.</p>

Monitoring			
21	<p><u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring and reporting.</p>	<p>£1000 per annum until development is completed</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment before commencement of development and on the anniversary thereof in subsequent years.</p>
<p><u>Notices</u> 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 and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE:</p> <ul style="list-style-type: none"> • Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change 			

Human Rights Issues

83. 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

84. 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 and this has been the case during the period from first submission up to the point of the appeal against non-determination being confirmed as valid. .

Conclusion

85. As set out in my assessment above, the proposed development is substantially the same as that considered by the Inspector in his recent appeal decision.
86. The only difference is the applicant’s strategy in respect of nutrient neutrality, which has been submitted to address the sole reason why the previous appeal was dismissed.
87. In light of the planning balance conclusions that the Inspector reached in his appeal decision, I conclude that the principle of the development has to be viewed as being acceptable as there has been no material change in relation to the site and its surroundings in the intervening period nor any material planning in planning policies or government planning advice.
88. However, following the submission of the appeal against non-determination, the role of competent authority now passes to the Inspector who becomes the Competent Authority responsible for carrying out the AA to determine whether the development would affect the integrity of Stodmarsh Lakes. The advice of AECOM Ltd to this Council to date has been that the applicant’s proposals are likely to be acceptable but some further clarification is needed from the applicant before an AA could be adopted when determining the application.

Recommendation

- (A) That in the light of the appeal against non-determination the Planning Inspectorate be advised that, had the Borough Council been able to determine the application, it would have been minded to grant outline planning permission, subject to;-**
- (i) the applicant first entering into a section 106 agreement/undertaking in respect of the planning obligations detailed in Table 1 above in terms agreeable to the Strategic Development & Delivery Manager or the Development Management Manager in consultation with the Director of Law and Governance (with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit),**
- (ii) the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development identifying 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 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 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, and**
- (iii) subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised and refined as appropriate and with any ‘pre-commencement’ based planning conditions to have been the subject of agreement with the applicant.**
- (B) The Strategic Development & Delivery Manager or the Development Management Manager in consultation with the**

Solicitor to the Council and Monitoring Officer be authorised to present the Council's case to the Planning Inspectorate in accordance with (A) above with authority delegated to the Strategic Development & Delivery Manager or the Development Management Manager to add/amend/delete/approve obligations and/or planning conditions as he/she considers necessary.

- 1 Standard outline condition A
- 2 Standard outline condition B
- 3 Development carried out in accordance with the approved plans
- 4 Site shall be made available for enforcement inspection when required.
- 5 Construction permitted to commence on only five dwellings prior to funding being in place/ contract let/ construction commenced on the medical centre and pharmacy.
- 6 Surface water drainage and foul water drainage details
- 7 Detailed sustainable surface water drainage scheme
- 8 Surface water drainage system verification report
- 9 Provision of a toucan crossing on Ashford Road
- 10 Construction Environmental Management Plan
- 11 Details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture on the site
- 12 Land, reserved for parking and/or garaging to meet the needs of the development.
- 13 Provision of secure, covered cycle parking facilities for the dwellings, medical centre and pharmacy.
- 14 Construction of site access
- 15 Construction of visibility splays
- 16 Works between dwellings and the adopted highway

- 17 EV Charging points
- 18 Archaeological field evaluation work
- 19 Arboricultural Impact Assessment and Tree Protection Plan.
- 20 Full details of all hard and soft landscaping
- 21 Landscape management plan
- 22 Tree protection
- 23 Reptile mitigation strategy
- 24 Biodiversity enhancement strategy
- 25 Lighting design plan for biodiversity
- 26 Refuse and recycling
- 27 Details of materials
- 28 Details of all boundary treatments, to include gates, boundary walls and fences.
- 29 Unexpected contamination
- 30 Water consumption – dwellings
- 31 Nationally Described Space Standards
- 32 Fibre broadband to the premises (FTTP)
- 33 Removal of PD rights – GDPO Classes A, B and E

Note to Applicant

1. S106

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 PA/2022/2851)

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